

Lord Chancellor: It's time for action on mental health in prisons

When Sir Simon Wessley delivered his landmark Independent Review of the Mental Health Act, he told the government that more must be done. More must be done to deliver a modern mental health service that respects the patient's voice. More must be done so individuals can shape their own treatment.

And this government has done more, more than any other to put the treatment of mental illnesses on par with physical ones.

But Sir Simon also said more must be done to support mentally unwell people within the criminal justice system. And not only that, but more must be done to help those with conditions with like autism and dyslexia.

As a barrister, part-time circuit judge and now as Lord Chancellor, I've seen victims, witnesses, and defendants with these conditions struggle too often in our criminal justice system.

Support for all victims of crime continues to improve at every stage of the justice system – with a further £40m investment announced in the Chancellor's Spending Review. But for those who may need some extra guidance when navigating what can be a daunting web of courts, tribunals, probation and prison systems – we must go further.

It might be that people with conditions like autism get lost in the complex processes and legal language that are difficult for them to understand. It can even be as simple as them needing more help to fill in forms to get accommodation when released from prison.

As a backbencher, I campaigned to improve our approach to autism and related conditions. I am determined to make important improvements. That is why, as a first step, I have commissioned a Call for Evidence and a review to find out how prevalent these issues are and put together a clearer picture of what support is already out there.

This review won't just cover conditions such as autism and dyslexia but a whole host of learning difficulties and disabilities, as well as emotional and behavioural changes that are a result of brain injuries.

Not only will this provide us with greater understanding and a better ability to support people with life-long conditions, but it will boost public safety by helping them engage better with rehabilitation and reduce their chances of reoffending.

My family's experience of autism has taught me that people with so-called neurodivergent conditions – autism, ADHD, dyspraxia and dyslexia – have so much to offer when they get the right help. But sadly, they still face stigmas and outdated prejudices that too often result in deeply unjust outcomes.

That is why I'm proud to have led, along with the Health Secretary Matt Hancock, landmark reforms to the Mental Health Act announced today.

Among the many changes, we are putting a stop to the awful practice of confining people to a psychiatric hospital because it's seen as a simple way of managing potentially dangerous behaviour that results from their autism. When that happens, we as a society have failed that person. Autism is a lifelong condition, not something that can be removed through treatment like an acute mental illness – and we must find a way to support those people to live their lives and fulfil their potential in the community.

The wider changes we are making to the Act will also help reduce stigmas and improve the care of people with mental health conditions, including those who end up in the criminal justice system. There are too many repeat low-level offenders with acute mental health problems, often started or made worse by drugs and alcohol, unable to get the medical help which would stop them committing crime.

Prisons should be places where offenders are rightly punished for their crimes, not simply somewhere to send those whose biggest danger is their own mental health.

Our reforms will ensure these vulnerable people get the right treatment, in the right place, at the right time while also allowing our hard-working prison officers to do the job they were employed to – dealing with criminals, not the mentally unwell.

We will end that outdated practise of using prisons as so-called 'places of safety' for defendants waiting for a mental health assessment or a hospital bed. Instead, judges will work with medical professionals so they can always be taken directly to a hospital from court.

We are also proposing that no prisoner should wait longer than a month to move to a secure hospital when they become seriously mentally unwell, ensuring these patients get the specialist treatment their conditions require.

An offender suffering a broken leg would not be left to languish in their cell without professional help, so why should we expect those suffering significant mental health problems to do so?

These reforms will help many ordinary people suffering from serious mental illness but, as ever, protecting the public has been a key priority. Unfortunately, if we ignore the plight of those in mental distress there can be deadly and unforeseen consequences.

Too many innocent people have been injured and killed over the years by those who should be being cared for in hospital. These changes will help to prevent future victims and also give existing ones the right to know when their attacker is granted community leave or discharged from hospital, bringing them in line with victims of other serious crimes.

My number one responsibility as Lord Chancellor always has been, and always

will be, to keep the public safe. But in a year that has highlighted the importance of looking after our mental health and supporting vulnerable people, it is only right that we build back better, safer and fairer to create a system that allows everyone to get the help they need, when they need it.

Not only will this make our country fairer, but ultimately safer too.