

[REDACTED]

From: Medhurst T (Teresa)
Sent: 06 March 2019 06:49
To: Bell D (Donna)
Subject: FW: Submission - Review of the delivery of forensic mental health services ...
Attachments: Submission - Review of the delivery of forensic mental health services ...doc

Donna,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Teresa

Sent with BlackBerry Work (www.blackberry.com)

From: "Rennick NS (Neil)" [REDACTED]@gov.scot>
Sent: 5 Mar 2019 16:59
To: "Medhurst T (Teresa)" [REDACTED]@gov.scot>; "Bell D (Donna)" [REDACTED]@gov.scot>
Subject: FW: Submission - Review of the delivery of forensic mental health services ...

Teresa / Donna

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Neil Rennick
Director, Justice
Ext. [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 March 2019 17:49
To: [REDACTED]
Subject: RE: For awareness: Submission - Review of the delivery of forensic mental health services .._

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 March 2019 16:28
To: [REDACTED]@gov.scot>
Cc: Henderson G (Gavin) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: FW: For awareness: Submission - Review of the delivery of forensic mental health services .._

Hi [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Cheers
[REDACTED]

From: Henderson G (Gavin) [REDACTED]@gov.scot>
Sent: 05 March 2019 07:27
To: [REDACTED]@gov.scot>
Subject: FW: For awareness: Submission - Review of the delivery of forensic mental health services .._

[REDACTED]

Can you consider for the [REDACTED] issues,

Thanks,

Gavin

From: [REDACTED]
Sent: 01 March 2019 13:04
To: [REDACTED] Henderson G (Gavin) [REDACTED]@gov.scot>
Subject: For awareness: Submission - Review of the delivery of forensic mental health services

[REDACTED] Gavin

I've been asked to draw up plans for a review of the delivery of forensic mental health services in Scotland. In doing that health and justice collaboration colleagues suggested a couple of late additions to the scope of the review. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Consideration of the scope of the review by my Director and DG may result in changes to what is presented to Ministers and I will let you know if that happens. There will also be an opportunity to better link up as we work on the detail going forward. As you'll see you will be copied in to the submission when it goes up, but in the meantime if you have any queries or comments on what is proposed, please let me know.

[REDACTED]
Unit Head | Protection of Rights Unit | Mental Health and Protections of Rights Division | 3ER St Andrews House, Edinburgh | [REDACTED]

From: [REDACTED] on behalf of Bell D (Donna)
Sent: 05 March 2019 17:26
To: Medhurst T (Teresa); [REDACTED]
Cc: Bell D (Donna)
Subject: FW: Restricted - Review of the deliver of forensic mental health services in Scotland

Teresa

I know you will be on it, to highlight the below.

Many thanks

PA – Donna Bell, Director
Mental Health Directorate | Scottish Government | 1E.05 St Andrews House | Edinburgh | EH1 3DG
☎ [REDACTED] ✉ [REDACTED]@gov.scot



Mental Health & Wellbeing Network
Your health is mind

From: [REDACTED]@gov.scot> On Behalf Of Minister for Mental Health
Sent: 05 March 2019 16:59
To: Minister for Mental Health [REDACTED]@gov.scot>; Cabinet Secretary for Health and Sport [REDACTED]@gov.scot>; Medhurst T (Teresa) [REDACTED]@gov.scot>
Cc: Cabinet Secretary for Justice [REDACTED]@gov.scot>; Minister for Public Health, Sport and Wellbeing [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Minister for Community Safety [REDACTED]@gov.scot>; Wright M (Malcolm) [REDACTED]@gov.scot>; Bell D (Donna) [REDACTED]@gov.scot>; Rennick NS (Neil) [REDACTED]@gov.scot>; McAloon HC (Hugh) [REDACTED]@gov.scot>; MacKinnon D (Donna) [REDACTED]@gov.scot>; Henderson D (Donald) [REDACTED]@gov.scot>; Henderson G (Gavin) [REDACTED]@gov.scot>; McQueen F (Fiona) [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Colvin I (Iona) [REDACTED]@gov.scot>;
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>;
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@nrscotland.gov.uk>; [REDACTED]@gov.scot>; Sadler E (Elizabeth)
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Hutchison D (David)
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>

Subject: RE: Restricted - Review of the deliver of forensic mental health services in Scotland

Resending to add Teresa

[REDACTED]

The Minister has considered the submission and is content to agree a review of the delivery of forensic mental health services in Scotland, along with the proposed scope of it. [REDACTED]

[REDACTED]

[REDACTED]

The Minister would appreciate some background information on the above people to consider before agreeing a chair.

Kind regards,

[REDACTED] | Private Secretary to the Minister for Mental Health | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG Tel: [REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments. Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [REDACTED]

Sent: 05 March 2019 10:32

To: Cabinet Secretary for Health and Sport [REDACTED]@gov.scot>; Minister for Mental Health

[REDACTED]@gov.scot>

Cc: Cabinet Secretary for Justice [REDACTED]@gov.scot>; Minister for Public Health, Sport and Wellbeing

[REDACTED]@gov.scot>; Minister for Community Safety [REDACTED]@gov.scot>; Wright M (Malcolm)

[REDACTED]@gov.scot>; Bell D (Donna) [REDACTED]@gov.scot>; Rennick NS (Neil) [REDACTED]@gov.scot>;

McAloon HC (Hugh) [REDACTED]@gov.scot>; MacKinnon D (Donna) [REDACTED]@gov.scot>; Henderson

D (Donald) [REDACTED]@gov.scot>; Henderson G (Gavin) [REDACTED]@gov.scot>; McQueen F (Fiona)

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; Colvin I (Iona) [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; Paterson N (Nicola) [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@nrscotland.gov.uk>; [REDACTED]@gov.scot>; Sadler E (Elizabeth)

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Hutchison D (David)

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: Restricted - Review of the deliver of forensic mental health services in Scotland

Cabinet Secretary for Health and Sport
Minister for Mental Health

Review of the delivery of forensic mental health services in Scotland

Please see attached routine submission from Teresa Medhurst, Adult Mental Health Division on the above.

[REDACTED]

[REDACTED] / Business Manager / Mental Health Directorate / ext. [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 March 2019 17:09
To: [REDACTED] Medhurst T (Teresa); [REDACTED]
Subject: Re: Restricted - Review of the deliver of forensic mental health services in Scotland

[REDACTED]

[REDACTED]

[REDACTED]

Sent from my BlackBerry 10 smartphone.

From: Minister for Mental Health
Sent: Tuesday, 5 March 2019 16:55
To: [REDACTED] Cabinet Secretary for Health and Sport
Cc: Cabinet Secretary for Justice; Minister for Mental Health; Minister for Public Health, Sport and Wellbeing; Minister for Community Safety; Wright M (Malcolm); Bell D (Donna); Rennick NS (Nell); McAloon HC (Hugh); MacKinnon D (Donna); Henderson D (Donald); Henderson G (Gavin); McQueen F (Fiona); [REDACTED]
[REDACTED] Colvin I (Iona); [REDACTED]
[REDACTED]
[REDACTED] Sadler E (Elizabeth); [REDACTED]
[REDACTED] Hutchison D (David); [REDACTED]
[REDACTED]
Subject: RE: Restricted - Review of the deliver of forensic mental health services in Scotland

[REDACTED]

The Minister has considered the submission and is content to agree a review of the delivery of forensic mental health services in Scotland, along with the proposed scope of it. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Minister would appreciate some background information on the above people to consider before agreeing a chair.

Kind regards,

[REDACTED]

[REDACTED] | Private Secretary to the Minister for Mental Health | Scottish Government | St Andrew's House | Edinburgh | EH1 3DG Tel: [REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments. Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

From: [REDACTED]@gov.scot>
Sent: 05 March 2019 10:32
To: Cabinet Secretary for Health and Sport [REDACTED]@gov.scot>; Minister for Mental Health [REDACTED]@gov.scot>
Cc: Cabinet Secretary for Justice [REDACTED]@gov.scot>; Minister for Public Health, Sport and Wellbeing [REDACTED]

Subject: Restricted - Review of the deliver of forensic mental health services in Scotland

██████████ / Business Manager / Mental Health Directorate / ext. ██████████

[REDACTED]@gov.scot> [REDACTED]@gov.scot>; Hutchison D (David)
[REDACTED]@gov.scot> [REDACTED]@gov.scot>
Subject: Restricted - Review of the deliver of forensic mental health services in Scotland

Cabinet Secretary for Health and Sport
Minister for Mental Health

Review of the delivery of forensic mental health services in Scotland

Please see attached routine submission from Teresa Medhurst, Adult Mental Health Division on the above.

[REDACTED]

[REDACTED] / Business Manager / Mental Health Directorate / ext. [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 05 March 2019 10:32
To: Cabinet Secretary for Health and Sport; Minister for Mental Health
Cc: Cabinet Secretary for Justice; Minister for Public Health, Sport and Wellbeing;
Minister for Community Safety; Wright M (Malcolm); Bell D (Donna); Rennick NS
(Neil); McAloon HC (Hugh); MacKinnon D (Donna); Henderson D (Donald);
Henderson G (Gavin); McQueen F (Fiona); [REDACTED]
[REDACTED] Colvin I (Iona); [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Sadler E (Elizabeth); [REDACTED]
[REDACTED] Hutchison D (David);
[REDACTED]
Subject: Restricted - Review of the deliver of forensic mental health services in Scotland
Attachments: Submission - Review of the delivery of forensic mental health services .. 4.doc

Cabinet Secretary for Health and Sport
Minister for Mental Health

Review of the delivery of forensic mental health services in Scotland

Please see attached routine submission from Teresa Medhurst, Adult Mental Health Division on the above.

[REDACTED]

[REDACTED] Business Manager / Mental Health Directorate / ext. [REDACTED]

RESTRICTED – ADVICE TO MINISTERS

From: Teresa Medhurst
Directorate for Mental Health
Adult Mental Health Division
March 2019

Cabinet Secretary for Health and Sport
Minister for Mental Health

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

Purpose

1. To invite Ministers to agree to a review of the delivery of forensic mental health services in Scotland.

Priority

2. Routine.

Background

3. Forensic mental health services specialise in the assessment, treatment and risk management of people with a mental disorder who are currently undergoing, or have previously undergone, legal or court proceedings. There are also people that are managed by forensic mental health services because they are deemed to be at a high risk of harming others or, rarely, themselves.
4. The level of secure service a person is accessing (high, medium, low, or community) is determined by the level of risk a person is thought to pose. Although a large majority of forensic mental health services are run by NHS Health Boards, Scotland also has a few independent sector secure inpatient forensic mental health services.
5. The last substantial review of forensic mental health services across Scotland was some time ago, although there was a review of the forensic mental health estate that was supported by the Forensic Network and reported in 2017. The report was never published, but the report's findings were welcomed: the need for the development of intelligence and data to inform planning of forensic services; improved co-ordination of service development across Scotland; a goal of ending routine use of inpatient services in England to provide care that should be delivered more locally; various options for service reconfiguration or expansion; and, establishing processes to monitor waiting times for transfer of prisoners to psychiatric inpatient care. The review did not consider the provision of forensic mental health services in prisons.
6. A national workshop was held by the Forensic Network in December 2017 to consider the report's findings. The workshop included representatives from medium secure provider NHS Boards, The State Hospital, National Services Division, the Mental Welfare Commission and the Forensic Network. The workshop findings

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included concerns about the report's suggestion to reassign part of The State Hospital as a national medium facility as likely to come under legal challenge and to require significant capital investment. In addition the status quo with patients being admitted to their own area or nearest bed thereafter was not felt to solve the problem in struggling to find beds, and the introduction of excessive security appeals at medium secure had exacerbated the issue. The forensic medium secure estate would continue to function at almost 100%.

7. Over recent years there has been significant changes in the delivery of forensic mental health services, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and the impact on the movement of patients across the estate as well as a continuing move towards community services. More recently, there have been further developments such as a planned new CAMHS secure unit and an ongoing review of the needs of women who require secure care, particularly high security. There is now a need to review more widely the delivery of forensic mental health services in light of these changes and new developments. It is recognised that future forensic mental health service development will benefit from clarity around the proposed future structures of forensic services, key priorities for our health services and joined up practices with criminal justice services.

8. A draft Terms of Reference for the proposed review is attached at Annex A. The review would consider:

- The demand for forensic mental health services, including bed availability and use in hospitals across the levels of security and in the community across Scotland
- The delivery of forensic mental health services in prison
- The delivery of high secure forensic services in hospital, given the decline in the number of patients at the State Hospital;
- The capacity of medium secure services to deliver forensic mental health services for all patients who require such services;
- The impact of excessive security appeals at medium security on low security;
- The availability of specialist open i.e. unlocked forensic rehabilitation services;
- The movement of patients from low or medium security into the community.

Given its wide scope we would expect the review to take around a year, with quarterly updates on progress and emerging findings.

9. Information on the specification and requirements for the chair of the review is included in Annex B along with an initial list of possible candidates for the chair.

Recommendation

10. You are invited to agree to a review of the delivery of forensic mental health services in Scotland, the proposed scope of the review as set out in Annex A and the requirements for the chair in Annex B.

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TERESA MEDHURST

Adult Mental Health

Ext: [REDACTED]

5 March 2019

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Justice			X		
Minister for Public Health, Sport and Wellbeing			X		
Minister for Community Safety			X		

Malcolm Wright, Director-General Health and Social Care

Donna Bell, Director of Mental Health

Neil Rennick, Director for Justice

Hugh McAloon, Deputy Director, Child and Adolescent Mental Health

Donna Mackinnon, Deputy Director, Community Justice

Donald Henderson, Deputy Director, Care, Protection and Justice

Gavin Henderson, Deputy Director, Civil Law & Legal System

Fiona McQueen, Chief Nursing Officer

[REDACTED] PMO (Forensic Psychiatry)

[REDACTED] PMO

Iona Colvin, Chief Social Work Advisor

[REDACTED] Learning Disability, Autism and Dementia

[REDACTED] Learning, Disability, Autism and Dementia

[REDACTED] Learning Disability

[REDACTED] Autism

[REDACTED] Health & Social Care Integration

[REDACTED] Rights & Mental Health

[REDACTED] Children & Young People's Mental Health

[REDACTED] Adult Mental Health

[REDACTED] Public Mental Health

[REDACTED] Rights & Mental Health

[REDACTED] Restricted Patients

[REDACTED] Rights & Mental Health

Liz Sadler, Health Improvement

[REDACTED] Health & Justice Collaboration

[REDACTED] Community Justice

[REDACTED] Youth Justice

[REDACTED] Prison policy

[REDACTED] Prison policy

David Hutchison, Special Advisor

[REDACTED] Communications Healthier

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

TERMS OF REFERENCE

INDEPENDENT REVIEW OF DELIVERY OF FORENSIC MENTAL HEALTH SERVICES

Context

Forensic mental health services specialise in the assessment, treatment and risk management of people with a mental disorder who are currently undergoing, or have previously undergone, legal or court proceedings. Some other people are managed by forensic mental health services because they are deemed to be at a high risk of harming others or, rarely, themselves under civil legislation.

The level of secure service a person is accessing (high, medium, low, or community) is determined by the level of risk a person is thought to pose. Although a large majority of forensic mental health services are run by NHS Health Boards, Scotland also has a few independent sector secure inpatient forensic mental health services.

Over recent years there has been significant changes in the delivery of forensic mental health services, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and a continuing move towards community services. More recently, there have been further developments such as a planned new CAMHS secure unit and an ongoing review of the needs of women who require secure care, particularly high security. There is now a need to review more widely the delivery of forensic mental health services in light of these changes and new developments. It is recognised that future forensic mental health service development will benefit from clarity around the proposed future structures of forensic services, key priorities for our health services and joined up practices with criminal justice services.

The principal aim will be to review the delivery of forensic mental health services in hospitals, prisons and the community, including:

- The demand for forensic mental health services, including bed availability and use in hospitals across the levels of security and in the community across Scotland
- The delivery of forensic mental health services in prison
- The delivery of high secure forensic services in hospital, given the decline in the number of patients at the State Hospital;
- The capacity of medium secure services to deliver forensic mental health services for all patients who require such services;
- The impact of excessive security appeals at medium security on low security;
- The availability of specialist open i.e. unlocked forensic rehabilitation services;
- The movement of patients from low or medium security into the community.

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The review will be supported by a short life working group to include representation from :

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The review will include the make-up of the forensic estate and the patient flow for male and female patients as well as those with additional intellectual support needs.

Scope and Terms of Reference

The specific methodology of the review is at the discretion of the chair but will involve consideration of:

- An evidence review of bed availability and capacity at high, medium and low security hospitals, in intensive psychiatric care units, and at open forensic rehabilitation inpatient facilities;
- An evidence review of the delivery of forensic mental health services in prisons;
- The impact any lack of provision has on sentencing decisions, for example for women requiring high secure care;
- Any evidence of bed blocking and its causes, taking into account patients' human rights and the principles in section 1 of the Mental Health (Care and Protection) (Scotland) Act 2003;
- The arrangements for the delivery of high secure services, given the decline in patient numbers, and whether there are alternatives to more efficiently deliver such services;
- The appropriateness of continuing to provide high secure care for patients on behalf of Northern Ireland and any recommendations for future service delivery;
- Any options for the re-provision of unused bed capacity at State Hospital for care of other patients;
- The delivery of services for intellectual impairment / learning disability and neurodevelopmental disorder / autistic spectrum disorder;
- The demand for medium secure services from across Scotland and the deliverability of such services in the current forensic estate;
- The impact of excessive security appeals at medium security on demand for low secure services and the extent to which this can be met by the current forensic estate;
- The movement of patients from low secure services to the community, any delays and the causes of them;

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- The support and services that are needed to successfully treat people in the community and any difficulties providing or accessing such services;
- Alternatives to cross-border transfers to specialist services far from patients' home areas and families;
- The views of hospital staff, people receiving forensic mental health services, those with lived experience of such services and their families;
- The arrangements for the strategic direction and ongoing oversight and governance of the delivery of forensic services across Scotland, including the roles of the Scottish Government, Integrated Joint Boards and Health Boards as well as the role, functions and reporting structures of the Forensic Network;
- Prison healthcare provision and challenges;
- The provision of professional and expert witness psychiatric and psychological reports to Scottish Courts and the impact any delays may have on people awaiting sentencing;
- Processes by which patients can resettlement in a different territorial health board areas within Scotland e.g. for victim sensitivity reasons;

We expect that the review will:

- Make recommendations for changes or improvements to the Scottish Government and delivery bodies;
- Should anything of immediate concern be identified these should be escalated to the respective Chief Executive and/or Scottish Government;
- Suggest any legislative issues that arise out of the enquiry; and
- Suggest any further reviews that arise out of the enquiry.

The review should also consider previous and ongoing work around forensic mental health services, including:

- The findings of the Forensic Estate Review group;
- The Mental Welfare Commission's Visiting and Monitoring Report relating to medium and low secure forensic wards (August 2017), including actions planned by Health Boards in response to its findings
- 'Coming home: complex care needs and out of area placements 2018', Scottish Government, November 2018;
- The findings of the short life working group on female pathways in forensic mental health;
- The (emerging) findings of the review of learning disability and autism under the Mental Health (Care and Treatment) (Scotland) Act 2003
- The findings of the review of Mental Health Services at HMP YOI Polmont
- [REDACTED]

This review will be presented to the Cabinet Secretary for Health and Sport and the Minister for Mental Health by [REDACTED] Quarterly updates on progress and any emerging findings will be required.

TERESA MEDHURST

Adult Mental Health

Ext: [REDACTED]

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

CHAIR OF THE REVIEW

Person Specification and Requirements

Experience: The chair will have senior level experience, knowledge and understanding of forensic mental health and the challenges and opportunities faced in the delivery of forensic mental health services across Scotland. Experience of service redesign and knowledge of effective governance and accountability arrangements is also required. The chair will require skills and experience in leadership, constructive/supportive challenge and influencing as well as in communication.

Time commitment: The chair of the review must be able to make a firm commitment to spend a minimum of 4 days per month on the review. The review is expected to take 12 months.

Remuneration: A daily rate TBC will be payable. The chair will also receive reimbursement for all reasonable travel and subsistence costs, reasonable dependant-carer expenses incurred whilst undertaking review duties and for support required to help the Chair carry out their duties effectively, subject to Scottish Government policy.

Location: The Chair can be based anywhere in Scotland, but travel to Edinburgh will occasionally be required.

Possible Chairs

[REDACTED]

- [REDACTED]

- [REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]

TERESA MEDHURST
Adult Mental Health
Ext: [REDACTED]

[REDACTED]

From: [REDACTED] on behalf of DG Health & Social Care
Sent: 05 March 2019 09:42
To: Bell D (Donna); DG Health & Social Care
Cc: Medhurst T (Teresa); [REDACTED]
Subject: RE: Review of forensic services

Hi

Malcolm is content.

Regards

[REDACTED]

[REDACTED] | Private Secretary to Malcolm Wright | DG Health and Social Care and Chief Executive
NHS Scotland | Rm 1E.16 | SAH
📞 [REDACTED] ✉️ [REDACTED]@gov.scot

From: Bell D (Donna) [REDACTED]@gov.scot>
Sent: 04 March 2019 13:08
To: DG Health & Social Care [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]
Subject: Review of forensic services

Hi,

Please see attached draft minute to Cab Sec and Ms Haughey on the review of forensic services. Malcolm was keen to see this before it goes. He may have some other ideas about who we could ask to chair the review, so grateful for any views on the role description and/or potential candidates. It would be great if we could get this up before the portfolio meeting tomorrow.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks

[REDACTED]

[REDACTED] | Law and Protection of Rights | Adult Mental Health Division – Mental Health Directorate | Scottish Government | St Andrews House, Regent Road, Edinburgh, EH1 3DG | [REDACTED] Blackberry: [REDACTED]



[REDACTED]

From: Bell D (Donna)
Sent: 04 March 2019 13:08
To: DG Health & Social Care
Cc: Medhurst T (Teresa); [REDACTED]
Subject: Review of forensic services
Attachments: Submission - Review of the delivery of forensic mental health services .._ 4.doc

Hi,

Please see attached draft minute to Cab Sec and Ms Haughey on the review of forensic services. Malcolm was keen to see this before it goes. He may have some other ideas about who we could ask to chair the review, so grateful for any views on the role description and/or potential candidates. It would be great if we could get this up before the portfolio meeting tomorrow.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 13:52
To: Bell D (Donna)
Cc: Medhurst T (Teresa); McAloon HC (Hugh)
Subject: RE: Submission - Review of the delivery of forensic mental health services .._
Attachments: Submission - Review of the delivery of forensic mental health servicesdoc

Donna,

Justice have asked for an addition to the copy list, so minor amendment to the version attached to this email.

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 13:06
To: Bell D (Donna) [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; McAloon HC (Hugh) [REDACTED]@gov.scot>
Subject: Submission - Review of the delivery of forensic mental health services .._

Donna,

Please find attached revised submission, that now includes the chair information as Annex B (the additional possible chair has also been included).

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 13:47
To: [REDACTED]
Subject: RE: Submission - Review of the delivery of forensic mental health services ..

[REDACTED] no worries. I will add her in to the copy list.

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 01 March 2019 13:47
To: [REDACTED]@gov.scot>
Subject: RE: Submission - Review of the delivery of forensic mental health services ..

Hi [REDACTED]

If it hasn't already gone up, [REDACTED] would be good to copy in too, as forensic MH services are very important around community sentencing.

Thanks

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 01 March 2019 10:30
To: [REDACTED]@gov.scot>
Subject: Submission - Review of the delivery of forensic mental health services ..

[REDACTED]

I've attached a submission that I need to send to our Director today as Malcolm has asked for sight of the proposal to Ministers asap. I've added you and [REDACTED] in to the copy list. Is there someone in justice that should know about this? A response by return would be much appreciated, with apologies.

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 13:06
To: Bell D (Donna)
Cc: Medhurst T (Teresa); McAloon HC (Hugh)
Subject: Submission - Review of the delivery of forensic mental health services ...
Attachments: Submission - Review of the delivery of forensic mental health services ...doc

Donna,

Please find attached revised submission, that now includes the chair information as Annex B (the additional possible chair has also been included).

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 13:04
To: [REDACTED] Henderson G (Gavin)
Subject: For awareness; Submission - Review of the delivery of forensic mental health services .._
Attachments: Submission - Review of the delivery of forensic mental health services .._.doc

[REDACTED] Gavin

I've been asked to draw up plans for a review of the delivery of forensic mental health services in Scotland. In doing that health and justice collaboration colleagues suggested a couple of late additions to the scope of the review. [REDACTED]

[REDACTED] Consideration of the scope of the review by my Director and DG may result in changes to what is presented to Ministers and I will let you know if that happens. There will also be an opportunity to better link up as we work on the detail going forward. As you'll see you will be copied in to the submission when it goes up, but in the meantime if you have any queries or comments on what is proposed, please let me know.

[REDACTED]
Unit Head | Protection of Rights Unit | Mental Health and Protections of Rights Division | 3ER St Andrews House, Edinburgh | [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 12:01
To: [REDACTED]
Subject: RE: Submission - Review of the delivery of forensic mental health services ..

Thanks [REDACTED] much appreciated.

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 01 March 2019 12:00
To: [REDACTED]@gov.scot>
Subject: FW: Submission - Review of the delivery of forensic mental health services ..

[REDACTED] thank for the opportunity to comment on this. [REDACTED] gave me a heads up to your Ministers ask earlier this week and the quick turnaround required so I was aware. Useful to see how it's been shaped over the last few days and impressive turnaround. I've had a quick look and nothing to add to this- looks like positive work and of course happy to be involved going forward. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Finally, I'd also include our Director, Neil Rennick into the submission as he has a strong interest in the links across justice and mental health.

Hope that helps in the meantime

[REDACTED]

[REDACTED]
Prisons Policy Team Leader
Community Justice Division
Justice Directorate
GWR St Andrew's House

T: [REDACTED]
E: [REDACTED]@gov.scot



Scottish Government
Riaghaltas na h-Alba
gov.scot

From: [REDACTED]
Sent: 01 March 2019 11:43
To: [REDACTED]@gov.scot>
Subject: Submission - Review of the delivery of forensic mental health services ..

[REDACTED]

I've been asked to draw up plans for a review of the delivery of forensic mental health services in Scotland. In doing that [REDACTED] suggested a couple of things that should be included within the

scope of the review. [REDACTED]

[REDACTED] There will be an opportunity to better link up as we work on the further detail but I wanted to make sure you were aware of the plans. If you have any queries on the attached, please let me know by return if at all possible. Is there anyone in justice that you think should also be included around the second issue on psychiatric reports?

I'm at my desk [REDACTED] if you would like to chat.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 11:43
To: [REDACTED]
Subject: Submission - Review of the delivery of forensic mental health services .._
Attachments: Submission - Review of the delivery of forensic mental health services .._.doc

[REDACTED]

I've been asked to draw up plans for a review of the delivery of forensic mental health services in Scotland. In doing that [REDACTED] suggested a couple of things that should be included within the scope of the review. [REDACTED]

[REDACTED] There will be an opportunity to better link up as we work on the further detail but I wanted to make sure you were aware of the plans. If you have any queries on the attached, please let me know by return if at all possible. Is there anyone in justice that you think should also be included around the second issue on psychiatric reports?

I'm at my desk [REDACTED] if you would like to chat.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 11:28
To: [REDACTED]
Subject: RE: Submission - Review of the delivery of forensic mental health services ..

Thanks [REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 11:27
To: [REDACTED]<[REDACTED]@gov.scot>
Subject: RE: Submission - Review of the delivery of forensic mental health services ..

Thanks for sight of this, [REDACTED] really interesting looking piece of work.

[REDACTED] is no longer our DD – it's now Liz Sadler, so a copy to her would be appreciated.

A copy to Director of Justice, Donna McKinnon and [REDACTED] would be appreciated – Director, DD and Prison Team leader.

Thanks

[REDACTED]

From: [REDACTED]<[REDACTED]@gov.scot>
Sent: 01 March 2019 10:30
To: [REDACTED]<[REDACTED]@gov.scot>
Subject: Submission - Review of the delivery of forensic mental health services ..

[REDACTED]

I've attached a submission that I need to send to our Director today as Malcolm has asked for sight of the proposal to Ministers asap. I've added you and [REDACTED] in to the copy list. Is there someone in justice that should know about this? A response by return would be much appreciated, with apologies.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 10:30
To: [REDACTED]
Subject: Submission - Review of the delivery of forensic mental health services ...
Attachments: Submission - Review of the delivery of forensic mental health services ...doc

[REDACTED]

I've attached a submission that I need to send to our Director today as Malcolm has asked for sight of the proposal to Ministers asap. I've added you and [REDACTED] in to the copy list. Is there someone in justice that should know about this? A response by return would be much appreciated, with apologies.

[REDACTED]

[REDACTED]

From: Bell D (Donna)
Sent: 01 March 2019 09:51
To: [REDACTED]
Cc: Medhurst T (Teresa)
Subject: RE: TSH

Thanks [REDACTED] Could you update the submission to include this as another annex please? It looks good, thanks for all the work you've done on this. Will have another look before we send to Malcolm if that's Ok?

He is in Highland today so will only get a chance to look at it later.

Cheers
Donna

From: [REDACTED]@gov.scot>
Sent: 01 March 2019 09:43
To: Bell D (Donna) [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: RE: TSH

Donna, please find attached information in relation to the chair of this review and suggestions for that role from the PMO (Forensic Psychiatry), [REDACTED] and policy colleagues.

[REDACTED]

From: [REDACTED]
Sent: 28 February 2019 14:25
To: Bell D (Donna) [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: FW: TSH

Donna, Following discussion with Teresa please find attached a draft submission on the review of the delivery of forensic mental health services. Are you content for it to go to Malcom as requested below?

I will send you information on possible chairs first thing tomorrow.

[REDACTED]

From: [REDACTED]@gov.scot> On Behalf Of DG Health & Social Care
Sent: 22 February 2019 11:03
To: Bell D (Donna) [REDACTED]@gov.scot>; Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: DG Health & Social Care [REDACTED]@gov.scot>
Subject: FW: TSH

Hi Donna

Malcolm has considered and suggests progressing Option 2.

He has asked that you develop a proposal paper for Cab Sec and send for his consideration a.s.a.p.

Regards

[REDACTED]
[REDACTED] |Private Secretary to Malcolm Wright |DG Health and Social Care and Chief Executive
NHS Scotland|Rm 1E.16 |SAH

📧 [REDACTED] ✉️ [REDACTED]@gov.scot

From: Bell D (Donna) [REDACTED]@gov.scot>

Sent: 13 February 2019 11:54

To: DG Health & Social Care [REDACTED]@gov.scot>; Wright M (Malcolm) [REDACTED]@gov.scot>

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; Paterson N (Nicola) [REDACTED]@gov.scot>

Subject: TSH

Paul/Malcolm, with thanks to Teresa and [REDACTED] please see attached note on the TSH for your meeting with Cab Sec today. Let me know if you need anything further.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 09:43
To: Bell D (Donna)
Cc: Medhurst T (Teresa)
Subject: RE: TSH
Attachments: Review of the Delivery of Forensic Mental Health Services in Scotland - Chair.docx

Donna, please find attached information in relation to the chair of this review and suggestions for that role from the PMO (Forensic Psychiatry), [REDACTED] and policy colleagues.

[REDACTED]

From: [REDACTED]
Sent: 28 February 2019 14:25
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Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: FW: TSH

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Sent: 22 February 2019 11:03
To: Bell D (Donna) [REDACTED]@gov.scot>; Medhurst T (Teresa) [REDACTED]@gov.scot>; Paterson N (Nicola) [REDACTED]@gov.scot>
Cc: DG Health & Social Care [REDACTED]@gov.scot>
Subject: FW: TSH

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He has asked that you develop a proposal paper for Cab Sec and send for his consideration a.s.a.p.

Regards

[REDACTED]

[REDACTED] | Private Secretary to Malcolm Wright | DG Health and Social Care and Chief Executive
NHS Scotland | Rm 1E.16 | SAH
[REDACTED] [REDACTED]@gov.scot

From: Bell D (Donna) [REDACTED]@gov.scot>
Sent: 13 February 2019 11:54
To: DG Health & Social Care [REDACTED]@gov.scot>; Wright M (Malcolm) [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: TSH

Paul/Malcolm, with thanks to Teresa and Nicola, please see attached note on the TSH for your meeting with Cab Sec today. Let me know if you need anything further.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government
[REDACTED]

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

Chair of the Review

The principal aim of the review will be to review the delivery of forensic mental health services in hospitals and prisons, including:

- The demand for forensic mental health services, including bed availability and use in hospitals across the levels of security and in the community across Scotland
- The delivery of forensic mental health services in prison
- The delivery of high secure forensic services in hospital, given the decline in the number of patients at the State Hospital;
- The capacity of medium secure services to deliver forensic mental health services for all patients who require such services;
- The impact of excessive security appeals at medium security on low security;
- The availability of specialist open i.e. unlocked forensic rehabilitation services;
- The movement of patients from low or medium security into the community.

Person Specification and Requirements

Experience: The chair will have to have senior level experience, knowledge and understanding of forensic mental health and the challenges and opportunities faced in the delivery of forensic mental health services across Scotland. The chair will have to have skills and experience in leadership, constructive/supportive challenge and influencing as well as in communication.

Time commitment: The chair of the review must be able to make a firm commitment to spend 4 days per month on the review. The review is expected to take 12 months.

Remuneration: A daily rate TBC will be payable. The chair will also receive reimbursement for all reasonable travel and subsistence costs, reasonable dependant-carer expenses incurred whilst undertaking review duties and for support required to help the Chair carry out their duties effectively, subject to Scottish Government policy.

Location: The Chair can be based anywhere in Scotland, but travel to Edinburgh will occasionally be required.

Possible Chairs

[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

Rights and Mental Health
1 March 2019

[REDACTED]

From: [REDACTED]
Sent: 01 March 2019 09:37
To: Medhurst T (Teresa)
Subject: Review of the Delivery of Forensic Mental Health Services in Scotland - Chair
Attachments: Review of the Delivery of Forensic Mental Health Services in Scotland - Chair.docx

Teresa,

I've attached info re the chair of the above review in case you wanted to consider first. Happy to send it to Donna.

[REDACTED]

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

Chair of the Review

The principal aim of the review will be to review the delivery of forensic mental health services in hospitals and prisons, including:

- The demand for forensic mental health services, including bed availability and use in hospitals across the levels of security and in the community across Scotland
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Location: The Chair can be based anywhere in Scotland, but travel to Edinburgh will occasionally be required.

Possible Chairs

[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

Rights and Mental Health
1 March 2019

[REDACTED]

From: [REDACTED]
Sent: 28 February 2019 14:25
To: Bell D (Donna)
Cc: Medhurst T (Teresa)
Subject: FW: TSH
Attachments: STATE HOSPITAL BOARD FOR SCOTLAND db amends2.docx; Submission - Review of the delivery of forensic mental health servicesdoc

Donna, Following discussion with Teresa please find attached a draft submission on the review of the delivery of forensic mental health services. Are you content for it to go to Malcom as requested below?

I will send you information on possible chairs first thing tomorrow.

[REDACTED]

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Sent: 22 February 2019 11:03
To: Bell D (Donna) [REDACTED]@gov.scot>; Medhurst T (Teresa) [REDACTED]@gov.scot>; Paterson N (Nicola) [REDACTED]@gov.scot>
Cc: DG Health & Social Care [REDACTED]@gov.scot>
Subject: FW: TSH

Hi Donna

Malcolm has considered and suggests progressing Option 2.

He has asked that you develop a proposal paper for Cab Sec and send for his consideration a.s.a.p.

Regards

[REDACTED]

[REDACTED] |Private Secretary to Malcolm Wright |DG Health and Social Care and Chief Executive NHS Scotland|Rm 1E.16 |SAH
[REDACTED] [REDACTED]@gov.scot

From: Bell D (Donna) [REDACTED]@gov.scot>
Sent: 13 February 2019 11:54
To: DG Health & Social Care [REDACTED]@gov.scot>; Wright M (Malcolm) [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: TSH

Paul/Malcolm, with thanks to Teresa and [REDACTED] please see attached note on the TSH for your meeting with Cab Sec today. Let me know if you need anything further.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government



RESTRICTED – ADVICE TO MINISTERS

From: Teresa Medhurst
Directorate for Mental Health
Adult Mental Health Division
February 2019

Cabinet Secretary for Health and Sport
Minister for Mental Health

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

Purpose

1. To invite Ministers to agree to a review of the delivery of forensic mental health services in Scotland.

Priority

2. Routine.

Background

3. Forensic mental health services specialise in the assessment, treatment and risk management of people with a mental disorder who are currently undergoing, or have previously undergone, legal or court proceedings. There are also people that are managed by forensic mental health services because they are deemed to be at a high risk of harming others or, rarely, themselves.

4. The level of secure service a person is accessing (high, medium, low, or community) is determined by the level of risk a person is thought to pose. Although a large majority of forensic mental health services are run by NHS Health Boards, Scotland also has a few independent sector secure inpatient forensic mental health services.

5. The last substantial review of forensic mental health services across Scotland was some time ago, although there was a review of the forensic mental health estate that was supported by the Forensic Network and reported in 2017. The report was never published, but the report's findings of a need for the development of intelligence and data to inform planning of forensic services; improved co-ordination of service development across Scotland; a goal of ending routine use of inpatient services in England to provide care that should be delivered more locally; various options for service reconfiguration or expansion; and, establishing processes to monitor waiting times for transfer of prisoners to psychiatric inpatient care were welcomed. The review did not consider the provision of forensic mental health services in prisons.

6. A national workshop was held by the Forensic Network in December 2017 to consider the report's findings. The workshop included representatives from medium secure provider NHS Boards, The State Hospital, National Services Division, the Mental Welfare Commission and the Forensic Network. The workshop findings

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included concerns about the report's suggestion to reassign part of The State Hospital as a national medium facility as likely to come under legal challenge and to require significant capital investment. In addition the status quo with patients being admitted to their own area or nearest bed thereafter was not felt to solve the problem in struggling to find beds, and the introduction of excessive security appeals at medium secure had exacerbated the issue. The forensic medium secure estate would continue to function at almost 100%.

7. Over recent years there has been significant changes in the delivery of forensic mental health services, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and the impact on the movement of patients across the estate as well as a continuing move towards community services. More recently, there have been further developments such as a planned new CAMHS secure unit and an ongoing review of the needs of women who require secure care, particularly high security. There is now a need a need to review more widely the delivery of forensic mental health services in light of these changes and new developments. It is recognised that future forensic mental health service development will benefit from clarity around the proposed future structures of forensic services, key priorities for our health services and joined up practices with criminal justice services.

8. A draft Terms of Reference for the proposed review is attached at Annex A. The review would consider:

- The demand for forensic mental health services, including bed availability and use in hospitals across the levels of security and in the community across Scotland
- The delivery of forensic mental health services in prison
- The delivery of high secure forensic services in hospital, given the decline in the number of patients at the State Hospital;
- The capacity of medium secure services to deliver forensic mental health services for all patients who require such services;
- The impact of excessive security appeals at medium security on low security;
- The availability of specialist open i.e. unlocked forensic rehabilitation services;
- The movement of patients from low or medium security into the community.

Given its wide scope we would expect the review to take around a year, with quarterly updates on progress and emerging findings.

9. Information on the specification and requirements for the chair of the review is included in Annex B along with an initial list of possible candidates for the chair.

Recommendation

10. You are invited to agree to a review of the delivery of forensic mental health services in Scotland, the scope of the review as set out in Annex A and the requirements for the chair in Annex B.

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TERESA MEDHURST

Adult Mental Health

Ext: [REDACTED]

February 2019

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Justice			X		
Minister for Public Health, Sport and Wellbeing			X		
Minister for Community Safety			X		

Malcolm Wright , Director-General Health and Social Care
Donna Bell , Director of Mental Health
Neil Rennick , Director for Justice
Hugh McAloon , Deputy Director, Child and Adolescent Mental Health
Donna Mackinnon , Deputy Director, Community Justice
Donald Henderson , Deputy Director, Care, Protection and Justice
Gavin Henderson , Deputy Director, Civil Law & Legal System
Fiona McQueen , Chief Nursing Officer
[REDACTED], PMO (Forensic Psychiatry)
[REDACTED], PMO
Iona Colvin , Chief Social Work Advisor
[REDACTED], Learning Disability, Autism and Dementia
[REDACTED], Learning, Disability, Autism and Dementia
[REDACTED], Learning Disability
[REDACTED], Autism
[REDACTED], Health & Social Care Integration
[REDACTED], Rights & Mental Health
[REDACTED], Children & Young People's Mental Health
[REDACTED], Adult Mental Health
[REDACTED], Public Mental Health
[REDACTED], Rights & Mental Health
[REDACTED], Restricted Patients
[REDACTED], Rights & Mental Health
Liz Sadler , Health Improvement
[REDACTED], Health & Justice Collaboration
[REDACTED], Youth Justice
[REDACTED], Prison policy
[REDACTED], Prison policy
David Hutchison , Special Advisor
[REDACTED], Communications Healthier

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

TERMS OF REFERENCE

INDEPENDENT REVIEW OF DELIVERY OF FORENSIC MENTAL HEALTH SERVICES

Context

Forensic mental health services specialise in the assessment, treatment and risk management of people with a mental disorder who are currently undergoing, or have previously undergone, legal or court proceedings. Some other people are managed by forensic mental health services because they are deemed to be at a high risk of harming others or, rarely, themselves.

The level of secure service a person is accessing (high, medium, low, or community) is determined by the level of risk a person is thought to pose. Although a large majority of forensic mental health services are run by NHS Health Boards, Scotland also has a few independent sector secure inpatient forensic mental health services.

Over recent years there has been significant changes in the delivery of forensic mental health services, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and a continuing move towards community services. More recently, there have been further developments such as a planned new CAMHS secure unit and an ongoing review of the needs of women who require secure care, particularly high security. There is now a need to review more widely the delivery of forensic mental health services in light of these changes and new developments. It is recognised that future forensic mental health service development will benefit from clarity around the proposed future structures of forensic services, key priorities for our health services and joined up practices with criminal justice services.

The principal aim will be to review the delivery of forensic mental health services in hospitals and prisons, including:

- The demand for forensic mental health services, including bed availability and use in hospitals across the levels of security and in the community across Scotland
- The delivery of forensic mental health services in prison
- The delivery of high secure forensic services in hospital, given the decline in the number of patients at the State Hospital;
- The capacity of medium secure services to deliver forensic mental health services for all patients who require such services;
- The impact of excessive security appeals at medium security on low security;
- The availability of specialist open i.e. unlocked forensic rehabilitation services;
- The movement of patients from low or medium security into the community.

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[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The review will include the make-up of the forensic estate and the patient flow for male and female patients as well as those with additional intellectual support needs.

Scope and Terms of Reference

The specific methodology of the review is at the discretion of the chair but will involve consideration of:

- An evidence review of bed availability and capacity at high, medium and low security hospitals, in intensive psychiatric care units, and at open forensic rehabilitation inpatient facilities;
- An evidence review of the delivery of forensic mental health services in prisons;
- The impact any lack of provision has on sentencing decisions, for example for women requiring high secure care;
- Any evidence of bed blocking and its causes, taking into account patients' human rights and the principles in section 1 of the Mental Health (Care and Protection) (Scotland) Act 2003;
- The arrangements for the delivery of high secure services, given the decline in patient numbers, and whether there are alternatives to more efficiently deliver such services;
- The appropriateness of continuing to provide high secure care for patients on behalf of Northern Ireland and any recommendations for future service delivery;
- Any options for the re-provision of unused bed capacity at State Hospital for care of other patients or offenders;
- The delivery of services for intellectual impairment / learning disability and neurodevelopmental disorder / autistic spectrum disorder;
- The demand for medium secure services from across Scotland and the deliverability of such services in the current forensic estate;
- The impact of excessive security appeals at medium security on demand for low secure services and the extent to which this can be met by the current forensic estate;

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- The movement of patients from low secure services to the community, any delays and the causes of them;
- The support and services that are needed to successfully treat people in the community and any difficulties providing or accessing such services;
- Alternatives to cross-border transfers to specialist services far from patients' home areas and families;
- The views of hospital staff, people receiving forensic mental health services, those with lived experience of such services and their families;
- The arrangements for the strategic direction and ongoing oversight of the delivery of forensic services across Scotland, including the roles of the Scottish Government, Integrated Joint Boards and Health Boards as well as the role, functions and reporting structures of the Forensic Network;
- Prison healthcare provision and challenges;
- The provision of professional and expert witness psychiatric and psychological reports to Scottish Courts and the impact any delays may have on people awaiting sentencing;
- Processes by which patients can resettle in a different territorial health board areas within Scotland e.g. for victim sensitivity reasons;
- Make recommendations for changes or improvements to the Scottish Government;
- Should anything of immediate concern be identified these should be escalated to the respective Chief Executive;
- Suggest any legislative issues that arise out of your enquiry; and
- Suggest any further reviews that arise out of your enquiry.

The review should also consider previous and ongoing work around forensic mental health services, including:

- The findings of the Forensic Estate Review group;
- The Mental Welfare Commission's Visiting and Monitoring Report relating to medium and low secure forensic wards (August 2017), including actions planned by Health Boards in response to its findings
- 'Coming home: complex care needs and out of area placements 2018', Scottish Government, November 2018;
- The findings of the short life working group on female pathways in forensic mental health;
- The (emerging) findings of the review of learning disability and autism under the Mental Health (Care and Treatment) (Scotland) Act 2003
- The findings of the review of Mental Health Services at HMP YOI Polmont
- [REDACTED]

This review will be presented to the Cabinet Secretary for Health and Sport and the Minister for Mental Health [REDACTED]. Quarterly updates on progress and any emerging findings will be required.

TERESA MEDHURST

Adult Mental Health

Ext: [REDACTED]

REVIEW OF THE DELIVERY OF FORENSIC MENTAL HEALTH SERVICES IN SCOTLAND

CHAIR OF THE REVIEW

Person Specification and Requirements

Experience: The chair will have to have senior level experience, knowledge and understanding of forensic mental health and the challenges and opportunities faced in the delivery of forensic mental health services across Scotland. The chair will have to have skills and experience in leadership, constructive/supportive challenge and influencing as well as in communication.

Time commitment: The chair of the review must be able to make a firm commitment to spend 4 days per month on the review. The review is expected to take 12 months.

Remuneration: A daily rate TBC will be payable. The chair will also receive reimbursement for all reasonable travel and subsistence costs, reasonable dependant-carer expenses incurred whilst undertaking review duties and for support required to help the Chair carry out their duties effectively, subject to Scottish Government policy.

Location: The Chair can be based anywhere in Scotland, but travel to Edinburgh will occasionally be required.

Possible Chairs

[REDACTED]

• [REDACTED]

• [REDACTED]

RESTRICTED – ADVICE TO MINISTERS

● [REDACTED]
[REDACTED]
[REDACTED]

● [REDACTED]
[REDACTED]
[REDACTED]

● [REDACTED]
[REDACTED]
[REDACTED]

TERESA MEDHURST
Adult Mental Health
Ext: [REDACTED]

STATE HOSPITAL BOARD FOR SCOTLAND

1. There have been ongoing issues that have caused Ministerial concern in recent months regarding the operational running and management of TSH. Ministers have sought options on how to improve the arrangements in place and enhance safety and patient care. As a result of this, two options to address Ministers' concerns have been identified.

OPTION 1

[REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

OPTION 2 – Review of forensic care (both hospital and community)

10. A comprehensive review of the forensic estate has not been done since the 1990s and practitioners are likely to be of the view that while some aspects of forensic delivery are successful there would be some areas that are more problematic. There was a small scale review in 2017 but this had some limitations particularly in relation to consideration of women and high secure facilities and did not consider the community based arrangements for patients who are conditionally discharged or others who are being cared for in a community setting. The Principal Medical Officer (Forensic Psychiatry) is of the view that this would be a good time to review the forensic estate and consider the care and treatment of mentally disordered offenders.

11. There have been a number of issues which have been surfacing surrounding the impact of successful appeals in relation to excessive security which has led to some pressures on medium and low secure estate and low numbers within TSH; implications of some complex cases and release into the community; concerns raised by families and victims in relation to patient care versus risk profiles and how the system manages and responds to those with learning disabilities and autism.

12. The previous review also didn't consider standards of clinical care, consistency of security measures as well as the wider consideration of the number of patients now and anticipated and so how that should shape the services and facilities that are required today and in the future.

13. The review could consider all of the above topics (which need to be addressed anyway) as well as the management and governance arrangements across the forensic estate, creating better linkage between the different parts of the sector and ensuring that there is smooth flow and care for patients. We would expect that governance would form a key part of the review and may result in a recommendation to improve the resilience of TSH.

14. Ministers are also likely to announce the review of mental health legislation in the coming months, and both would align with the PfG ambition of taking a 21st Century to adult mental health.

15. This could be announced quickly and we could ask an independent chair to complete the work in 6 months. This would provide recommendations by October 2019 and a clear plan of action (including any legislative change) could then be developed.

Issues

- This option allows a fresh consideration of how we treat patients and could be overseen by an independent person
- Would consider the "pathway" for patients in a coherent and comprehensive way that ensure there would be more coherence within the "system" including community
- Provides potential for improved career development for staff across the field and greater permeability in the current staffing arrangements
- Will also identify and highlight resourcing and staffing issues
- There would be a focus on demand versus capacity
- Provides a comprehensive consideration of all of those concerned including learning disability and autism as well as women.
- Likely to provide a clear, positive way forward for the forensic estate and community support.
- Likely to be welcomed due to some of the current pressures and concerns that have been raised

[REDACTED]

Given the nature and extent of this significant change, we would suggest that we ask the current Chair of the Board to extend his period of appointment by a further 6 months to support the new Chief Executive. Given the potential far reaching nature of the changes, continuity would be very helpful. This will require us to make a special case to the Civil Service Commissioner.

[REDACTED]

From: Medhurst T (Teresa)
Sent: 27 February 2019 15:38
To: [REDACTED]
Subject: RE: Submission - Review of the delivery of forensic mental health services in Scotland

Many thanks [REDACTED] I will look this over and we can discuss tomorrow along with [REDACTED]
[REDACTED]

Teresa Medhurst

Head of Adult Mental Health / Scottish Government / 3R.04, St Andrew's House, Regent Road, Edinburgh EH1 3DG / [REDACTED]

From: Paterson N (Nicola) [REDACTED]@gov.scot>
Sent: 27 February 2019 14:49
To: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: Submission - Review of the delivery of forensic mental health services in Scotland

Teresa,

Please find attached an early draft of a submission on the review of the delivery of forensic mental health services, which includes a draft terms of reference. I'll pull together suggestions on a chair, but I didn't want to delay getting this to you to consider. Happy to discuss.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 27 February 2019 14:49
To: Medhurst T (Teresa)
Subject: Submission - Review of the delivery of forensic mental health services in Scotland
Attachments: Submission - Review of the delivery of forensic mental health services in Scotland.doc

Teresa,

Please find attached an early draft of a submission on the review of the delivery of forensic mental health services, which includes a draft terms of reference. I'll pull together suggestions on a chair, but I didn't want to delay getting this to you to consider. Happy to discuss.

[REDACTED]

15

From: [REDACTED]
Sent: 27 February 2019 13:27
To: [REDACTED]
Subject: RE: [REDACTED]

Thanks [REDACTED] I'll make sure you are on the copy list and I'll send the draft terms of reference to you too.

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 27 February 2019 12:38
To: [REDACTED]@gov.scot>
Cc: [REDACTED]@gov.scot>; Director of Justice [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: [REDACTED]

Hi [REDACTED]

Thanks for your enquiry about the scope of a review of forensic MH services.

In short, yes, I think including prisons would be extremely helpful, for various reasons, but would also strongly advise that the review includes a few other considerations in its scope, including a slightly wider justice view.

- Forensic mental health in prisons sits with the prison service, not the NHS. It would be really important that your scope is therefore not just NHS forensic MH services, but include them.
- There is anecdotal evidence that there are issues around the female custodial estate. As you will know, there are no secure forensic beds in Scotland for women. Sentencers may have a choice, therefore, whether to send women to a secure forensic estate a long way away from their families sources of support, or maintain their local connections by sending them to a prison. Without having a firm evidence base for it, there is always anecdotal evidence, most recently in an UN report on torture in prisons, that some women are in prison who should be in a secure forensic setting.
- There is a major wider issue around how forensic MH reports are procured by courts to inform sentencing decisions. This is not a statutory NHS service, and as a result there are often significant delays to courts receiving psychiatric and psychological reports – last year 1,400+ court sessions were deferred due to these reports being unavailable. The impact is a waste of judicial and administrative time, but also a larger remand population, as people await sentencing, and individuals being kept on remand in prison when their sentence might not even be a prison sentence. Your colleagues [REDACTED] and [REDACTED] are aware and can tell you more. The attached report from a few years ago sets out some potential options.

FYI – our programme for health and social care in prisons is mostly focusing on addressing structural barriers to improved services, not the services themselves. (things like data and reporting, IT, where prisons sit in the integration landscape and so on).

Cheers – please keep us in the loop,

[REDACTED]

From: [REDACTED]@gov.scot>

Sent: 27 February 2019 09:56

To: [REDACTED]@gov.scot>

Subject: [REDACTED]

[REDACTED]

There is to be a review of the delivery of forensic mental health services in Scotland. This will focus on the demand, use and any blockages across the secure estate and patient flow from high secure to the community. Our PMO (Forensic Psychiatry) has suggested that prison healthcare challenges and opportunities be included in the scope of the review. However, I have a sense that there is already a lot going on with regard to prison healthcare, would you have any views on whether prison healthcare should form part of the review that is now planned?

[REDACTED]

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 27 February 2019 10:37
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Review of delivery of forensic mental health services

Hi [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Cheers

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 27 February 2019 10:17
To: [REDACTED]@gov.scot>
Subject: Review of delivery of forensic mental health services

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 27 February 2019 09:50
To: [REDACTED]
Subject: RE: [REDACTED]

Thanks [REDACTED] I'll get in touch with [REDACTED]

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 27 February 2019 09:47
To: [REDACTED]@gov.scot>
Subject: RE: [REDACTED]

[REDACTED]

[REDACTED] was telling me about it this morning.

[REDACTED] would be best placed to tell you about what is being developed and through the Health and Justice Collaboration Improvement Board. [REDACTED] is also providing oversight for the review into mental health services for young people in Polmont (due in spring).

[REDACTED] met with [REDACTED] this week and some research is also being undertaken by a [REDACTED] (who is in the SG) into prison healthcare and is due at the end of this week. [REDACTED] can obviously share this with you, but I'd say contacting [REDACTED] in the first instance is the best bet.

Thanks
[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 27 February 2019 09:33
To: [REDACTED]@gov.scot>
Subject: [REDACTED]

[REDACTED]

I don't know if you are aware, but there is to be a review of the delivery of forensic mental health services in Scotland. I've drafted a terms of references, and [REDACTED] has suggested adding in to its scope, prison healthcare provision and challenges. Do you know if there is already work going on in this area?

[REDACTED]

From: Bell D (Donna)
Sent: 26 February 2019 21:09
To: [REDACTED]
Cc: Medhurst T (Teresa); [REDACTED]
Subject: RE: Review of forensic services

Thanks [REDACTED] that's brilliant. [REDACTED]
[REDACTED]

Also needs to tie in with the announcement of the review. [REDACTED]
[REDACTED]

Thanks again
Donna

Sent with BlackBerry Work
(www.blackberry.com)

From: [REDACTED]@gov.scot>
Date: Tuesday, 26 Feb 2019, 8:27 pm
To: Bell D (Donna) [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]
[REDACTED]@gov.scot>, [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>, [REDACTED]@gov.scot>
Subject: RE: Review of forensic services

Hi Donna

Thanks for this. Yes, the other candidates have been informed that they were unsuccessful.

We can provide a draft letter to Mr MacAskill informing him of the outcome – will do that and put it up first thing?

Thanks

[REDACTED]

From: Bell D (Donna) [REDACTED]@gov.scot>
Sent: 26 February 2019 17:45
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Review of forensic services

Sorry, have also added a bit which says the detail of the review will be provided under separate cover,

Thanks again

Donna

From: Bell D (Donna)

Sent: 26 February 2019 17:42

To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: RE: Review of forensic services

Thanks for this [REDACTED] you're a star for turning this round so quickly. Spotted a tiny typo so have tracked a change. Cab sec was looking to see a draft letter for the formal bit of the process with Mr MacAskill. Do you have such a thing? Have the other candidates already been informed that they were unsuccessful?

Cheers

Donna

From: [REDACTED]@gov.scot>

Sent: 26 February 2019 17:19

To: Bell D (Donna) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot> [REDACTED]@gov.scot>

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: RE: Review of forensic services

Hi Donna

See attached draft submission.

I was hoping to get clearance from the Commissioner before we asked for the Cabinet Secretary to clear the appointment to make sure that the extension had been granted.

However, the Commissioner wasn't available today and working from home tomorrow – so I've redrafted to say that if Cabinet Secretary is content, we will seek clearance.

Thanks – please let me know if you want me to send it up tonight/tomorrow.

[REDACTED]

From: Bell D (Donna) [REDACTED]@gov.scot>

Sent: 26 February 2019 16:48

To: Paterson N (Nicola) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>

Subject: Review of forensic services

Hi there

I mentioned the next steps for this at the portfolio meeting today. Cab sec asked to see the letters to the applicants for the chair position attached to this (also probably good to attach a draft for the letter to Terry Currie as well).

Is the sub nearly ready? Just wondering when we are likely to send it up? Can I see it first please?

Thanks

Donna
Donna Bell
Director of Mental Health
Scottish Government
[REDACTED]

[REDACTED]

From: Bell D (Donna)
Sent: 26 February 2019 17:45
To: [REDACTED]
Cc: Medhurst T (Teresa); [REDACTED]
Subject: RE: Review of forensic services
Attachments: Submission - Chair - State Hospital db amends2.docx

Sorry, have also added a bit which says the detail of the review will be provided under separate cover,

Thanks again

Donna

From: Bell D (Donna)
Sent: 26 February 2019 17:42
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Review of forensic services

Thanks for this [REDACTED] you're a star for turning this round so quickly. Spotted a tiny typo so have tracked a change. Cab sec was looking to see a draft letter for the formal bit of the process with Mr MacAskill. Do you have such a thing? Have the other candidates already been informed that they were unsuccessful?

Cheers
Donna

From: [REDACTED]@gov.scot>
Sent: 26 February 2019 17:19
To: Bell D (Donna) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Subject: RE: Review of forensic services

Hi Donna

See attached draft submission.

I was hoping to get clearance from the Commissioner before we asked for the Cabinet Secretary to clear the appointment to make sure that the extension had been granted.

However, the Commissioner wasn't available today and working from home tomorrow – so I've redrafted to say that if Cabinet Secretary is content, we will seek clearance.

Thanks – please let me know if you want me to send it up tonight/tomorrow.

Laurie

From: Bell D (Donna) [REDACTED]@gov.scot>

Sent: 26 February 2019 16:48

To: Paterson N (Nicola) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]

Subject: Review of forensic services

Hi there

I mentioned the next steps for this at the portfolio meeting today. Cab sec asked to see the letters to the applicants for the chair position attached to this (also probably good to attach a draft for the letter to Terry Currie as well).

Is the sub nearly ready? Just wondering when we are likely to send it up? Can I see it first please?

Thanks

Donna

Donna Bell

Director of Mental Health

Scottish Government

[REDACTED]

From: [REDACTED]
Office of CE NHS Scotland
27 February 2019

Cabinet Secretary for Health and Sport

EXTENSION OF APPOINTMENT TERM FOR CHAIR OF STATE HOSPITAL BOARD FOR SCOTLAND

Purpose

1. To seek confirmation that you are content to extend the appointment term of Terry Currie, Chair, State Hospital Board for Scotland by one year.

Priority

2. Routine

Background

3. The current Chair, Terry Currie is due to leave office on the 31 March 2019, following an 8 year appointment term. Kenny MacAskill was subsequently recommended for appointment as the new Chair of the Board following a values based recruitment process which concluded in November 2018. You agreed to appoint Mr MacAskill as the new Chair of the Board and he was verbally informed of the outcome by the Public Appointments Team. Mr MacAskill has not been formally appointed to the Board and has not been sent an official appointment letter.

4. Since then, the new Director of Mental of Health, Donna Bell has recommended a review of the forensic estate across NHS Scotland be conducted in response to the significant changes which have taken place in recent years to the delivery of forensic mental health services. The recommendations of the review may have an impact on the future provision of forensic mental health services and the role of the State Hospital Board for Scotland.

5. The State Hospital Board for Scotland has also recently appointed a new Chief Executive, Gary Jenkins, who takes up post on 1 April 2019. Given the nature of the review and the potential impact that it may have on Board, it is recommended that you extend the appointment of the current Chair, by one year. This will provide the Board with the continuity and stability that it requires to ensure good governance whilst the new Chief Executive settles into his role.

6. A further submission which sets out the scope of the review, draft terms of reference and potential leadership options will be sent under separate cover.

Recommendation

6. That you agree to extend the appointment of Terry Currie, Chair of the Board of State Hospital for NHS Scotland by 1 year to 31 March 2019. If content, we will seek the

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necessary extension from the Commissioner for Ethical Standards in Public Life in Scotland.

7. Please also advise whether you would like to inform Mr MacAskill of the changing circumstances regarding his appointment or if you are content that this is done by officials.

Office of CE NHS Scotland

27 February 2019

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Minister for Mental Health Minister for Public Health, Sport and Wellbeing					X

Director General Health and Social Care
Communications Healthier
David Hutchison
Donna Bell

[REDACTED]

From: [REDACTED]
Sent: 26 February 2019 14:50
To: [REDACTED]
Cc: [REDACTED] Medhurst T (Teresa);
Bell D (Donna); [REDACTED]
Subject: FW: TSH

Hi [REDACTED]

We spoke briefly about the rationale for delaying the appointment of a new Chair at TSH in light of the proposed review of the delivery of forensic services.

The detailed terms of reference for the proposed review are currently being drafted but it is being suggested in response to significant changes in the delivery of forensic mental health services in recent years, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and a continuing move towards community services. As a result of these changes, there are developments such as a new CAMHS secure unit and an ongoing review of the needs of women who require high secure care. It is felt that there is now a need to review the delivery of forensic mental health services in light of these changes and new developments.

This being the case, it would be prudent, given that TSH will shortly have a new Chief Executive, if the current Chair is able to stay on to provide ongoing continuity and input while any review process is ongoing – rather than both positions being newly filled.

I hope this is helpful but happy to have a further chat,

Thanks
[REDACTED]

[REDACTED] | Law and Protection of Rights | Adult Mental Health Division – Mental Health Directorate | Scottish Government | St Andrews House, Regent Road, Edinburgh, EH1 3DG | [REDACTED] Blackberry: [REDACTED]



From: Bell D (Donna) [REDACTED]@gov.scot>
Sent: 26 February 2019 12:20
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: TSH

Hi there, I have spoken with Terry Currie and he is happy to continue for a further 12 months. I also spoke with [REDACTED] and [REDACTED] and they have confirmed they can draft letters/speak with the Commissioner. They will come to you for info on the rationale (happy to discuss if that would be helpful?).

TSH have a board meeting on Thursday so [REDACTED] has kindly said she'll try and get something sorted before then, which would be ideal. If not I can speak with Terry and agree what he'll say (if anything) at the board.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government



1.2

[REDACTED]

From: [REDACTED]
Sent: 26 February 2019 06:55
To: [REDACTED]
Subject: [REDACTED] and a review of forensic services

Hi [REDACTED]

I'm going to ask you to work with [REDACTED] and comms to develop and deliver a comms plan.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Forensic services review

The Cabinet Secretary has decided that there should be a review of the delivery of forensic services across Scotland. It is to be announced about a week after the announcement of the legislative review (so before end of March). Could the comms plan above include plans for this too.

[REDACTED]

I've drafted a terms of reference for this and it's out for comment. Malcolm wants a proposal paper for Cab Sec for his consideration asap – that will largely be the terms of reference plus something on the Chair. So I'll turn the terms of reference into a paper for Ministers.

[REDACTED]

[REDACTED]

[REDACTED]

From: Bell D (Donna)
Sent: 25 February 2019 16:41
To: DG Health & Social Care
Cc: [REDACTED] Medhurst T (Teresa)
Subject: RE: TSH

Thanks [REDACTED] I have spoken with Terry Currie and, subject to sorting a couple of family commitments, he is content to continue in his role. [REDACTED]

[REDACTED] He was also of the view that it would be high risk to carry out this type of review with an entirely new leadership team in place. He will confirm to me for sure tomorrow. We will then make the necessary arrangements to agree this with the Civil Service Commissioner. At the same time I will get in touch with Mr McAskill and appraise him of the situation and let him know that the lead time of the review will likely be 9 months at a minimum.

Happy to discuss.

Thanks

Donna

From: [REDACTED]@gov.scot> On Behalf Of DG Health & Social Care
Sent: 25 February 2019 13:16
To: Bell D (Donna) [REDACTED]@gov.scot>
Cc: DG Health & Social Care [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: RE: TSH

Hi Donna

Malcolm has asked for an update on the Chair position?

Regards

[REDACTED]
[REDACTED] Private Secretary to Malcolm Wright | DG Health and Social Care and Chief Executive
NHS Scotland | Rm 1E.16 | SAH
[REDACTED] [REDACTED]@gov.scot

From: Medhurst T (Teresa) [REDACTED]@gov.scot>
Sent: 25 February 2019 11:04
To: Bell D (Donna) [REDACTED]@gov.scot>; DG Health & Social Care [REDACTED]@gov.scot>; Paterson N (Nicola) [REDACTED]@gov.scot>
Subject: RE: TSH

[REDACTED]
[REDACTED]

Head of Adult Mental Health / Scottish Government / 3R.04, St Andrew's House, Regent Road, Edinburgh EH1 3DG
/ [REDACTED]

Subject: RE: TSH

Thanks we're on the case.

Subject: RE: TSH

H1

Apologies, I meant to add that Malcolm wants you to give some thought to [REDACTED]

Regards

☎ [REDACTED] 🖱 [REDACTED]@gov.scot

Subject: FW: TSH

Hi Donna

Malcolm has considered and suggests progressing Option 2.

He has asked that you develop a proposal paper for Cab Sec and send for his consideration a.s.a.p.

Regards

[REDACTED]

[REDACTED] |Private Secretary to Malcolm Wright |DG Health and Social Care and Chief Executive
NHS Scotland|Rm 1E.16 |SAH

☎ [REDACTED] ✉ [REDACTED]@gov.scot

From: Bell D (Donna) [REDACTED]@gov.scot>

Sent: 13 February 2019 11:54

To: DG Health & Social Care [REDACTED]@gov.scot>; Wright M (Malcolm) [REDACTED]@gov.scot>

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>; [REDACTED]@gov.scot>

Subject: TSH

Paul/Malcolm, with thanks to Teresa and [REDACTED] please see attached note on the TSH for your meeting with Cab Sec today. Let me know if you need anything further.

Thanks

Donna

Donna Bell
Director of Mental Health
Scottish Government
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 25 February 2019 16:19
To: [REDACTED]
Cc: Medhurst T (Teresa)
Subject: RE: Review of the Delivery of Forensic Services - feedback sought by cop Tuesday 26 Feb.
Attachments: Draft ToR Independent Review of Delivery of forensic services [REDACTED].docx

[REDACTED]

I've edited a little and added in a few suggestions. Some may be too controversial or overlap too much with other policy areas – but I thought there was no harm in widening the range of issues to be considered at this early drafting stage.

I've not incorporated [REDACTED]'s suggestions just to keep the various comments neatly separated – though all of those comments looked good to me.

[REDACTED]

[REDACTED] Principal Medical Officer | Restricted Patient Team | Directorate for Mental Health | The Scottish Government | St Andrew's House | Edinburgh | EH1 3DG | Tel: [REDACTED] Mobile: [REDACTED]

From: [REDACTED]@gov.scot>
Sent: 25 February 2019 09:39
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: RE: Review of the Delivery of Forensic Services - feedback sought by cop Tuesday 26 Feb.

Hi [REDACTED]

Some quick comments attached – happy to chat

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 22 February 2019 13:49
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: Review of the Delivery of Forensic Services - feedback sought by cop Tuesday 26 Feb.

Hello,

The Cabinet Secretary for Health and Sport has decided that we should have a review of the delivery of forensic services. As a start I have drafted a terms of reference for the review (borrowing from other such ToRs). My ask of you is two-fold:

1. Let me have any comments/queries/changes etc. to the draft. Is it clear? Is the supporting group right?
2. Any suggestions of a chair for the review, particularly with experience of service design/re-design.

Please come back to me by cop on Tuesday 26 Feb, if you can to allow us to go to Ministers next week, let me know if that isn't possible but you do want to contribute. We will be developing a comms plans ahead of the announcement which is likely to be by end of March.

[REDACTED]

INDEPENDENT REVIEW OF DELIVERY OF FORENSIC MENTAL HEALTH SERVICES

Context

Forensic mental health services specialise in the assessment, and treatment and risk management of people with a mental disorder health illness who are currently undergoing, or have previously undergone, legal or court proceedings. Some other people are located in managed by forensic mental health services because they are deemed to be at a high risk of harming others or, rarely, themselves or others.

The level of secure service a person is accessing (high, medium, low, or community) is determined by the level of risk a person is thought to pose, either to themselves or to the public. Although a large majority many of the forensic mental health services are run by NHS Health Boards, Scotland also has a few independent sector secure inpatient some privately-run forensic mental health services.

Over recent years there has been significant changes in the delivery of forensic mental health services, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and a continuing move towards community services. As a result of these changes More recently, there have been further developments such as a planned new CAMHS secure unit and an ongoing review of the needs of women who require high secure care, particularly high security. There is now a need a need to review more widely the delivery of forensic mental health services in light of these changes and new developments. It is recognised that future forensic mental health service development will benefit from clarity around the proposed future structures of forensic services, key priorities for our health services and joined up practices with criminal justice services.

The principal aim will be to review the delivery of forensic mental health services, including:

- The delivery of high secure forensic services, given the decline in the number of patients at the State Hospital;
- The capacity of medium secure services to deliver forensic mental health services for all patients who require such services;
- The impact of excessive security appeals at medium security on low security;
- The availability of specialist open i.e. unlocked forensic rehabilitation services;
- The movement of patients from low or medium security into the community.

The project management of the review will be supported by a short life working group to include representation from :

• [REDACTED]
• [REDACTED]
• [REDACTED]
• [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The review will focus specifically on the make-up of the forensic estate and the patient flow for male and female patients as well as those with additional intellectual support needs.

Commented [11]: Most of our patients require significant support services contracted from local authorities and, often, also have tenancies provided via housing in the relevant local authority. Delays in provision of services can easily delay discharge. I'm unsure who could represent local authorities? It's a key partner so a voice from local authorities in this area would be helpful. Maybe the transition to JJBs makes this less essential now?

Commented [12]: If possible I'd be keen to take part in this group - so it wouldn't necessarily commit anyone else from the team (unless we

Scope and Terms of Reference

The specific methodology of the review is at the discretion of the chair but will involve consideration of:

- An evidence review of bed availability and capacity at high, medium and low security and at open forensic rehabilitation inpatient facilities;
- Any evidence of bed blocking and its causes taking into account patients' human rights and the principles in section 1 of the Mental Health (Care and Protection) (Scotland) Act 2003;
- The arrangements for the delivery of high secure services, given the decline in patient numbers, and whether there are alternatives to more efficiently deliver such services;
- The appropriateness of continuing to provide high secure care for patients on behalf of Northern Ireland and any recommendations for future service delivery;
- Any options for the rep provision of unused bed capacity at State Hospital for care of other patients or offenders e.g. frail elderly;
- The findings of the short life working group on female pathways in forensic mental health;
- The findings of the Forensic Estate Review group;
- The demand for medium secure services from across Scotland and the deliverability of such services in the current forensic estate;
- The impact of excessive security appeals at medium security on demand for low secure services and the extent to which this can be met by the current forensic estate;
- The movement of patients from low secure services to the community, any delays and the causes of them;
- Alternatives to cross-border transfers to specialist services far from patients' home areas and families;
- The views of hospital staff, people receiving forensic mental health services, and those with lived experience of such services, and their families;
- The structure of the Forensic Network, including it's reporting arrangements, funding, and any opportunities for efficiency gains from sharing of resources or functions with Prison Healthcare and Police Custody Networks;
- Prison healthcare provision and challenges;

- The provision of professional and expert witness psychiatric and psychological reports to Scottish Courts;
- Processes by which patients can resettle in a different territorial health board area within Scotland e.g. for victim sensitivity reasons;
- Make recommendations for changes or improvements to the Scottish Government;
- Should anything of immediate concern be identified these should be escalated to the respective Chief Executive;
- Suggest any further reviews that arise out of your enquiry.

This review will be presented to the Cabinet Secretary for Health and Sport and the Minister for Mental Health by the end of 2019.

DRAFT

[REDACTED]

From: [REDACTED]
Sent: 25 February 2019 09:39
To: [REDACTED]
[REDACTED]
[REDACTED]
Cc: Medhurst T (Teresa)
Subject: RE: Review of the Delivery of Forensic Services - feedback sought by cop Tuesday 26 Feb.
Attachments: Draft ToR Independent Review of Delivery of forensic services - [REDACTED].docx

Hi [REDACTED]

Some quick comments attached – happy to chat

[REDACTED]

From: [REDACTED]@gov.scot>
Sent: 22 February 2019 13:49
To: [REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot> [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
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[REDACTED]

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Context

Forensic mental health services specialise in the assessment and treatment of people with a mental health illness/disorder who are currently undergoing, or have previously undergone, legal or court/criminal proceedings. Some other people are located/assessed or treated in forensic mental health services because they are deemed to be at a high-risk of harming themselves or others.

The level of secure service a person is accessing/needs (high, medium, low, or community) is determined by the nature and level of risk a person is thought to pose, either to themselves or to the public. Although many of the most forensic mental health services are run by NHS Health Boards, Scotland also has some privately run forensic mental health services.

Commented [1]: Any delegation here to IJBs?

Over recent years there has been significant changes in the delivery of forensic mental health services, including a decline in the number of patients detained in high security, the development of medium secure services, the introduction of excessive security appeals for patients detained in medium security and a continuing move towards community services. As a result of/Alongside these changes, there are developments such as a new CAMHS secure unit and an ongoing review of the needs of women who require high secure care. There is now a need to review the delivery of forensic mental health services in light of these changes and new developments.

Commented [2]: Could also add in wider changes in MH and mention the taskforce and NSPLG?

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- The movement of patients from low or medium security into the community.

The project management of the review will be supported by a short life working group to include representation from:

Commented [3]: Should this list include:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Commented [4]: Not sure who this is?

Scope and Terms of Reference

The specific methodology of the review is at the discretion of the chair but will involve consideration of:

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- Any evidence of bed blocking and its causes taking into account patients' human rights and the principles in section 1 of the Mental Health (Care and Protection) (Scotland) Act 2003.
- The arrangements for the delivery of high secure services, given the decline in patient numbers, and whether there are alternatives to more efficiently deliver such services.
- The findings of the short life working group on female pathways in forensic mental health
- The demand for medium secure services from across Scotland and the deliverability of such services in the current forensic estate
- The impact of excessive security appeals at medium security on demand for low secure services and the extent to which this can be met by the current forensic estate;
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- Suggest any further reviews that arise out of your enquiry.

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Commented [51]: You might want to flip this round – the forensic estate is small and some of its problems will be about folk moving to generic services or going to and from prison for example. Maybe the review should focus on the experience of patients who access forensic MH services and examine FMH services in the context of the range of settings that seek to meet their needs.

Commented [61]: Is it all at our door? Maybe some recommendations could go to Health Boards, IJBs, SPS?

[illegible]

From: [REDACTED]@gov.scot>
Sent: 25 February 2019 08:28
To: [REDACTED]@gov.scot> [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>; [REDACTED]@gov.scot>
Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>
Subject: RE: Review of the Delivery of Forensic Services - feedback sought by cop Tuesday 26 Feb.

[REDACTED]

[REDACTED]

Sent with BlackBerry Work
(www.blackberry.com)

From: [REDACTED]@gov.scot>

Date: Friday, 22 Feb 2019, 1:48 pm

To: [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>, [REDACTED]@gov.scot>

Cc: Medhurst T (Teresa) [REDACTED]@gov.scot>

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[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 25 February 2019 09:29
To: [REDACTED]
Cc: Medhurst T (Teresa); McAloon HC (Hugh)
Subject: Re: Review of the Delivery of Forensic Services - feedback sought by cop Tuesday 26 Feb.

Thanks [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PMO

Sent from my BlackBerry 10 smartphone.

From: [REDACTED]
Sent: Friday, 22 February 2019 13:48
To: [REDACTED]
Cc: Medhurst T (Teresa)
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