

PRESS RELEASE

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SUPREME COURT RULING WELCOMED BY LEADING MENTAL HEALTH AND HUMAN RIGHTS ORGANISATIONS

Hospitals must ensure that they take appropriate steps to prevent voluntary psychiatric patients from taking their own lives, according to a landmark judgment handed down today by the Supreme Court. The unanimous ruling, which has been welcomed by leading mental health and human rights organisations, held that Pennine Care NHS Trust had a duty under article 2 of the European Convention on Human Rights to protect the right to life of Melanie Rabone, and failed in this duty when she took her own life in April 2005.

Paul Farmer, Chief Executive of Mind said:

Today's judgment recognises that a positive duty is owed towards patients with mental health problems at times when they are most at risk of harm. The law now applies whether or not a patient has been formally detained. Now it is clear that in times of crisis everyone will have the strongest protection that the law can offer.

Emma Norton, Liberty's Legal Officer said:

This landmark human rights judgment means that voluntary patients in psychiatric care will finally get the same legal protection as sectioned patients. Hospitals rightly acknowledge their serious duties to detained people – why should those who have asked for help be any different?

Jodie Blackstock, Director of Criminal and EU Justice Policy at JUSTICE added:

With all the scepticism currently surrounding the European Convention on Human Rights, this case demonstrates what a vital role it has in protecting the rights of the most vulnerable in society. In this case the Supreme Court has not only acknowledged that through the Convention the state holds a responsibility for those in its care to which there is a real and immediate risk of death, but when it fails in that duty, parents should be entitled to vindicate their loss also.

INQUEST Co-Director, Deborah Coles said:

INQUEST welcomes the Supreme Court's landmark ruling that psychiatric patients are owed a positive duty of protection under human rights law. This must go hand in hand with an investigation and inquest process that ensures deaths in psychiatric care are independently and robustly scrutinised. This would not only enable families to find out what happened to their relatives but also ensure lessons are learned to help prevent deaths in the future.

Notes to editors

1. In November 2011 the Supreme Court heard the case of *Rabone v Pennine Care NHS Trust* - a case with potentially far reaching benefits for psychiatric patients. Judgment was handed down today.

INQUEST, JUSTICE, Liberty and Mind intervened in the case in the Supreme Court. The organisations were legally represented, *pro bono*, by Paul Bowen and Alison Pickup of Doughty Street Chambers and Saimo Chahal of Bindmans LLP.

2. Patients on psychiatric wards are at a particularly significant risk of suicide - for many it is the very reason for their admission.

In 2008 the House of Lords heard the case of *Savage v South Essex NHS Trust* in which INQUEST, JUSTICE, Liberty and Mind intervened. The Court held that hospitals owed a duty to patients detained under the Mental Health Act 1983, such as Carol Savage, to prevent them from taking their own lives. It was a landmark case that recognised that where a psychiatric patient is compelled to be in hospital, the hospital authorities have a positive duty to safeguard them from taking their own lives.

However, the law did not give the same protection to informal (or “voluntary”) patients. For people who have experienced mental illness and self harm and for those who work closely with them, this seemed to be a glaring anomaly. Informal patients on psychiatric wards may be at just as much risk of suicide as detained patients. Yet the NHS Trust argued that they were not owed the same positive duty under the Human Rights Act because they were there by ‘choice’.

Today’s Supreme Court judgment means hospitals must ensure they take reasonable steps to safeguard the right to life of mental health patients in their care – regardless of whether they are detained or not – in circumstances where the authorities know or ought to know that there is a “real and immediate risk” to their life.

3. This case was brought by the parents of a 24 year old woman called Melanie Rabone, who had been admitted to the hospital as an emergency patient following a suicide attempt and was undergoing treatment for severe depression as an informal patient. There was a note on file that if Melanie tried to leave, she should be assessed under the Mental Health Act with a view to detaining her. Despite this, and against the wishes of her parents, she was granted leave from the ward. Shortly afterwards she took her own life. The Trust acknowledged that it had been negligent but denied that it owed her a direct, positive duty under the Human Rights Act to protect her.

4. INQUEST is the only organisation in England and Wales that provides a specialist, comprehensive advice service on contentious deaths and their investigation to bereaved people, lawyers, other advice and support agencies, the media, parliamentarians and the wider public. For further information please contact Deborah Coles or Anna Edmundson on 020 7263 1111. *[Please refer to INQUEST the organisation in all capital letters in order to distinguish it from the legal hearing.]*

5. JUSTICE is an all party law reform organisation committed to access to justice, human rights and the rule of law. It is the British section of the International Commission of Jurists. For further information contact Jodie Blackstock on 0207 7626436 or by email to jblackstock@justice.org.uk.

6. Liberty is an independent non-party political body whose principle objectives are the protection of civil liberties and the promotion of human rights in the UK. For further information please contact the Liberty press office on 020 7378 3656 or 07973 831128.

7. Mind is the leading mental health charity in England and Wales. We provide advice and support to empower anyone experiencing a mental health problem. We campaign to improve services, raise awareness and promote understanding. We’re currently working to put people at the heart of mental health crisis care. For further information please contact the Mind Media team on 02085221743/0785 0788514 or by email to: media@mind.org.uk