Rt Hon Theresa May MP  
Home Secretary  
Home Office  
Peel Building  
2 Marsham Street  
London, SW1P 4DF

29th December 2015

Dear Home Secretary

I am writing in response to your recent announcement that the transfer of police custodial healthcare commissioning from the police service to NHS England will no longer go ahead. The BMA is extremely disappointed by this decision, especially given its close proximity to the intended date of transfer and the amount of positive work achieved by those involved to date. Doctors question the justification for such a U-turn on policy and request an explanation of how the spending review settlement directly affected the decision not to transfer commissioning responsibilities. In the interests of one of the most vulnerable patient groups, we are keen to understand whether the government intends to reduce spending on these services.

Custodial healthcare reform has been a long standing policy aim for the BMA and its Forensic Medicine Committee. The intended transfer of commissioning to the NHS would have finally brought in the necessary standards (in the form of agreed Service Specifications) required for commissioners treating highly vulnerable individuals with very distinct healthcare needs. These standards were to include: consistency in standard of delivery; more robust clinical governance; approved standards of training and experience of healthcare professionals; and, improved integrated care of detainees whose criminal behavior is a result of poorly-addressed mental health problems and substance abuse. A similar transfer of commissioning responsibilities occurred in 2006 within the prison service which indisputably led to improvement in standards of care within prison healthcare.

Although there has been some clarification by NHS England regarding their future role in commissioning Liaison and Diversion services, it remains unclear who will have statutory responsibility for custodial healthcare as a whole and what impact this will have on commissioning standards across the wider service to ensure patient safety. This is particularly important given the forthcoming independent review into deaths and serious incidents in police custody and what recommendations will be made by Dame Elish Angionlini following her inquiry.

We would, therefore, request clarification from you on the reasons for this decision, particularly how the intended transfer impacted on the spending review settlement and why, following extensive partnership working to introduce the new system, the decision was taken to cancel the transfer rather than a less...
stringent measure, such as to deferring to a later date. We also seek your support to the continuation of partnership working between the Police and Crime Commissioners, NHS England and the BMA, to ensure the progress achieved so far is able to continue.

We would be pleased to discuss in more detail our concerns and suggestions with yourself or relevant members of the Home Office to ensure that the best possible level of service can be delivered.

Yours Sincerely

Dr Mark Porter
BMA council chair