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Statistics of Mentally Disordered Offenders 2008 England and Wales

Ministry of Justice
Statistics bulletin

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Key points

This bulletin is an annual publication which summarises information about offenders subject to a restriction order (restricted patients, see next page for further details) admitted to, detained in or discharged from psychiatric hospitals (high secure and other hospitals in England and Wales which admit mentally disordered offenders). It includes figures for 1998-2008.

In 2008, the number of patients detained continued to increase as did the number admitted. This was in line with trends over the last decade. There was however a reduction in the number of those recalled to hospital.

Key figures include:

- 3,937 detained in hospital at the end of 2008, up one per cent on 2007;
- 1,501 admissions to hospital in 2008, up three per cent on 2007;
- The number admitted under restricted hospital orders increased slightly compared to 2007 figures from 333 to 343 (or 23% of total admissions). The number transferred from prison to hospital increased compared to 2007, to 926 (or 62% of total admissions);
- 1,255 discharges/disposals of restricted patients of whom 499 (or 40%) were discharged into the community in 2008;
- 190 restricted patients recalled to hospital after a conditional discharge, down 20 (or ten per cent) on 2007;
- 1,500 patients were discharged for the first time between 1999 and the end of 2006. Of the 1,331 matched cases (those located on the PNC), seven per cent of those re-offended within two years of discharge. Of those released and matched, two per cent re-offended for violent and sexual offences; one per cent for grave offences.

In future, the information in this bulletin will be published in a different format. The population, admissions and disposal data will be integrated into the annual Offender Management Caseload Statistics. The reconviction analysis will be part of a planned annual compendium publication on reoffending statistics, for which the consultation closed late January 2010.

For more information about the proposed changes and consultation visit www.justice.gov.uk/publications/statistics-comment.htm

Introduction

1 This bulletin provides information about mentally disordered offenders admitted to, detained in or discharged from hospitals (Notes 2-6) in England and Wales between 1998 and 2008 under mental health legislation (Notes 7, 8 and 9).

While the title of this bulletin mentions mentally disordered offenders, the specific focus here is on restricted patients. An offender can become a restricted patient by one of two main routes. An offender convicted for a serious offence may be ordered to receive hospital treatment instead of a prison sentence. When making the hospital order, the Court has the option of adding a restriction order for offenders posing a risk of serious harm to others. "Restricted patients" are subject to risk management by the Secretary of State for Justice. Alternatively, if the Court passes a prison sentence, it can simultaneously direct the offender's admission to hospital, or the offender can subsequently be transferred to hospital by the Secretary of State. These prisoners are usually made subject to restrictions. In addition, there are other groups of restricted patients, such as offenders transferred from prison service establishment while unsentenced or untried, or offenders who are unfit to plead.

Due to the complexities of data validation work it has not been possible to provide information on offence, period of stay or unrestricted hospital orders in this bulletin.

It is also important to note that the 2008 bulletin no longer includes tables categorising patients admitted to hospital in terms of their type of mental disorder. This categorisation was repealed by the Mental Health Act 2007 (Note 5).

Population of restricted patients

Figure 1 Restricted patients detained in hospital on 31 December by sex

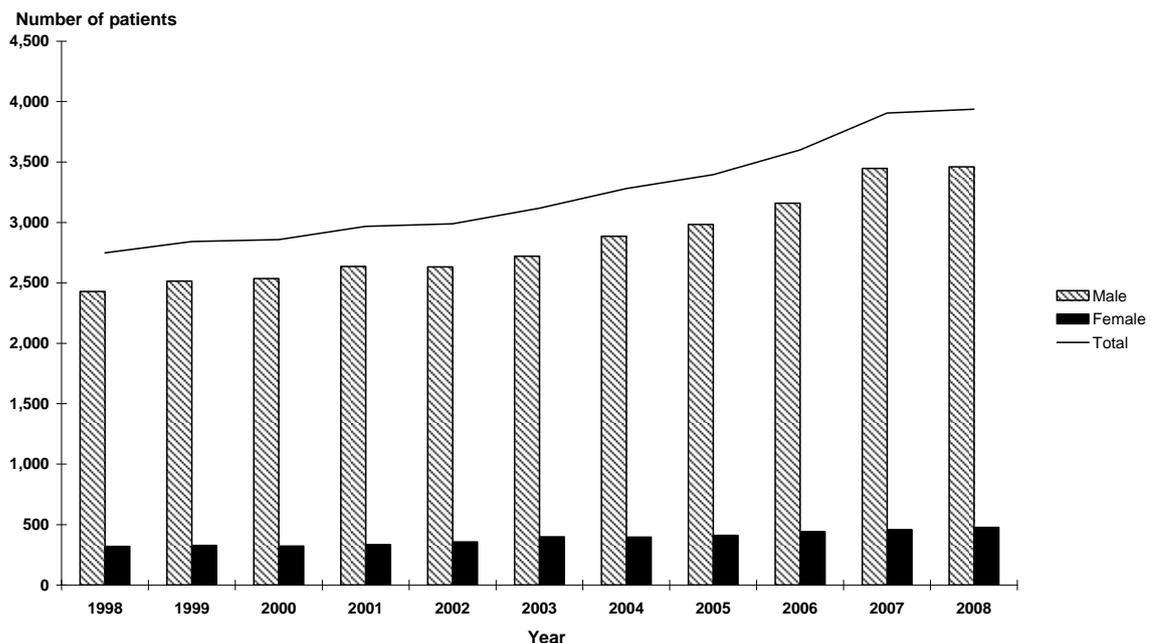


Table 1 Restricted patients detained in hospital by sex

England and Wales 31 December										Number of patients	
Sex	1998	1999	2000	2001	2002	2003	2004	2005 (1)	2006 (1)	2007 (1)	2008 (1)
Male	2,430	2,515	2,536	2,636	2,631	2,720	2,886	2,984	3,159	3,448	3,460
Female	319	327	322	333	358	398	396	411	442	458	477
All patients	2,749	2,842	2,858	2,969	2,989	3,118	3,282	3,395	3,601	3,906	3,937

(1) Figures for 2005, 2006, 2007 and 2008 were derived from a manual matching procedure (See Note 10).

2 Table 1 shows that there were 3,937 restricted patients detained in hospitals on 31 December 2008. This represents a one per cent increase on the 2007 figure and the highest figure for the last decade. There has been a general increase in the number of restricted patients detained over the last ten years. However, the increase in 2008 has been the smallest since 2002.

3 There were 477 female restricted patients detained in hospital at the end of 2008, an increase of four per cent on the 2007 figure. There were 3,460 male restricted patients detained in hospital in 2008, an increase of less than one per cent (0.3%) on the 2007 figure. The proportion of female and male restricted patients has remained about the same between 1998 and 2008 (11-13% for females and 87-89% for males).

4 The 2008 female total consists of 30 females detained in high secure hospitals (6%) and 447 females in other hospitals (94%) (See Note 4 for a definition of hospital type). The total number of males in hospital at the end of 2008 consists of 577 males in high secure hospitals (17%) and 2,883 males in other hospitals (83%).

Table 2 Restricted patients detained in hospital by legal category⁽¹⁾

England and Wales 31 December								Number of patients			
Legal category	1998	1999	2000	2001	2002	2003	2004	2005 ⁽²⁾	2006 ⁽²⁾	2007 ⁽²⁾	2008 ⁽²⁾
<i>Transferred from Prison Service establishment after sentence</i>	402	385	386	402	410	489	505	561	627	684	703
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	168	151	151	160	141	174	189	218	175	284	234
All transferred from prison	570	536	537	562	551	663	694	779	802	968	937
Hospital order with restriction order	1,758	1,852	1,860	1,910	1,939	1,909	1,978	2,344	2,492	2,624	2,678
Recalled after conditional discharge	266	287	285	287	270	308	351	-	-	-	-
Transferred from Scotland, Northern Ireland etc	3	3	3	3	3	3	3	2	3	8	7
Unfit to plead	110	120	124	152	170	180	205	212	234	244	255
Not guilty by reason of insanity	25	23	28	34	39	37	35	42	51	46	47
Hospital and limitation direction	-	5	7	10	9	11	10	11	14	16	13
Other	17	16	14	11	8	7	6	5	5	0	0
All legal categories	2,749	2,842	2,858	2,969	2,989	3,118	3,282	3,395	3,601	3,906	3,937

(1) See Note 7 for details of the legislation.

(2) Detained figures for 2005; 2006, 2007 and 2008 do not show the category of 'recalled after conditional discharge' as was used in previous bulletins. Figures are now included under the appropriate legal category which resulted in the majority of patients being included under 'Hospital order with restriction order'. This category can therefore not be compared to previous years and trends cannot be measured (It should not be assumed that the 'recalled' category can be added to the 'hospital order' category for previous years figures as we are unable to backdate figures).

5 Table 2 profiles restricted patients detained in hospital in terms of legal category. Legal category refers to the particular section of mental health legislation under which patients are detained (see Notes 7, 8 and 9 for details of the legislation). In producing the 2005, 2006, 2007 and 2008 figures, the numbers which would have appeared under the 'recalled after conditional discharge' category have been re-allocated under the appropriate legal category. This is because 'recalled after conditional discharge' is not the legislation that the patient is held under. This led to the majority of these patients being included under the 'hospital order with restriction order' category. Therefore, 'hospital order with restriction order' figures for 2005 to 2008 are not comparable to years prior to 2005 and accordingly trends in data cannot be measured over the last ten years.

6 There were 937 patients detained following transfer from prison (either after sentence or while unsentenced or untried). This represents a three per cent decrease on the 2007 figure, which was the highest in the last decade. Transfers from prison accounted for between 18% and 25% of the total detained restricted patient population between 1998 and 2008. In 2008, the figure was 24%.

Table 3 Restricted patients detained in hospital by age and sex

	England and Wales 31 December				Number of patients
	Age on 31 December 2008				
	20 and under	21-39	40-59	60+	All ages
Male	104	1,668	1,392	296	3,460
Female	18	243	199	17	477
All patients	122	1,911	1,591	313	3,937

7 Table 3 shows that most detained patients detained at the end of 2008 were aged between 21 and 59 years (49% were aged between 21-39 and 40% were aged between 40-59).

Admissions of restricted patients

Table 4 Restricted patients admitted⁽¹⁾ to hospital by type of hospital and sex

England and Wales 31 December		Number of patients										
Type of hospital	Sex	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
High secure hospital ⁽²⁾	Male	105	98	80	78	71	90	123	104	107	81	109
	Female	12	19	14	10	6	11	7	8	4	3	1
	All patients	117	117	94	88	77	101	130	112	111	84	110
Other hospital ⁽²⁾	Male	871	909	800	821	823	858	1,095	1,109	1,172	1,215	1,212
	Female	103	93	78	88	106	127	104	129	157	159	179
	All patients	974	1,002	878	909	929	985	1,199	1,238	1,329	1,374	1,391
All hospitals	Male	976	1,007	880	899	894	948	1,218	1,213	1,279	1,296	1,321
	Female	115	112	92	98	112	138	111	137	161	162	180
	All patients	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440	1,458	1,501

(1) These figures include those admitted more than once in the year.

(2) See Note 4 for definition.

8 After an initial fall in 2000, as shown in Table 4, admissions of restricted patients to hospital have increased from 972 in 2000 to 1,501 in 2008. The number of admissions in 2008 was three per cent higher than in 2007 and the highest for the last decade. The number of admissions to high secure hospitals was 110 in 2008 compared to 84 in 2007. In comparison there were 1,391 admissions to other hospitals, an increase of one per cent compared with the previous year and the highest figure over the last decade. The proportion of restricted patients admitted to other hospitals has remained between 89% and 94% between 1998 and 2008. (See Note 11 for the definition of an admission.)

Table 5 Restricted patients admitted⁽¹⁾ to hospital by legal category⁽²⁾

England and Wales 31 December										Number of patients	
Legal category	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<i>Transferred from Prison Service establishment after sentence</i>	258	267	270	222	223	296	346	356	421	394	442
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	481	464	392	413	421	426	485	478	473	479	484
All transferred from prison	739	731	662	635	644	722	831	834	894	873	926
Hospital order with restriction order	248	259	212	237	216	198	288	292	303	333	343
Recalled after conditional discharge	74	87	65	69	83	121	149	187	196	210	190
Transferred from Scotland, Northern Ireland etc	-	-	-	-	-	-	-	-	1	2	3
Unfit to plead	24	28	22	46	50	39	51	31	32	31	30
Not guilty by reason of insanity	6	6	8	7	9	2	8	4	10	4	7
Hospital and limitation direction	-	8	3	3	3	4	2	2	4	5	2
Other	-	-	-	-	1	-	-	-	-	-	-
All legal categories	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440	1,458	1,501

(1) These figures include those admitted more than once in the year.

(2) See Note 7 for details of sections of the legislation.

9 Table 5 shows legal categories for restricted admissions to hospital. In 2008, there were 926 transfers from prison to hospital, this represents a six per cent increase on the 2007 figure. Of these, 442 were transferred after sentence and 484 were transferred while unsentenced or untried. Transfers from prison accounted for 62% of all admissions of restricted patients to hospital in 2008, which although two percentage points higher than the previous year is still among the lowest percentages for the previous 10 years.

10 The number admitted under restricted hospital orders increased compared to 2007 from 333 to 343 admissions (a three per cent increase). This represents 23% of total admissions in 2008 (this figure fluctuated between 18% and 24% between 1998 and 2008).

11 The number of patients recalled in 2008 after a conditional discharge was 190, a decrease of 20 (or ten per cent) on the previous year. However, despite the recent fall in recalls, the general trend shows an increase in recalls over the past decade. Recalls represented 13% of the total admissions to hospital in 2008. Although the 'Recalled after conditional discharge' category has been removed from population tables, the category has been kept separate in the admission tables for information purposes. Patients are recalled when it is considered that their mental condition is leading to unacceptable risk in the community and in-patient treatment is deemed necessary.

Discharges and disposals of restricted patients

Table 6 Discharges and disposals⁽¹⁾ of restricted patients, by type

England and Wales		Number of discharges/disposals									
Type of discharge	1998	1999	2000	2001	2002 ⁽²⁾	2003	2004	2005 ⁽⁵⁾	2006	2007	2008
Discharge into the community											
Discharged conditionally under a warrant issued by the Secretary of State	34	34	23	27	24	32	43	77	51	80	74
Discharged conditionally by tribunal	173	162	212	196	223	263	259	280	309	288	333
Absolute discharges (first discharged) into the community	6	9	7	13	22	22 ⁽³⁾	15	5 ⁽⁴⁾	9	6 ⁽⁶⁾	14 ⁽⁷⁾
Discharges from court (S48(2)(a) and (b)) into the community	119	100	83	84	95	64	87	80	85	68	61
Other discharges into the community	17	20	15	14	14	16	13	27	18	20	17
All discharges into the community	349	325	340	334	378	397	417	469	472	462	499
Disposals (not discharged into the community)											
Remained in hospital no longer subject to restrictions	119	129	112	94	94	81	141	164	202	203	186
Returned to custody to resume sentence	93	130	100	84	100	96	135	113	164	154	167
Remission of untried/unsentenced prisoners	35	40	32	40	55	54	54	47	58	60	66
Disposal at court (S48(2)(a) and (b)) not into the community	300	337	234	247	256	241	284	309	334	291	296
Died	32	29	27	24	23	23	25	26	25	49	34
Other	3	1	4	5	8	3	4	5	11	17	7
All disposals (not discharged into the community)	582	666	509	494	536	498	643	664	794	774	756
All discharges and disposals	931	991	849	828	914	895	1,060	1,133	1,266	1,236	1,255

(1) See Note 6 for definition; may include a small number of cases with more than one disposal in the year.

(2) 2002 figures are revised from those published in Bulletin 14/03

(3) In addition, 96 patients were granted absolute discharge in 2003 following a previous conditional discharge. Seventy-one (or 74 per cent) of these patients were first conditionally discharged between 1997 and 2002.

(4) In addition, 73 patients were granted absolute discharge in 2005 following a previous conditional discharge. Fifty-three (or 73 per cent) of these patients were first conditionally discharged between 1999 and 2005.

(5) Figures for 2005 were derived following a manual matching procedure after inaccuracies were revealed during validation, however the impact was small and figures can therefore be compared to previous years.

(6) In addition, 82 patients were granted absolute discharge in 2007 following a previous conditional discharge.

(7) In addition, 83 patients were granted absolute discharge in 2008 following a previous conditional discharge.

12 Table 6 concerns the discharges/disposals of restricted patients from psychiatric hospitals. It shows that a total of 1,255 patients were discharged or 'disposed' of (Note 6 defines these terms) in 2008, 19 or two per cent more than the number in 2007 (1,236). Of the 1,255 total discharges/disposals, 499 or 40% constituted discharges into the community compared to 60% who were not discharged into the community. Of the 499 discharges into the community, 407 were conditional discharges which represented 82% of those discharged into the community (32% of total discharges and disposals). A conditional discharge may be authorised by either the Secretary of State or a Mental Health Review Tribunal (Note 9). Most conditional discharges are authorised by Tribunal rather than by the Secretary of State. (This fluctuated between 78% and 90% between 1998 and 2008. The figure was 82% in 2008).

13 Of the 756 disposals (or 60%) who were not discharged into the community, 186 (or 25%) remained in hospital no longer subject to restrictions. A further 233 patients (or 31%) were returned to custody, of whom 167 were sentenced prisoners and 66 were unsentenced/untried.

Reconvictions of restricted patients

Table 7 Restricted patients⁽¹⁾ re-offending within 2 years⁽²⁾

England and Wales			Number and percentage of persons			
Year of first discharge	Total number of persons first discharged ⁽²⁾	Persons re-offended since first release	Percentage of total number of persons first released and matched			
		Grave Offences	All Offences ⁽³⁾	Grave offences	All offences ⁽³⁾	
		2 years	2 years	2 years	2 years	
	1st discharged	matched on PNC				
1999-2006	1,500	1,331	14	87	1%	7%
Discharged by Mental Health Review Tribunal						
1999-2006	1,299	1,159	14	81	1%	7%
Discharged with consent of Secretary of State						
1999-2006	201	172	0	6	0%	4%

- (1) This table shows re-offending data for patients' first discharge only under Section 66 of the Mental Health Act 1959 or Section 42 or 73 of the Mental Health Act 1983.
- (2) The method for calculating re-offending figures is outlined in Note 12. Due to a revised matching approach, figures may differ from previous bulletins.
- (3) Includes grave offences. Grave offences are a subset of offences defined as all indictable only offences for which the maximum sentence is life imprisonment plus arson not endangering life (which is triable either way). Grave offences are mainly offences of homicide, serious wounding, rape, buggery, robbery, aggravated burglary and arson.

14 Due to the small numbers re-convicted for an offence within a two year follow-up period and the relatively small number of patients discharged for the first time in any given year, yearly breakdowns have been combined. One thousand five hundred patients were discharged for the first time (first conditional discharge only) between 1999 and the end of 2006. Of the 1,331 matched cases, those located on the Police National Computer (PNC), fewer than 1 in 10 (7 per cent) of these re-offended within 2 years of discharge. Of those released and matched, the re-offending figure for grave offences was one per cent (Note 12).

15 Caution should be exercised when interpreting re-offending data. It is important to note that re-offending data represent only those patients first discharged and matched on the PNC, and therefore do not capture all patients discharged into the community in a given year or take into account recalls.

16 Additional analysis of the database for Mentally Disordered Offenders showed that of the 223 patients released for the first time in 2006, 61 had been recalled and 3 had died within the two year follow-up period. So in effect 29% of those released for the first time in 2006 were not actually in the community and did not have the 'opportunity to re-offend' for the whole period. Twenty-eight of the 61 people were recalled within one year of release.

17 Earlier bulletins had presented actual versus expected reconviction rates for violent and sexual offences. The expected rates were created using a formula that was applicable to the Offenders Index. An equivalent formula that applies to data from the PNC for a similar offending population is not available. Therefore expected rates cannot be presented within this publication.

Table 7a Restricted patients⁽¹⁾ actual re-offending rates for violent and sexual offences⁽²⁾

England and Wales			Number and percentage of persons	
Year of first discharge	Total number of persons first discharged ⁽³⁾		Number of persons re-offended within two years of first release	
	discharged	matched on PNC	Sexual or violent offences ⁽²⁾	
			Numbers re-offended	Percentage re-offended
1999-2006	1,500	1,331	25	2%

(1) This table shows re-offending data for patients' first discharge only under Section 66 of the Mental Health Act 1959 or Section 42 or 73 or the Mental Health Act 1983.

(2) Figures for violent and sexual offences use the definitions from appendix 3 of '*Criminal Statistics England and Wales 2003*'. Briefly, these offences include homicide, endangering life, robbery, kidnapping, child abduction, cruelty or neglect of children, abandoning child under 2 years, concealment of birth, buggery, rape, indecent assault, incest, procreation, abduction, bigamy and gross indecency with children. These may differ slightly from the offences defined in appendix 2 of the 2005 Home Office Statistical Bulletin '*Crime in England and Wales 2004/2005*'.

(3) The method for calculating re-offending figures is outlined in Note 12. Due to a revised matching method, figures may differ from earlier bulletins.

18 Due to the small numbers re-convicted for a sexual or violent offence within a two year follow-up period, and the relatively small number that are discharged for the first time in any given year, yearly breakdowns have been combined. Table 7a shows, of the 1,331 matched cases (those located on the PNC), the re-offending figure within two years of discharge for violent and sexual offences was two per cent.

Explanatory notes

1 This is a National Statistics publication produced by the Ministry of Justice. National Statistics are produced to high professional standards set out in the National Statistics Code of Practice. They undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free from any political interference.

2 The information in this bulletin relates to restricted patients in England and Wales. Tables 1-6 cover admissions subject to restriction orders and directions under the mental health legislation. Such patients could not be discharged from hospital during the period covered in this bulletin without the consent of the Secretary of State or the Mental Health Review Tribunal or, after 3 November, the First-tier Tribunal (Mental Health).

Background information

3 The term 'mentally disordered offenders' in this bulletin refers to persons who have been compulsorily admitted to hospital under Part V of the Mental Health Act 1959, Part III of the Mental Health Act 1983 or the Criminal Procedure (Insanity) Act 1964 as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 or the Domestic Violence, Crime and Victims Act 2004 (whose provisions came into force on 31 March 2005) (see Legislative Framework below). The 1983 Act was amended by the Mental Health Act 2007, whose provisions were implemented in stages culminating on 3 November 2008. The significance of the changes is dealt with in paragraph 5 below, in terms of the abolition of the four categories of mental disorder in favour of a single definition.

4 Mentally disordered offenders are liable for detention in psychiatric hospitals. High secure hospitals hold patients detained under mental health legislation, who require treatment under conditions of high security because of their dangerous, violent or criminal propensities. There are three high secure hospitals, Ashworth, Broadmoor and Rampton. In this bulletin, the term other hospital refers to any other psychiatric hospital in England and Wales, which admits mentally disordered offenders as well as other patients.

5 The 2008 bulletin no longer includes tables categorising patients by mental disorder. Previously reported data on type of mental disorder are therefore no longer collected and published. This led to the omission of the type of mental disorder category in the current Table 3. Part or all of Tables 3, 7, and 8 of the 2007 bulletin were excluded from the current bulletin (i.e. Table 3 Restricted patients detained in hospital by legal category and type of mental disorder, Table 7 Restricted patients admitted to hospital by type of mental disorder, and Table 8 Restricted patients admitted to hospital by legal category and type of mental disorder).

6 The term discharge refers to release into the community, by whatever means, with or without restrictions. Discharge could be ordered by either the Secretary of State or the Mental Health Review Tribunal (which was an independent body with discharge powers separate from those of the Secretary of

State). Under the Health and Social Care Act 2008, the Mental Health Review Tribunal was replaced by the First Tier Tribunal – Mental Health. Conditional discharge means that the patient remains liable to detention in hospital and may be recalled by the Secretary of State. The term disposal covers all other outcomes and movements (e.g. returns to custody) other than a transfer to another hospital in England and Wales.

Legislative framework

7 The key legislation affecting this bulletin includes the Mental Health Act 1959, the Mental Health Act 1983, as amended by the Mental Health Act 2007 and the Criminal Procedure (Insanity) Act 1964 as amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and the Domestic Violence, Crime and Victims Act 2004 (which came into force on 31 March 2005). The 1959 Act was amended by the Mental Health (Amendment) Act 1982 and was then consolidated by the 1983 Act which was largely implemented on 30 September 1983. The provisions of the two Mental Health Acts are similar and references below are to the 1983 Act only. In terms of admissions, the 1983 Act provides for:

- i. the diversion to hospital by the courts of convicted offenders who satisfy certain conditions (sections 37(1) & (2)) by making a hospital order. This may be with or without a restriction order under section 41, which has the effect of requiring the Secretary of State's consent on all matters relating to leave of absence, transfer or discharge, except where the Tribunal orders discharge;
- ii. the admission of an unconvicted offender to hospital by the magistrates' courts where they are satisfied that the person concerned meets the criteria for admission and has done the act or made the omission with which charged (section 37(3));
- iii. the imposition of a hospital order on unsentenced prisoners in their absence and without conviction for an offence (section 51(5));
- iv. the recall to hospital, by order of the Secretary of State, of patients subject to restriction orders who were conditionally discharged (section 42(3));
- v. the court to impose a prison sentence on a convicted offender together with a direction for immediate admission to hospital, subject to restrictions (hospital and limitation direction under section 45A);
- vi. the transfer to hospital, by order of the Secretary of State, of prisoners serving a sentence in a Prison Service establishment (section 47). Under section 49 these patients can be made subject to a restriction direction, which has the same effect as a restriction order under section 41;
- vii. the transfer to hospital, by order of the Secretary of State, of an unsentenced or untried defendant in criminal proceedings who is held in a Prison Service establishment (section 48). In this case a restriction direction is mandatory. Civil prisoners and persons detained under the Immigration Act 1971 may also be admitted under this section, but restrictions are not mandatory;
- viii. the transfer of patients from one part of the United Kingdom, Channel Islands or the Isle of Man to another. Those transferred to England and Wales are treated as if they had been admitted to hospital under the Act, so that some of them will, in effect, be subject to restricted hospital orders (part VI).

8 Section 2 of the Trial of Lunatics Act 1883 enables juries to return a verdict of acquittal on grounds of insanity, and Section 4 of the Criminal Procedure (Insanity) Act 1964, as substituted by Section 2 of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and amended by section 22 of the Domestic Violence, Crime and Victims Act 2004 enables the court without a jury to find a defendant unfit to plead. The 2004 Act also gives courts a range of disposal options ranging from a hospital order with restrictions to an absolute discharge.

9 In relation to disposals and discharges the Mental Health Act 1983 provides for:

- i. the removal of a restriction order by the Secretary of State so that the hospital order continues unrestricted (section 42(1));
- ii. the discharge of a patient with a restriction order, either conditionally or absolutely, by the Secretary of State, and the termination of the restriction order where discharge is absolute (section 42(2));
- iii. the return to Prison Service establishments of sentenced prisoners (section 50(1)a);
- iv. the return of unsentenced prisoners to a Prison Service establishment to await court action where the Secretary of State or the court is satisfied that they no longer require treatment or no effective treatment is available (sections 51(3) & (4) respectively);
- v. the transfer direction ceases to have effect in respect of untried prisoners at the end of their remand period, unless they are subject to further remand or committal for trial (section 52(2));
- vi. the direction or recommendation by the First-tier Tribunal (Mental Health), of the discharge of a patient either conditionally or absolutely (sections 72-74);
- vii. the absolute discharge by the First-tier Tribunal (Mental Health) of a conditionally discharged patient (section 75).

Sources of information

10 The information provided in this bulletin comes mainly from the Mental Health Casework Section system which was introduced in 1993.

In producing the 2005 bulletin some problems were encountered which led to a manual matching approach being undertaken to produce tables 1-9. This led to the exclusion of data relating to offence, period of stay, type of hospital (in population tables) and unrestricted hospital orders (for further explanation see bulletin 05/07).

The 2007 bulletin (tables 1-9) was produced using the Ministry of Justice, Mental Health Unit casework system, monthly extracts taken from the casework system; and data validation work was undertaken using yearly returns from a sample of hospitals. Similar validation was undertaken for the 2008 bulletin, using yearly returns from the high secure hospital sites (detailing admissions, disposals and population as at 31st December 2008).

This data validation work is undertaken in order to improve the accuracy of the data. However, quality assurance work is ongoing in terms of offence data and as a result it has not been possible to provide information relating to offence in this bulletin. It has also not been possible to re-introduce information relating to period of stay or unrestricted hospital orders.

Definition of an admission

11 For the purpose of this bulletin an 'admission' refers to the date of the detention authority, whether made by the sentencing court or the Mental Health Casework Section on behalf of the Secretary of State (which tends to coincide with the date a patient is physically admitted to hospital) and/or where a patient's legal category changes. In some cases, a patient may appear to have been admitted or discharged more than once within a given year, although he/she may not have physically moved. In particular, patients transferred from prison to hospital while unsentenced or untried can reappear in the figures as admitted under restricted hospital orders. Transfers *between* hospitals in England and Wales are not counted within the admission tables in the bulletin, unless the patient's legal category has also changed.

Re-offending figures

12 The re-offending information in this bulletin is derived from the Ministry of Justice's copy of the Police National Computer (PNC), a database which records information on all offences which are prosecuted by the Police. Grave offences are a subset of offences defined as all indictable-only offences for which the maximum sentence is life imprisonment plus arson not endangering life (which is triable either way). Grave offences are mainly offences of homicide, serious wounding, rape, buggery, robbery, aggravated burglary and arson.

In 2006, the method for calculating re-offending data was altered in two ways. First, up until this point, figures had been calculated using the Offenders Index (OI). However, in line with other Ministry of Justice statistical publications, figures are now being calculated using the PNC which gives greater offence coverage. Second, up until this point, reconviction figures had been used so that an offender was considered to have been reconvicted if the offence and the conviction occurred within a specified period of time. However, in line with other Ministry of Justice publications **re-offending** figures are now being used, so that an offender is considered to have **re-offended** if the offence occurs within a specified period of time, even if the conviction occurs subsequent to that period. Both the change in data source from the OI to PNC and the change in definition from reconviction to re-offending were considered to have achieved a more comprehensive measure of recidivism, but as a result, figures may differ from those which appeared in pre-2006 bulletins.

The presentation of re-offending data was also amended in the 2006 bulletin, due to both the relatively small numbers released for the first time in any given year and the small re-offending rates within a two year follow-up period. **NB. Re-offending data represent only those patients first discharged and matched on the PNC, and therefore do not capture all patients discharged into the community in a given year or take into account recalls.**

Rounding and accuracy

13 Although care has been taken in compiling the figures in this bulletin a degree of inaccuracy is inherent in all statistical recording systems. Figures are generally shown to the last digit to provide a comprehensive record of the information collected but are not necessarily accurate to the last digit shown. Where percentages are given, they may not add exactly to 100 because of independent rounding.

Symbols and conventions

14 The following symbols have been used throughout the tables this bulletin:

- = Not applicable
- 0 = Nil

Other sources of statistics

15 Statistics of mentally disordered offenders within the criminal justice system and of other mentally disordered patients in hospitals are available from other sources. Statistics on all patients formally admitted or detained for psychiatric care under the 1983 Mental Health Act in England are available from The Information Centre for Health & Social Care in an annual publication. However figures are not directly comparable due to different collation processes used in the two bulletins. The Information Centre bulletin includes information on:

- i. accused persons remanded to hospital for report (section 35) or treatment (section 36);
- ii. warrants to search for and remove a patient to a place of safety (section 135);
- iii. removal by police from a public place to a place of safety (section 136).

The most recent publication can be found at:

www.ic.nhs.uk/statistics-and-data-collections/mental-health/mental-health-act/in-patients-formally-detained-in-hospitals-under-the-mental-health-act-1983-and-patients-subjects-to-supervised-community-treatment:-1998-99-to-2008-09

16 In addition,

Ministry of Justice figures on community rehabilitation orders and community punishment and rehabilitation orders (for offences committed before 4 April 2005) with a condition of mental treatment (residential or non-residential) made under section 3 of the Powers of Criminal Courts Act 1973 and community orders (for offences committed on or after 4 April 2005) with a mental health requirement made under section 207 of the Criminal Justice Act 2003 are published in an annual volume 'Offender Management Caseload Statistics, England and Wales'.

The publication can be downloaded from:

www.justice.gov.uk/publications/prisonandprobation.htm

Contact points for further information

17 This bulletin was prepared by the Partnerships and Health Strategy Unit within the Ministry of Justice, in collaboration with JSAS (Justice Statistics Analytical Services) colleagues. In addition, the lead researcher would also like to thank the Mental Health Casework Section.

Previously published bulletins on mentally disordered offenders can be downloaded from:

www.justice.gov.uk/publications/statistics.htm

www.homeoffice.gov.uk/rds

Spreadsheet files of the tables contained in this document are also available for download from this address:

www.justice.gov.uk/publications/mentally-disordered-offenders.htm

Similar figures for Mentally Disordered Offenders in Scotland are available from the Mental Welfare Commission for Scotland website:

http://reports.mwscot.org.uk/annual_monitoring/overview2008-2009/annualreport2008-2009.aspx

Other publications can be downloaded from the Ministry of Justice website:

www.justice.gov.uk/publications/statistics.htm

General information about official statistics is available from:

www.statistics.gov.uk

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