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Statistics of Mentally Disordered Offenders 2006

England and Wales

7 December 2007

MAIN POINTS

This bulletin is an annual publication which summarises information about people subject to a restriction order (restricted patients) admitted to, detained in or discharged from psychiatric hospitals (*high security* and *other* hospitals in England and Wales which admit mentally disordered offenders). It includes figures for the period 1996-2006.

Many of the figures for 2006 are the highest observed in the last decade. This includes:

- 3,601 in hospital at the end of 2006, up 6 per cent on 2005;
- 1,440 admissions to hospital in 2006, up 7 per cent on 2005;
- 1,266 discharges/disposals of restricted patients of whom 472 (or 37%) were discharged into the community in 2006.
- 802 patients detained at the end of 2006 following transfer from prison, up 3 per cent on 2005.
- 196 restricted patients recalled to hospital after a conditional discharge, up 9 (or 5%) on 2005. Recalls represent 14 per cent of total admissions to hospital in 2006.

In addition:

- 74 per cent of those detained were diagnosed as having a mental illness (with or without other disorders). A further 13 per cent were diagnosed as having psychopathic disorder.
- The number admitted under restricted hospital orders increased slightly compared to 2005 figures at 303 (or 21% of total admissions), as did the number transferred from prison to hospital at 894 (or 62% of total admissions).
- 1,052 patients were discharged for the first time between 1999 and the end of 2004. Of the 901 matched cases (those located on the PNC), fewer than 1 in 10 (7%) of those re-offended within 2 years of discharge. Of those released and matched, 2% re-offended for violent and sexual offences; 1% for grave offences (See Note 11).

Introduction

1 This bulletin provides information about restricted patients admitted to, detained in or discharged from hospitals (Note 3) in England and Wales between 1996 and 2006 under mental health legislation (Notes 6, 7 and 8).

- Owing to the complexities of data validation work it has not been possible to provide information relating to *offence, period of stay and unrestricted hospital orders* in this bulletin.

Population of restricted patients – Total numbers detained

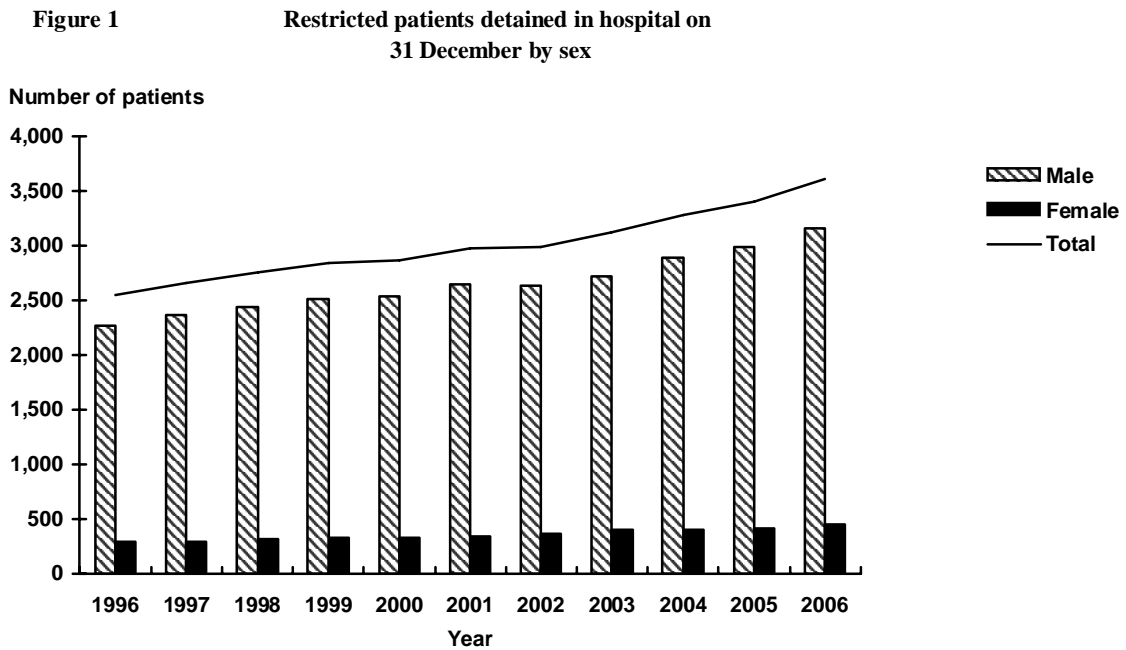


Table 1 Restricted patients detained in hospital by sex

England and Wales 31 December		Number of patients										
Type of hospital	Sex	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005 (2)	2006 (2)
All hospitals ⁽¹⁾	Male	2,259	2,358	2,430	2,515	2,536	2,636	2,631	2,720	2,886	2,984	3,159
	Female	290	292	319	327	322	333	358	398	396	411	442
	All patients	2,549	2,650	2,749	2,842	2,858	2,969	2,989	3,118	3,282	3,395	3,601

(1) See Note 3 for definition.

(2) Figures for 2005 and 2006 were derived from a manual matching procedure (See Note 9).

2 Table 1 shows that there were 3,601 restricted patients detained in hospitals on 31 December 2006 (Note 3). This represents a 6 per cent increase on the 2005 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.

3 There were 442 female restricted patients detained in hospital in 2006, an increase of 8 per cent on the 2005 figure. However despite the increase in numbers, the proportion of female restricted patients has remained between 11 and 13 per cent of the hospital population between 1996 and 2006. The 2006 female total consists of 56 females in *high security* hospitals (13%) and 386 females in *other* hospitals (87%) (See Note 3 for a definition of hospital type).

4 The total number of males in hospital in 2006 consists of 650 males in *high security* hospitals (21%) and 2,509 males in *other* hospitals (79%). Type of hospital figures were excluded from the 2005 bulletin (population tables only) as during validation work some inaccuracies in the data were revealed. As a result it is not possible to compare the 2006 type of hospital figures (*high security* and *other*) to figures presented in table 1 of previous bulletins.

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

England and Wales 31 December

Legal category	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005 ⁽²⁾	2006 ⁽²⁾
Hospital order with restriction order	1,626	1,680	1,758	1,852	1,860	1,910	1,939	1,909	1,978	2,344	2,492
<i>Transferred from Prison Service establishment after sentence</i>	389	368	402	385	386	402	410	489	505	561	627
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	181	178	168	151	151	160	141	174	189	218	175
All transferred from prison	570	546	570	536	537	562	551	663	694	779	802
Recalled after conditional discharge	213	277	266	287	285	287	270	308	351	-	-
Transferred from Scotland, Northern Ireland etc	3	3	3	3	3	3	3	3	3	2	3
Unfit to plead	93	103	110	120	124	152	170	180	205	212	234
Not guilty by reason of insanity	25	23	25	23	28	34	39	37	35	42	51
Hospital and limitation direction	-	-	-	5	7	10	9	11	10	11	14
Other	19	18	17	16	14	11	8	7	6	5	5
All legal categories	2,549	2,650	2,749	2,842	2,858	2,969	2,989	3,118	3,282	3,395	3,601

(1) See Note 6 for details of the legislation.

(2) Detained figures for 2005 and 2006 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 6, 7 and 8 for details of the legislation). In producing the 2005 and 2006 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 and 2006 are not comparable to years prior to 2005 and therefore trends in data cannot be measured.

6 There were 802 patients detained following transfer from prison (either after sentence or while unsentenced or untried). This represents a 3 per cent increase on the 2005 figure and the highest figure for the last decade. Transfers from prison accounted for 22 per cent of the total detained restricted patient population in 2006.

Table 3 Restricted patients detained in hospital by legal category and type of mental disorder⁽¹⁾

England and Wales 31 December 2006		Number of patients						
Legal category ⁽¹⁾	Mental illness	Mental illness with other disorders	Psycho-pathic disorder	Mental impairment	Mental impairment With psycho-pathic disorder	Severe mental impairment	Not Known	All mental disorders
Hospital order with restriction order	1,749	210	326	171	28	8	-	2,492
<i>Transferred from Prison Service establishment after sentence</i>	414	63	126	17	7	-	-	627
<i>Transferred from Prison Service establishment before sentence</i>	172	-	-	-	-	3	-	175
All transferred from prison	586	63	126	17	7	3	-	802
Transferred from Scotland, Northern Ireland, etc	1	-	1	-	-	-	1	3
Unfit to plead	39	5	-	7	-	2	181	234
Not guilty by reason of insanity	17	-	-	-	-	-	34	51
Hospital and limitation direction	-	-	14	-	-	-	-	14
Other	4	-	-	-	-	-	1	5
All legal categories	2,396	278	467	195	35	13	217	3,601

(1) See Note 4 for classification of mental disorder.

7 Table 3 profiles restricted patients detained in hospital in terms of legal category and type of mental disorder. As in previous years, most restricted patients detained in hospital at the end of 2006 were diagnosed as having a *mental illness (with or without other disorders)*, accounting for 74 per cent of the detained population (see Note 4). Thirteen per cent of detained patients were diagnosed as suffering from some form of psychopathic disorder (excluding psychopathic disorder with mental impairment).

Table 4 Restricted patients detained in hospital by type of mental disorder⁽¹⁾, age and sex

England and Wales 31 December 2006		Number of patients										
Type of mental disorder		Age on 31 December										Total
		20 and under		21-39		40-59		60+		All ages		
		M	F	M	F	M	F	M	F	M	F	
Mental illness		80	4	1058	123	867	87	167	10	2,172	224	2,396
Mental illness with other disorders		3	-	116	37	85	29	7	1	211	67	278
Psychopathic disorder		9	4	161	55	162	31	39	6	371	96	467
Mental impairment		6	-	85	11	71	11	11	-	173	22	195
Mental impairment with psychopathic disorder		1	-	19	4	9	2	-	-	29	6	35
Severe mental impairment		1	-	6	-	4	-	2	-	13	-	13
Not known		5	-	81	10	77	14	27	3	190	27	217
All mental disorders		105	8	1,526	240	1,275	174	253	20	3,159	442	3,601

(1) See Note 4 for classification of mental disorder.

8 Table 4 shows that most detained patients are aged between 21 and 59 years (49% are aged between 21-39 and 40% are aged between 40-59). In the 2005 and 2006 bulletins the breakdown of age categories has been amended from previous bulletins. The categories of 'under 17' and '17 to 20' have been combined to form the '20 and under' category due to the small number of patients in the under 17 category.

Admissions of restricted patients

Table 5 Restricted patients admitted⁽¹⁾ to hospital by type of hospital and sex

England and Wales		Number of admissions										
Type of hospital	Sex	1996	1997 ⁽³⁾	1998	1999	2000	2001	2002	2003	2004	2005	2006
High security hospital ⁽²⁾	Male	116	86	105	98	80	78	71	90	123	104	107
	Female	20	21	12	19	14	10	6	11	7	8	4
	All patients	136	107	117	117	94	88	77	101	130	112	111
Other hospitals ⁽²⁾	Male	849	891	871	909	800	821	823	858	1,095	1,109	1,172
	Female	94	94	103	93	78	88	106	127	104	129	157
	All patients	943	985	974	1,002	878	909	929	985	1,199	1,238	1,329
All hospitals	Male	965	977	976	1,007	880	899	894	948	1,218	1,213	1,279
	Female	114	115	115	112	92	98	112	138	111	137	161
	All patients	1,079	1,092	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440

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

(2) See Note 3 for definition.

(3) Figures for 1997 were re-calculated in 2007, (Statistics of Mentally Disordered Offenders, 2006) and therefore differ from previous figures.

9 Since 1996, as shown in Table 5, admissions of restricted patients to hospital have fluctuated between 972 in 2000 and 1,440 in 2006. The number of admissions in 2006 was 7 per cent higher than in 2005 and the highest for the last decade. The number of admissions to *high security hospitals* was 111 in 2006, 1 fewer than the previous year. In comparison there were 1,329 admissions to *other hospitals*, an increase of 7 per cent compared with the previous year and the highest figure over the last decade. (See Note 10 for the definition of an admission.)

Table 6 Restricted patients admitted ⁽¹⁾ to hospital by legal category⁽²⁾

England and Wales		Number of admissions									
Legal category	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Hospital order with restriction order	243	218	248	259	212	237	216	198	288	292	303
<i>Transferred from Prison Service establishment after sentence</i>	264	251	258	267	270	222	223	296	346	356	421
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	481	495	481	464	392	413	421	426	485	478	473
All transferred from prison	745	746	739	731	662	635	644	722	831	834	894
Recalled after conditional discharge	74	106	74	87	65	69	83	121	149	187	196
Transferred from Scotland, Northern Ireland etc	-	-	-	-	-	-	-	-	-	-	1
Unfit to plead	12	17	24	28	22	46	50	39	51	31	32
Not guilty by reason of insanity	5	5	6	6	8	7	9	2	8	4	10
Hospital and limitation direction	-	-	-	8	3	3	3	4	2	2	4
Other	-	-	-	-	-	-	1	-	-	-	-
All legal categories	1,079	1,092	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440

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

(2) See Note 6 for details of sections of the legislation.

10 Table 6 shows legal categories for restricted admissions to hospital. In 2006, there were 894 transfers from prison to hospital, this represents a 7 per cent increase on the 2005 figure and the highest figure for the last decade. Of these, 421 were transferred after sentence and 473 were transferred while unsentenced or untried. Transfers from prison accounted for 62 per cent of all admissions of restricted patients to hospital in 2006.

11 The number admitted under restricted hospital orders increased slightly compared to 2005 from 292 to 303 admissions (a 4% increase). This represents 21 per cent of total admissions in 2006.

12 The number of patients recalled in 2006 after a conditional discharge was 196, an increase of 9 (or 5%) on the previous year and the highest number for the last decade. Recalls represent 14 per cent of the total admissions to hospital in 2006. 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.

Table 7 Restricted patients admitted⁽¹⁾ to hospital by type of mental disorder⁽²⁾

England and Wales		Number of admissions									
Type of mental disorder	1996	1997	1998	1999	2000	2001	2002	2003 (3)	2004	2005	2006
Mental illness	954	975	987	986	841	874	847	907	1,096	1,133	1,216
Mental illness with other disorders	31	25	23	23	35	22	38	27	49	53	76
Psychopathic disorder	47	38	35	40	39	39	51	72	91	99	94
Mental impairment	18	24	16	33	27	18	11	25	24	25	25
Mental impairment with psychopathic disorder	6	4	2	3	4	2	2	4	6	5	6
Severe mental impairment	3	4	-	-	3	3	-	4	-	3	9
Not known	20	22	28	34	23	39	57	47	63	32	14
All mental disorders	1,079	1,092	1,091	1,119	972	997	1,006	1,086	1,329	1,350	1,440

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

(2) See Note 4 for classification of mental disorder.

(3) Figures for 2003 were re-calculated in 2007, (Statistics of Mentally Disordered Offenders, 2006) and therefore differ from previous figures.

13 Table 7 shows the distribution of different types of mental disorder amongst restricted patient admissions. The proportion of admissions who were suffering from *mental illness (with or without other disorders)* has remained between 86 per cent and 93 per cent of restricted patient hospital admissions between 1996 and 2006 (90% in 2006).

Table 8 Restricted patients admitted to hospital by legal category⁽¹⁾ and type of mental disorder⁽²⁾

England and Wales 2006		Number of admissions						
Legal category ⁽¹⁾	Mental illness	Mental illness with other disorder	Psycho-pathic disorder	Mental impairment	Mental impairment with psycho-pathic disorder	Severe mental impairment	Not known	All mental disorders
Hospital order with restriction order	232	27	23	15	4	2	-	303
<i>Transferred from Prison Service establishment after sentence</i>	320	36	58	4	2	1	-	421
<i>Transferred from Prison Service establishment while unsentenced or untried</i>	468	-	-	-	-	5	-	473
All transferred from prison	788	36	58	4	2	6	-	894
Recalled after conditional discharge	162	11	9	5	-	-	9	196
Transferred from Scotland, Northern Ireland etc	-	-	-	-	-	-	1	1
Unfit to plead	25	2	-	1	-	1	3	32
Not guilty by reason of insanity	9	-	-	-	-	-	1	10
Hospital and limitation direction	-	-	4	-	-	-	-	4
Other	-	-	-	-	-	-	-	-
All legal categories	1,216	76	94	25	6	9	14	1,440

(1) See Note 6 for details of sections of the legislation.

(2) See Note 4 for classification of mental disorder.

14 Table 8 shows type of mental disorder and legal status of restricted patients admitted to hospital in 2006. Most restricted patients were diagnosed as having a *mental illness (with or without other disorders)* accounting for 90 per cent of total admissions in 2006. A further 7 per cent were diagnosed as suffering from *psychopathic disorder*. It should be noted that unsentenced or untried prisoners transferred from prison must be in urgent need of treatment and can only be classified as *mentally ill*, or having *severe mental impairment*.

Discharges and disposals of restricted patients

Table 9 Discharges and disposals⁽¹⁾ of restricted patients, by type

England and Wales		Number of discharges/disposals									
Type of discharge	1996	1997	1998	1999	2000	2001	2002 ⁽²⁾	2003	2004	2005 ⁽⁵⁾	2006
Discharge into the community											
Discharged conditionally under a warrant issued by the Secretary of State	35	29	34	34	23	27	24	32	43	77	51
Discharged conditionally by tribunal	136	163	173	162	212	196	223	263	259	280	309
Absolute discharges (first discharged) into the Community	10	5	6	9	7	13	22	22 ⁽³⁾	15	5 ⁽⁴⁾	9
Discharges from court (S48(2)(a) and (b)) into the community	95	110	119	100	83	84	95	64	87	80	85
Other discharges into the community	45	35	17	20	15	14	14	16	13	27	18
All discharges into the community	321	342	349	325	340	334	378	397	417	469	472
Disposals (not discharged into the community)											
Remained in hospital no longer subject to restrictions	120	128	119	129	112	94	94	81	141	164	202
Returned to custody to resume sentence	156	122	93	130	100	84	100	96	135	113	164
Remission of untried/unsentenced prisoners	31	46	35	40	32	40	55	54	54	47	58
Disposal at court (S48(2)(a) and (b)) not into the community	299	275	300	337	234	247	256	241	284	309	334
Died	21	18	32	29	27	24	23	23	25	26	25
Other	4	9	3	1	4	5	8	3	4	5	11
All disposals (not discharged into the community)	631	598	582	666	509	494	536	498	643	664	794
All discharges and disposals	952	940	931	991	849	828	914	895	1,060	1,133	1,266

(1) See Note 5 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.

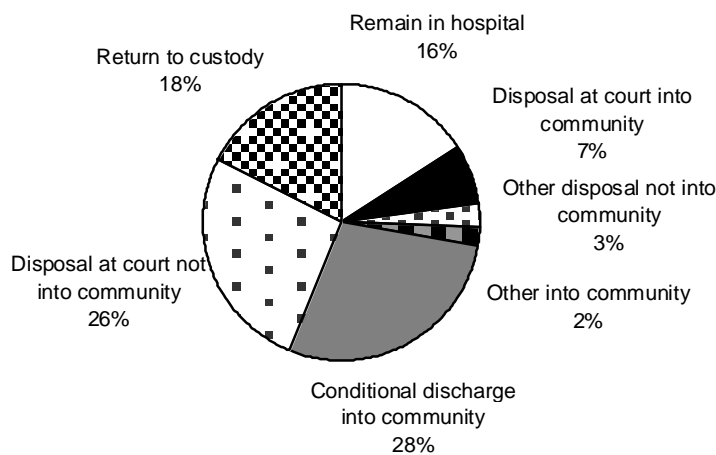
(5) Figures for 2005 were derived following a manual matching procedure after inaccuracies were revealed during validation, however the impact was small and figures can therefore be compared to previous years.

15 Table 9 concerns the discharges/disposals of restricted patients from psychiatric hospitals. It shows that a total of 1,266 patients were discharged or 'disposed' of (Note 5 defines these terms) in 2006, 133 or 12 per cent more than the number in 2005 (1,133) and the highest figure for the last decade. Of the 1,266 total discharges/disposals, 472 or 37 per cent constituted discharges into the community compared to 63 per cent who were not discharged into the community.

Of the 472 discharges into the community, 360 were conditional discharges which represented 76 per cent of those discharged in to the community (28% of total discharges and disposals). A conditional discharge may be authorised by either the Secretary of State or a Mental Health Review Tribunal (Note 8). Most conditional discharges are authorised by Tribunal rather than by the Secretary of State. (This fluctuated between 78% in 2005 to 90% in 2000 and 2002. The figure was 86% in 2006).

16 Of the 794 disposals (or 63%) who were not discharged into the community, 202 (or 25%) remained in hospital no longer subject to restrictions. A further 222 patients (or 28%) were returned to custody, of who 164 were sentenced prisoners and 58 were unsentenced/untried. Figure 2 shows the differing types of discharges and disposals received by the 1,266 restricted patients in 2006.

Figure 2 Discharge/disposal of patients in 2006



Reconvictions of restricted patients (Table 10 and Table 10a)

Table 10 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	
			Grave Offences	All Offences ⁽³⁾	Grave offences	All offences ⁽³⁾
			2 years	2 years	2 years	2 years
1999-2004	1052	(901)	9	63	1	7
Discharged by Mental Health Review Tribunal						
1999-2004	926	(801)	9	60	1	7
Discharged with consent of Secretary of State						
1999-2004	126	(100)	0	3	0	3

(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 11. The numbers in brackets show the number of offender records which were matched against the Police National Computer. Due to a revised matching approach, figures differ from bulletin 05/07.

(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.

17 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 in any given year, yearly breakdowns have been combined. One thousand and fifty two patients were discharged for the first time (first conditional discharge only) between 1999 and the end of 2004. Of the 901 matched cases (those located on the Police National Computer), fewer than 1 in 10 (7%) of these re-offended within 2 years of discharge. Of those released and matched the re-offending figure for grave offences was 1 per cent (Note 11). Although figures have been backdated to those first discharged in 1999, it has not been possible within this bulletin to calculate overall 5 year re-offending rates because of the longer follow-up period required.

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

19 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 Police National Computer (PNC) for a similar offending population is not available. Therefore expected rates cannot be presented within this publication.

Table 10a 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⁾	<u>Number of Persons re-offended within two years of first release</u>	
		Sexual or violent offences ⁽²⁾	
All discharged		Numbers re-offended	Percentage re-offended
1999-2004	1052 (901)	19	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 of 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, aggravated burglary, robbery, kidnapping, child abduction, cruelty or neglect of children, abandoning child under 2 years, concealment of birth, buggery, rape, indecent assault, incest, procurement, 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 11. The numbers in brackets show the number of offender records which were matched against the Police National Computer. Due to a revised matching method, figures differ from bulletin 05/07.

20 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 in any given year, yearly breakdowns have been combined. Table 10a shows, of the 901 matched cases (those located on the PNC), the re-offending figure within 2 years of discharge for violent and sexual offences was 2 per cent.

NOTES

1 The information in this bulletin relates to restricted patients. Tables 1-10a cover admissions subject to restriction orders and directions under the mental health legislation. Such patients cannot be discharged from hospital without the consent of the Secretary of State or a Mental Health Review Tribunal.

Background Information

2 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).

3 Mentally disordered offenders are detained in psychiatric hospitals. *High security hospitals* (known previously as *special 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 security 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.

4 In tables categorising patients by mental disorder, those with (i) mental impairment with mental illness or (ii) severe mental impairment (with or without mental illness), in addition to psychopathic disorder are shown under *psychopathic disorder*.

5 The term *discharge* refers to release into the community, by whatever means, with or without restrictions. Discharge may be ordered by either the Secretary of State or a Mental Health Review Tribunal (which is an independent body with discharge powers separate from those of the Secretary of State). *Conditional discharges* mean 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

6 The key legislation affecting this bulletin includes the Mental Health Act 1959, the Mental Health Act 1983 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. The equivalent sections in the 1959 Act were given in the bulletin covering 1989 and 1990 figures (Issue 29/91). 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 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 of 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).

7 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.

- 8** 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 release of sentenced prisoners on licence (section 50(1)b);
 - v. the release of sentenced prisoners on completion of sentence (sections 50(2) & 50(4));
 - vi. 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);
 - vii. 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));
 - viii. the direction or recommendation by the Mental Health Review Tribunal, of the discharge of a patient either conditionally or absolutely (sections 72-74).
 - ix. the absolute discharge by the Mental Health Review Tribunal of a conditionally discharged patient (section 75).

Sources of Information

9 The information provided in this bulletin comes mainly from the Mental Health Unit casework system which was introduced in 1993.

Figures for 2003 have been revised from those published in bulletin 16/04. This is the result of continuous efforts aimed at improving data quality. As a result, admissions have increased by 21. Information for 2003 and 2004 is based on a statistical extract taken from the casework system on 03 October 2005.

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 2006 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 (detailing admissions, disposals and population as at 31st December 2006). 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

10 For the purpose of this bulletin admission tables include the physical 'movedate' provided by the hospital (ie date of admission) rather than the date that the move (ie the admission) was authorised by the Mental Health Unit (MHU). Patients can be admitted to, or discharged from, hospital more than once during a year, reflecting for example, a change of legal category. In particular, patients transferred from prison to hospital while unsentenced or untried can reappear in the figures as admitted under restricted hospital orders. Each event has been included in the relevant table. Transfers *between* hospitals in England and Wales are not counted within the admission tables in the bulletin.

Re-offending figures

11 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. The method for calculating re-offending data was altered in 2006 in two ways. First, up until this point figures had been calculated using

the Offenders Index (OI). However, in line with other Research Development and Statistics (RDS) publications, figures are now being calculated using the Police National Computer (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 RDS 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. Re-offending figures for the past 6 years have been back-dated in this bulletin using the PNC so that the consistency of figures is maintained, hence figures may differ from those which appear in pre-2006 bulletins. Additionally, as a result of an improved matching process, the figures in this bulletin vary in some cases when compared to figures in bulletin 05/07.

The presentation of re-offending data was also amended in the 2006 bulletin, due to both the relatively small numbers released in any given year and the small re-offending rates within a two year follow-up period. As a result of providing combined totals (rather than yearly breakdowns) it has not been possible to calculate overall 5 year re-offending rates because of the longer follow-up period required. This information should become available in future bulletins. *NB. Re-offending data represents only those patients first discharged and matched on the PNC, and therefore does not capture all patients discharged into the community in a given year or take into account recalls.*

Rounding and accuracy

12 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 used

- 13** The following symbols have been used in this bulletin:-
- i. .. not available
 - ii. - nil

Other Sources of Statistics

14 Statistics of mentally disordered offenders within the criminal justice system and of other mentally ill 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: <http://www.ic.nhs.uk/pubs/mha0506>

15 In addition to the data in this bulletin, information is available on court disposals as follows:

- i. 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' (for availability see Note 16).

Further Information

16 This bulletin was prepared by Nicola Vallis in the DSPD (Dangerous and Severe Personality Disorder) Programme and Prison Therapeutic Communities Unit within the Ministry of Justice, in collaboration with RDS NOMS colleagues embedded within the Ministry of Justice. In addition, the lead researcher would also like to thank Nigel Battson and Naomi Hawdon of the Mental Health Unit and Samantha Foster, Sarah Crowley and Emma Phillips of the DSPD Programme and Prison Therapeutic Communities Unit for their help in producing this bulletin.

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

<http://www.homeoffice.gov.uk/rds>

Other publications can be downloaded from the Ministry of Justice and NOMS Research Development and Statistics website:

<http://www.justice.gov.uk/publications/publications.htm>

RESEARCH DEVELOPMENT AND STATISTICS DIRECTORATE MISSION STATEMENT

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