

Gateway ref: 6401

To: The Chief Executive:  
County Councils  
Metropolitan District Councils  
Shire Unitary Councils  
London Borough Councils  
Common Council of the City of London  
Council of the Isles of Scilly  
Strategic Health Authorities  
Primary Care Trusts  
NHS Trusts  
NHS Foundation Trusts  
Directors of Social Services

6 April 2006

## **CHANGES TO BENEFIT ENTITLEMENTS FOR PATIENTS TRANSFERRED FROM PRISON TO MENTAL HEALTH UNITS**

### **ISSUE**

1. As of April 2006, individuals whose Department for Work and Pensions (DWP) benefits currently reduce after 52 weeks of hospital in-patient treatment will no longer incur this reduction.
2. A further DWP regulation change means that some patients will no longer be eligible for any benefits. This will apply to prisoners who are sent or transferred to hospital under section 45A or 47 of the Mental Health Act, for as long as they would otherwise be in prison, i.e. until the date they become eligible for release. (The release date is also the date when the limitation direction under section 45A or any restriction direction under section 49 applied to a section 47 patient expires). Where this leaves an NHS patient without money to meet occasional personal expenses, NHS commissioners will be able to make arrangements for hospitals to make payments to them to meet those expenses.
3. This letter informs lead commissioners and their host PCT of their financial allocation to provide these expenses. It should be read in conjunction with the circular distributed on 9 March 2006 of the same name. **Please bring it to the attention of those in your organisation who will need to take action, and in particular to social workers and others who are responsible for supporting the patients who will be affected.**

## **HOW HAS THE FUNDING BEEN ALLOCATED?**

4. Funding has been transferred from the DWP to the Department of Health to provide this support. It has been apportioned based on the numbers of patients in each service, as of March 2005. That amount has been allocated to lead commissioners and their host PCT.
5. Actual financial allocations per host PCT are listed at Annex A. This table includes which SHAs each host PCT is responsible for.

## **ACTION - LEAD FORENSIC SERVICES COMMISSIONERS**

6. The Secretary of State has a power under the Mental Health Act to pay such amounts as he thinks fit in respect of the occasional personal expenses of in-patients in mental health hospitals if they would otherwise be without resources to meet those expenses. NHS commissioners and their host PCT are able to exercise these powers in order to make arrangements with hospitals to make appropriate payments to those who will no longer be eligible for benefits.
7. Lead commissioners and their host PCTs should agree a local protocol whereby NHS or Independent hospitals and units in their area are able to access the available funding appropriately. For ease of distribution, commissioners should provide the funding on the basis of geographical location of the services, rather than their own responsible patient population.

## **ACTION - SERVICES**

8. Each hospital should identify any patients who are affected by this change i.e. patients on sections 45A or 47 of the Mental Health Act 1983 who have yet to reach their release date. For patients detained under section 45A this will be the same as the date on which their limitation direction expires. For patients transferred to hospital under section 47 with a restriction direction under section 49, it will be the same as the date when their restriction direction expires. For the small number of patients transferred under section 47 without a restriction direction, it will be the date on which a restriction direction would have expired had it been imposed.
9. Hospitals are asked to work with their lead commissioner for secure services to distribute appropriate funding based on the number of patients identified as being affected.

## **HOW MUCH SHOULD THOSE AFFECTED RECEIVE?**

10. It is for commissioners to agree with providers within which parameters payments may be made, but the Department's advice is that it is likely to be appropriate, at least initially, to make payments at the level of the

hospital pocket money allowance, currently £16.40, which most affected patients are currently receiving.

## **TIMING**

11. The first payments to individuals entitled to this allowance for incidental expenses should be made on 11 April 2006 and weekly thereafter.

## **ENQUIRIES**

12. Enquiries about this letter should, in the first instance, be made to:

Dr Nicola Hilton  
Department of Health  
Mental Health Services  
Room 216 Wellington House  
133-155 Waterloo Road  
London  
SE1 8UG

Tel. 0207 972 4331

Email: [Nicola.hilton@dh.gsi.gov.uk](mailto:Nicola.hilton@dh.gsi.gov.uk)

## ANNEX A

### FUNDING ALLOCATIONS PER HOST PCT with distribution per SHA

Host Organisation	SHA area	Amount per SHA	Total allocation (£)
<b>North Tyneside PCT</b>	Northumberland, Tyne and Wear	7000	<b>10000</b>
	County Durham and Tees Valley	3000	
<b>Selby &amp; York PCT</b>	West Yorkshire	14000	<b>25000</b>
	North East Yorkshire and Northern Lincolnshire	11000	
<b>Cheshire West PCT</b>	Cheshire and Merseyside	61000	<b>115000</b>
	Greater Manchester	33000	
	Cumbria and Lancashire	21000	
<b>Nottingham City PCT</b>	South Yorkshire	2000	<b>106000</b>
	Trent	92000	
	Leicestershire, Northamptonshire and Rutland	12000	
<b>Eastern Birmingham PCT</b>	Birmingham and the Black Country	14000	<b>20000</b>
	Shropshire and Staffordshire	4000	
	West Midlands South	2000	
<b>South Cambridgeshire PCT</b>	Norfolk, Suffolk and Cambridgeshire	16000	<b>25000</b>
	Bedfordshire and Hertfordshire	4000	
	Essex	5000	
<b>London North West SHA</b>	London North Central	12000	<b>125000</b>
	London North East	9000	
	London South East	18000	
	London South West	5000	
	London North West	81000	
<b>Swindon PCT</b>	Avon, Gloucestershire and Wiltshire	4000	<b>11000</b>
	Dorset and Somerset	4000	
	South West Peninsula	3000	
<b>Vale of Aylesbury PCT</b>	Hampshire and Isle of Wight	4000	<b>34000</b>
	Thames Valley	18000	
	Kent and Medway	3000	
	Surrey and Sussex	9000	