Neil Thwaite,

Chief Executive

Greater Manchester Mental Health Trust

**From**: Marcial Boo, CEO

Our ref: 1085Thwaite

**By email only**

 Thursday 29 September 2022

Dear Neil,

# Subject: BBC Panorama programme: ‘Undercover hospital, Patients at risk’

As you will know, the Equality and Human Rights Commission has a statutory remit to enforce equality and human rights laws. I am writing regarding last night’s BBC Panorama programme and our concerns at the extent to which human rights obligations may not have been met in the treatment of patients at the Edenfield Centre Mental Health Unit in Prestwich.

The allegations raised and footage shown indicated serious abuse, including physical and verbal mistreatment of patients by staff, and patients being inappropriately restrained and subject to long-term segregation. We understand that the alleged abuse is so serious that Greater Manchester Police are investigating. We welcome the Trust’s commitment to cooperate with this investigation.

We are also concerned that the apparent abuse shown may represent serious breaches of patients’ fundamental human rights under the Human Rights Act 1998. These breaches may include patients’ right to liberty and security (Article 5 of the European Convention of Human Rights), to freedom from cruel, inhuman and degrading treatment (Article 3), and to private and family life (Article 8). Greater Manchester Mental Health Trust is a public authority under section 6 of the Human Rights Act and therefore has a duty to act compatibly with ECHR rights. In particular, the use of restraint (which includes both physical restraint and isolation) must comply with human rights law, as set out in our [Human Rights Framework for Restraint](https://www.equalityhumanrights.com/en/publication-download/human-rights-framework-restraint).

There may also be potential breaches of the Equality Act 2010, which prohibits discrimination, including discrimination arising from disability and from failing to make reasonable adjustments.

Unfortunately, the allegations raised against the Edenfield Centre are not unique. Similar abuses were revealed at Winterbourne View in 2011 and at Whorlton Hall in 2019 in respect of autistic people and people who have learning disabilities. Successive government action plans to tackle this problem have not led to fast enough progress. It is particularly concerning that the abuse alleged in last night’s programme took place at a hospital rated ‘good’ by the Care Quality Commission.

I know that the relevant regulatory bodies, including the CQC and the Nursing and Midwifery Council, will be at the forefront at ending such abuse, along with action being taken by NHS England, and the Department of Health and Social Care, including through its Building the Right Support programme. Given our equality and human rights remit, these issues are a priority for us too.

We have already engaged with these partner regulators and with the DHSC. Given the allegations made in last night’s programme, we would also be grateful if, in addition to your responses to them, you could confirm to us by 14 October what action your Trust is taking immediately to address the potential human rights abuses at Edenfield Centre, and what longer-term plans you will put in place to prevent such abuses in future. This is so we can determine what action we should take, including through the use of our legal powers.

I appreciate the scrutiny you will currently be experiencing, and we are happy to work in partnership with other regulatory bodies, including the CQC and NMC, to facilitate your answers. But you will also recognise the seriousness of the allegations made, and therefore why we too are concerned to ensure human rights are protected as a matter of urgency.

I am copying this letter to colleagues at the CQC, NMC, NHS England and DHSC, and to Greater Manchester Police.

Yours sincerely,

Marcial Boo
**Chief Executive**

**Equality Human Rights Commission**

Cc; Ian Trenholm, Chief Executive of Care Quality Commission

Matthew Style, Director General NHS Policy and Improvement, Department of Health and Social Care
Dave Nuttal, Deputy Director, Department of Health and Social Care
Amanda Pritchard, Chief Executive, NHS England
Andrea Sutcliffe CBE, Chief Executive, Nursing and Midwifery Council