

03 January 2025

Mr Michael Spencer
HM Area Coroner
Unit 56 Innovation Centre,
Highfield Drive,
St Leonards on Sea,
East Sussex
TN38 9UH

Sent via email: [REDACTED]

Our reference: [REDACTED]

Dear Mr Spencer

Re: Regulation 28 Prevention of Future Deaths Report (Nicolette Elizabeth McCarthy)

I write in response to your regulation 28 report dated 22 November 2024 regarding the very sad death of Nicolette Elizabeth McCarthy. I would like to express my sincere condolences to Nicolette's family.

The patient safety leads at NICE have carefully considered the content of your report and understand that your request relates to highlighting the difficulty of implementation of national guidance on smoking cessation in the context of inpatient care for acute mental illness.

Given that the matters of concern relate to contradictions in national policy, these are not areas that are within NICE's remit. We believe that the issues raised are best addressed by NHS England, and I note that your report has also been sent to them. The Care Quality Commission (CQC) may also be able to provide useful feedback to the points raised.

Although not directly mentioned in your report, it may be helpful for us to highlight our guideline [Tobacco: preventing uptake, promoting quitting and treating dependence \(NG209\)](#). Section 1.14 deals with support for people in secondary health services including mental inpatient care. The guideline is not restrictive in its recommendations; rather it focuses on expectations that people should have for support in managing their addiction, in an environment in which smoking is not allowed.

We would expect local policy to note the existence and recommendations of NG209 and other guidance, along with the needs of the person with regards to smoking and avoiding stress, and to take account of these in developing a reasonable local policy. This might emphasise support for people who do not want, or are not ready, to stop smoking in one go, to reduce their harm from smoking (recommendations 1.15.1 – 1.15.14, along with appropriate local opt-outs from the policies recommended in section 1.21 of the guideline.

See also recommendation 1.14.19, and note that the committee made a research recommendation on ‘How can people with mental health conditions be supported effectively to stop smoking (at individual and system level)? What are the challenges and opportunities and how can they be addressed?’

Our research recommendations are all unanswered research questions that emerge during the development of NICE guidance. These are uncertainties that the guideline developers have identified during the development of the guidance or where robust evidence is lacking.

Research recommendations can cover questions about any aspect of the guidance. These are not topics for NICE to specifically investigate further but have been highlighted on our website for external research organisations or individuals to take forward.

The recommendations in this guideline represent the view of NICE, arrived at after careful consideration of the evidence available. When exercising their judgement, professionals and practitioners are expected to take this guideline fully into account, alongside the individual needs, preferences and values of their patients or the people using their service. It is not mandatory for the NHS to apply the recommendations, and the guideline does not override the responsibility to make decisions appropriate to the circumstances of the individual, in consultation with them and their families and carers or guardian.

We are also aware that the government has recently introduced the [Tobacco and Vapes Bill](#) which may be of relevance to any actions required as a result of the issues that you have raised. I note that you have also sent your report to the Secretary of State for Health and Social Care, who will be able to provide the relevant detail on the Bill.

I hope that the information above is helpful and would like to reiterate my sincere condolences to Nicolette’s family.

Yours sincerely,



Chief Executive