

**Letter to Secretary of State for Health and Social Care in England
and Cabinet Secretary for Health and Social Services in Wales.**

Dear Secretary of State for Health and Social Care and Cabinet Secretary
for Health and Social Services

Cross-border mental healthcare

We are writing to you jointly following a report published today by the Public Services Ombudsman for Wales (PSOW) following a complaint about Cardiff and Vale University Health Board (the Health Board). At the heart of the complaint was a vulnerable adult who was recovering from acute mental ill health and who required support from mental health services in England and Wales. She was let down by those services which should have supported her recovery, because there is no national guidance or pathway in place for arranging mental health care across the UK's borders.

The complainant had been detained under the Mental Health Act by the Health Board in Wales. Following treatment, the doctors felt that she had recovered sufficiently to be able to discharge her from compulsory detention. The complainant wished for her care to be transferred, at that point, to a Trust in England so she could be closer to her family, though the Health Board was still responsible for, and would be funding, the care. The PSOW investigation found that the Health Board should have made the necessary aftercare arrangements with the English Trust, prior to the decision to discharge the complainant from compulsory detention, but did not. This contributed to the complications and injustice that followed.

The PSOW's report sets out that the Health Board subsequently sought actively to arrange the legally required aftercare, including supported living accommodation, with the community mental health team (CMHT) at the English Trust. However, the CMHT refused to accept the complainant as she did not have a local address or GP. This was inflexible and unhelpful but was in line with the Trust's policies. The Health Board remained responsible for arranging aftercare and attempted to arrange care directly with a number of providers in the English city, but none accepted the referral because it did not come from the local CMHT.

The complainant was left in a catch-22 situation, where she could not get a local address without support from the CMHT but the CMHT would not help her without having a local address. This meant that the complainant remained in hospital, as if detained under the Mental Health Act. She remained on a locked mental health ward with detained patients for almost a year when she should have been progressing her recovery and independence. She reported being assaulted by other patients during this time.

In March this year, the Parliamentary and Health Service Ombudsman ("PHSO") laid before the UK parliament the report *Maintaining Momentum: driving improvements in mental health care*. This highlighted a series of cases that showed that people's human rights were being put at risk because of failings in the mental health care they receive. The PSOW's case further highlights how vulnerable people in crisis are not having their human rights protected, respected and fulfilled by the public services they have no option but to trust. The PSOW has noted in his report that there is no national guidance or pathway which covers cross border mental healthcare. He has therefore made a recommendation to the Welsh Government that work should be done to address this.

We are writing to ask that you ask your respective officials to support this work and consider what can be done across all the UK's borders to prevent such problems arising again. In our view, it is essential that such issues are put right to make sure vulnerable patients can access the services they need, no matter where in the UK they want to live or which part of the UK funds the provision. We hope that you agree.

The Parliamentary and Health Service Ombudsman and the Public Services Ombudsman for Wales respectively would be happy to discuss this matter with you.

The PSOW has already shared today's report with the Welsh Government and the Parliamentary and Health Service Ombudsman is copying this letter to the Chairs of the Public Administration and Constitutional Affairs Committee, the Welsh Affairs Committee and the Health Committee. We are also placing a copy of this letter on our respective websites.

Rob Behrens

Rob Behrens
**Parliamentary and Health
Service Ombudsman**



Nick Bennett
**Public Services Ombudsman
for Wales**

Date: 26 November 2018