

Changes to Learning Disability Services Statistics, Assuring Transformation data, for patients on extended leave under Section 17 of the Mental Health Act

Background

The [Assuring Transformation \(AT\) data collection](#) holds information about people with a learning disability and autistic people who are receiving treatment or care as inpatients in a mental health hospital. This includes individuals who are on leave with a bed held for them. Some patients are recorded in the collection who are living in the community on extended leave under Section 17 (S17) of the Mental Health Act as they cannot legally be discharged due to specific court judgments (Secretary of State for Justice (Respondent) v MM (Appellant) [2018] [UKSC 60](#) and Welsh Ministers v PJ [2018] [UKSC 66](#)) ('MM / PJ judgments').

As these people are technically/legally in a hospital setting it is appropriate that they continue to be recorded in the AT data collection, ensuring commissioners and the national Learning Disability and Autism Programme team in NHS England continue to have a record of this group of people for oversight purposes. However, such patients are currently included in the inpatient counts which are published as part of the Learning Disability Services Monthly Statistics, and this is not considered to be an accurate representation of their situation.

Guidance was issued in November 2024 for data submitters to record periods on extended S17 leave due to specific legal judgments as a new episode of care in the data collection.

What is changing

These patients will continue to be recorded in the AT data collection, with the period on extended S17 leave recorded as a new episode of care. The patients will be identified as being in the community rather than in hospital during the period of leave, and therefore in the published data they will be excluded from all published inpatient counts. The total number of patients excluded will be separately reported in the publication.

In time series data which is updated based on the latest data cut, patients will be excluded from the counts from each time point from 30 November 2024 onwards. Time series points before November 2024 will not change, and so there will be some limitations on comparability before and after this point.

Timing

This change will be implemented from the publication on 20 February 2025 which presents Assuring Transformation data as at 31 January 2025.

Impact of change

Between 30 and 40 patients have been recorded on extended S17 leave due to specific legal judgments at each month end over the last 12 months, so the estimated impact of this change will be to reduce the national inpatient count by less than 2%.

The change reflects an improvement in the accuracy and meaningfulness of the published data.