

To: All NHS and Independent Sector Mental Health and Learning Disability Providers

NHS England
Skipton House
80 London Road
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Dear Colleague,

Re: MM and PJ Court of Appeal Hearing and Judgements.

Your organisation will be aware of the recent Court of Appeal Hearing and Judgements in relation to MM and PJ (March 2017) and the potential impact for patients and the services who have responsibility for their care.

NHS England has been working closely with partner organisations, including the Ministry of Justice, to try to understand the scale and impact of these judgements on the patients that may be affected.

The attached briefing has been prepared specifically in relation to those patients with a diagnosis of learning disability and autism who are part of the Transforming Care Programme; however as the Judgment also has the potential to impact on patients with a mental illness or personality disorder diagnosis we would like to share this more widely for information (see attached briefing note).

In summary, for those patients who are currently conditionally discharged and living in the community, the Responsible Clinician and the care team will need to assure themselves that the care being provided is appropriate and that the impact of these judgements has been considered. It is very likely that the teams have already reviewed each patient, where this has not yet taken place it is important to make sure a review has been undertaken and any necessary action.

For those patients who are currently in hospital, and who may be suitable for conditional discharge in the future, it remains part of good care planning to be thinking about discharge at the earliest opportunity and making arrangements accordingly. This approach will enable not only a better understanding of the impact of these judgements but also ensure that all planning takes into account the needs of the patient and the legal framework that we are working within.

From discussions with providers and commissioners we anticipate a relatively small number of patients may be affected across specialised mental health services, and it is important that their care is reviewed. Where, as an organisation, you feel that you require support with any of these issues we advise you to seek the necessary legal advice and also to work closely with the Ministry of Justice.

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We need to ensure that any implications do not negatively impact on patients in hospital or in the community; the best outcome must be achieved keeping within the legal framework available.

We will of course keep you updated in relation to any further developments that we are aware of relating to these Judgements

Thank you for your assistance in this matter.

Yours faithfully,



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