

29 March 2023

Rt Hon Steve Barclay MP

Dear Secretary of State,

Thank you for meeting with me on 10 January 2023 to discuss the status of the Essex Mental Health Independent Inquiry and for your letter of 21 February 2023 asking for responsive actions. I appreciate the seriousness with which you took the concerns that I raised with you.

I understand that a meeting has been arranged for 17 April 2023. To ensure that meeting is productive, I consider it helpful to provide you with an update and set out my position.

Since our meeting in January, I have worked with my team to take forward concrete actions and interventions to attempt to resolve the issues which we discussed. On the basis of this work and taking into account the factors I lay out below, it is my clear view that I cannot effectively meet the Terms of Reference if the Inquiry remains on a non-statutory footing.

I am requesting that the Essex Mental Health Independent Inquiry is converted to a statutory Inquiry under the 2005 Inquiries Act.

As we agreed at our previous meeting, staff evidence is vital to this Inquiry. You asked me to consider if there was more that could be done to encourage staff to engage. Following our meeting, considerable efforts have been made to encourage staff participation in the Inquiry. This included efforts made by my team and by others who share the same determination to secure staff evidence. I am confident we have explored this fully and that my team have taken all reasonable steps in this regard to engage with staff.

As a result, more staff have come forward. However, this group is not representative: 75% are senior managers; similarly, 75% do not work directly with patients; only a small number are patient-facing staff. I am grateful to all of those who have expressed a desire to assist the Inquiry and recognise their commitment to improving inpatient services.

My greatest concern with staff engagement is that less than 30% of named staff, those essential witnesses involved in deaths we are investigating, have agreed to attend evidence sessions. In my assessment, I cannot properly investigate matters with this level of engagement.

Unfortunately, despite the multiple efforts made, my view remains that I will not be able to secure the staff evidence I need to address the Inquiry's Terms of Reference.

I have also given consideration to the various levers available to me as the Chair of a non-statutory inquiry. Having reviewed this matter, I have concluded that these levers are inadequate in allowing me to secure the vital level of staff evidence required.

I am grateful for the offer which you made to support the Inquiry in securing national datasets and additional disclosure by Essex Partnership University NHS Foundation Trust (EPUT). I have further considered how I can secure the information from these bodies that I need to address our Terms of Reference. It is my view that in order to achieve transparency, accountability and timely disclosure of key evidence from these organisations, the Inquiry must be provided with statutory powers.

In addition to these ongoing concerns, I have also been made aware of further additional safety matters relating to the care of patients at EPUT. As a consultant psychiatrist with over 40 years' experience and as the Chair of this Inquiry, I am very concerned that there are serious, ongoing risks to patient safety. Due to the nature of these issues, I am confident that these cannot be properly investigated by the Inquiry without statutory powers.

On the basis of the above and having weighed up all of the relevant factors, I am now further convinced that this Inquiry requires a statutory footing in order to deliver a report which can effectively meet its Terms of Reference. This Inquiry must adequately address the concerns raised by families of deceased mental health inpatients, and former inpatients, in Essex. Conversion of this Inquiry will provide me and those who provide evidence with the necessary framework, protections, and clarity around evidence and disclosure.

I have given some thought into how a statutory inquiry might address these challenges. I believe that a well-designed statutory inquiry must hear patient and family voices, staff voices, be investigative and be improvement focused. It must be thorough and produce robust recommendations for improvement in mental health services including rapid changes to keep people safe and prevent deaths. I believe that a well-designed, appropriately resourced, and focused statutory inquiry could be delivered effectively and efficiently. It is essential in this instance that solutions are identified without delay.

Due to the importance of transparency to the work of the Inquiry, I will make this an open letter. I intend to share this with those who have engaged with the Inquiry to date and publish this on the Inquiry website after our meeting on 17 April 2023.

Yours sincerely



Dr Geraldine Strathdee  
Chair to the Essex Mental Health Independent Inquiry