



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Halush Brinton

By email to: request-950475-76ad78d1@whatdotheyknow.com

28 March 2023

Dear Halush,

Freedom of Information Request Reference FOI-1439378

Thank you for your request dated 16 February to the Department of Health and Social Care (DHSC), a copy of which can be found in the accompanying annex.

Your request has been handled under the Freedom of Information Act 2000 (FOIA). For ease of reference, we have numbered the individual elements of your request.

Question 1

Please provide copies of the Departments authorisation documentation, including conditions of designation, for each of the High Secure Providers approved under section 4(3)(b) of the 2006 Act

DHSC holds the information you have requested, which we are providing in the three PDF documents attached (for Mersey Care NHS Foundation Trust (Ashworth), Nottinghamshire Healthcare NHS Foundation Trust (Rampton) and West London Mental Health NHS Trust (Broadmoor)).

Please note that contact details have been redacted from these documents under section 40(2) of the FOIA, which provides for the protection of personal information. Section 40 prohibits a public body from disclosing personally identifiable information, as doing so would contravene data protection principles.

Question 2

Please provide copies of the Departments Directions for each of the High Secure Providers pursuant to section 4(3A)(a) of the 2006 Act

DHSC holds the information you have requested. However, as it is available in the public domain, we will, under section 21 of the FOIA (information accessible to the applicant by other means) refer you to the published source. The Safety and Security Directions (2019) are available at the following link:

[The High Security Psychiatric Services \(Arrangements for Safety and Security\) Directions 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/publications/the-high-security-psychiatric-services-(arrangements-for-safety-and-security)-directions-2019)

Question 3

Please provide copies of the Departments Directions, pursuant to section 4(3A)(b) of the 2006 Act, for NHS England about the exercise of its functions in relation to high security psychiatric services

DHSC holds the information you have requested. However, as it is available in the public domain, we will refer you to it under section 21. The Commissioning Directions (2013) are available at the following link:

[High Security Psychiatric Services \(National Health Service Commissioning Board\) Directions 2013 - GOV.UK \(www.gov.uk\)](#)

Question 4

Please provide copies of the Departments Shared Policies with the Ministry of Justice concerning Admission and Transfer to the High Secure Hospitals

DHSC does not hold information as described in your request, as we are not aware of the joint policy you refer to. However, on a discretionary basis, and outside the scope of the FOIA, you may be interested in the following information, which is set out in different sections of guidance and policies under the Mental Health Act (MHA):

MHA Code of Practice (Chapter 22) is available here: [Mental Health Act 1983 \(publishing.service.gov.uk\)](#)

The transfer and remission of adult prisoners under the Mental Health Act 1983 Good practice guidance 2021 is available here: [Report template - NHSI website \(england.nhs.uk\)](#)

MHA White Paper setting out intended future policy and draft Bill is available here: [Reforming the Mental Health Act: summary - GOV.UK \(www.gov.uk\)](#)

Question 5

Please provide Line of Sight documentation for each of the High Secure Psychiatric Hospitals

DHSC holds the information you have requested. The PDF document attached provides the National Oversight Group (NOG) Terms of Reference.

The service specification for high secure services sets out NOG as the line of sight, and is available here:

[service-specification-high-secure-mental-health-services-adult.pdf \(england.nhs.uk\)](#)

Question 6

Please provide a copy of the Departments Contingent Liability Agreement with NHS England in relation to its functions concerning the High Secure Hospitals

DHSC does not hold information as described in your request, as we are not aware that there is an agreement specific to NHS England and high secure hospitals.

However, on a discretionary basis, and outside the scope of the FOIA, you may be interested in the following information.

High secure hospitals are bound by the Group accounting manual where there is guidance on what should be done with regard to contingent liabilities. This manual is available at the following link: [Group accounting manual 2022 to 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be sent to freedomofinformation@dhsc.gov.uk or to the address at the top of this letter and be submitted within two months of the date of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision. You should raise your concerns with the ICO within three months of your last meaningful contact with us.

Guidance on contacting the ICO can be found at <https://ico.org.uk/global/contact-us> and information about making a complaint can be found at <https://ico.org.uk/make-a-complaint>.

Yours sincerely,

Freedom of Information Team
freedomofinformation@dhsc.gov.uk

Annex

From: Halush Brinton <request-950475-76ad78d1@whatdotheyknow.com>
Sent: 16 February 2023 21:57
To: FreedomofInformation <freedomofinformation@dhsc.gov.uk>
Subject: Freedom of Information request - High Security Psychiatric Services

Dear Department of Health and Social Care,

Please provide copies of the Departments authorisation documentation, including conditions of designation, for each of the High Secure Providers approved under section 4(3)(b) of the 2006 Act;

Please provide copies of the Departments Directions for each of the High Secure Providers pursuant to section 4(3A)(a) of the 2006 Act;

Please provide copies of the Departments Directions, pursuant to section 4(3A)(b) of the 2006 Act, for NHS England about the exercise of its functions in relation to high security psychiatric services;

Please provide copies of the Departments Shared Policies with the Ministry of Justice concerning Admission and Transfer to the High Secure Hospitals;

Please provide Line of Sight documentation for each of the High Secure Psychiatric Hospitals;

Please provide a copy of the Departments Contingent Liability Agreement with NHS England in relation to its functions concerning the High Secure Hospitals.

Yours faithfully,

Halush Brinton