



Department  
of Health &  
Social Care

*From Maria Caulfield MP  
Parliamentary Under Secretary of State  
Department of Health & Social Care*

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Mr Zak Golombeck  
HM Area Coroner for Manchester City Area  
Manchester City Coroner's Court  
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Manchester  
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9 May 2024

Dear Mr Golombeck,

Thank you for your Regulation 28 report to prevent future deaths dated 16 June 2023 about the death of Girmaye Guyo Liban. I am replying as Minister with responsibility for Mental Health.

Firstly, I would like to say how saddened I was to read of the circumstances of Mr Liban and I offer my sincere condolences to their family and loved ones. The circumstances your report describes are concerning and I am grateful to you for bringing these matters to my attention.

Please accept my sincere apologies for the significant delay in responding to this matter.

The report raises concerns over the use of provisions in the Mental Health Act 1983 for a person's Nearest Relative to exercise their power to seek the discharge of a patient. In this case you believe that this discharge was not in accordance with the patient's continuing need for clinical care.

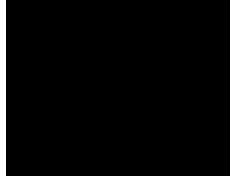
In responding to the matter you have raised, I should say firstly that section 25 of the Mental Health Act does give the patient's Responsible Clinician powers to bar such requests for discharge.

As set out in the Act's Code of Practice (32.21-22), before giving a discharge order, the Nearest Relative must give the hospital managers at least 72 hours' notice in writing of their intention to discharge the patient. During that period, the patient's responsible clinician can block the discharge by issuing a 'barring report' stating that, if discharged, the patient is likely to act in a manner dangerous to themselves or others. If a Nearest Relative's discharge is barred they are not able to apply again for six months.

The Government does not intend to amend the Nearest Relative powers of discharge as, although they are rarely used, they do provide an important safeguard for patients and their families. Nevertheless, the tragic case you have raised with me, indicate that patient safety is paramount, and I regret that for Mr Liban the outcome was so tragic.

I hope this response is helpful. Thank you for bringing these concerns to my attention.

Yours sincerely,



**MARIA CAULFIELD**