



Freedom of Information Request Reference N^o: FOI 003267-18

I write in connection with your request for information received by Suffolk Constabulary and Norfolk Constabularies on 2018 which you sought access to the following information:

1. *"In the last three years up to the 1st September 2018, the number of cases where Section 136 of the Mental Health Act was used by your officers to detain a member of the public.*
2. *Of those cases:*
 - i) *The number of cases that were resolved within 12 hours*
 - ii) *The number of cases that were resolved within 12 - 24 hours*
 - iii) *The number of cases that were resolved within 24 - 36 hours*
 - iv) *The number of cases that were resolved within 36 - 48 hours*
 - v) *The number of cases that were resolved within 48 - 100 hours*
 - vi) *The number of cases that were resolved after 100+ hours*
3. *In each case a record of police officers involved in the detention of a member of the public, and involved with staying member of the public until the case was resolved. This can be provided by badge number or a simple numerical value i.e. 1 officer, 2 officers etc.*
4. *Summary details of the age person detained and any information on the state the member of the public was in "state of distress" "state of crisis" "suicidal" etc, if recorded.*
5. *Summary details of how each case was resolved. i.e. detained in mental health ward, released with no further action, etc.*
6. *A list of all places within your police force which are recognised as a place of safety for mental health assessment by your police force. I.e. hospital, mental health assessment unit etc.*
7. *A summary of police procedure in your police force for activating a mental health assessment when bringing someone under section 136 to these recognised places of safety. For example, are officers expecting to be met by staff on arrival, is their time period for notifying staff of an incoming case.*

For the purposes of this Freedom of information request, resolved refers to a mental health assessment taking place or street triage by a trained mental health professional and either police

officers or mental health / NHS staff agreeing to let the person detained under s136 out in to the public with no further action taken or a full handover by police to a hospital / NHS facility with a bed found for the person who is detained.

Could figures up to 1st September 2016, 1st September 2017 and up to the 1st September 2018 be provided separately and could the information be provided in excel format. If figures for 3 years would breach cost limits, data for 2 years would be accepted.”

Response to your Request

The response provided below is correct as of 25 September 2018

Suffolk and Norfolk Constabulary has considered your request for information and the response is below.

With regards to questions 3 to 5, information concerning the number of persons detained under the mental health act and then taken to either a custody unit or health based place of safety is not recorded in an easily retrievable manner. Whilst the custody and crime system Athena, will provide us with all occasions where an individual was detained under Section 136 and taken to police custody as a place of safety, there will be a large number of persons whom were also detained under S136, but taken to a health based place of safety. Only a small number of persons detained under S136 will be taken to custody, therefore the provision of this data alone will provide inaccurate information. It should also be noted that S136 detentions were only being recorded on Athena from 1 June 2016 onwards.

Information will be contained in a variety of systems, including call data, all of which would need to be interrogated to extract information to answer the request completely. Considering the many hundreds of cases we would need to review, which we anticipate would be in excess of 700, the Constabularies consider it would take in excess of 36 hours to provide an answer to the request.

In relation to your request for information and in accordance with Section 17 of the Freedom of Information Act 2000 (FOIA), this response serves as a formal notification of refusal for your request. The Constabularies do not hold, for the purposes of FOIA, all of the information you require in a retrievable format.

It is estimated that to attempt to retrieve all of the information you require would take a considerable amount of retrieval time, exceeding the appropriate limit for dealing with Freedom of Information requests in terms of costs and therefore, Section 12(1) of the Freedom of Information Act 2000 applies.

Section 12(1) of the Freedom of Information Act 2000 states that a Public Authority is not obliged to: *“...comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.”* The Freedom of Information (Appropriate Limit and Fees) Regulations, defines the ‘appropriate limit’ for the Constabularies as £450 and specifies that this sum equates to 18 hours work per force at a standard rate of £25 per hour. This equates to 36 hours of work, or £900, for joint responses.

In accordance with Section 17(5) of the Freedom of Information Act 2000, this letter serves as a refusal notice for this part of your request.

By requesting *all* information your request is too broad to be complied with within the limit imposed on Freedom of Information requests.

Although excess cost removes the Force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Information concerning resolved cases (question 2) and a summary of each case is held by the Norfolk and Suffolk NHS Foundation Trust, therefore this part of the request should be directed to their FOI teams.

Question 6

Under the Mental Health Act anywhere can be a Place of Safety however in Norfolk we have three designated Places of Safety for anyone detained under S136. These are Section 136 assessment suites which are based at:

- Hellesdon Hospital, Drayton High Road, Norwich
- Northgate Hospital, Northgate Street, Great Yarmouth
- Fermoy Unit, Queen Elizabeth Hospital, Gayton Road, Kings Lynn

We also have access to the two Section 136 assessment suites in Suffolk:

- Woodlands Unit, Ipswich Hospital, Heath Road, Ipswich
- Wedgwood House, West Suffolk Hospital, Hardwick Lane, Bury St Edmunds

Our Section 136 protocol states that A&E departments are not a 'designated' Place of Safety and should only be used when an individual is in need of emergency medical treatment.

Our Section 136 protocol states that a police station may only be used as a Place of Safety for a person aged 18 and over in very specific circumstances, if:

- the behaviour of the person poses an imminent risk of serious injury or death to themselves or another person;
- because of that risk, no other Place of safety can reasonably be expected to detain them, and
- so far as reasonably practicable, a healthcare professional will be present and available to the patient throughout the period in which he or she is detained at the police station.

All three of the above conditions must be met for adults and no person under the age of 18 who has been detained under S136 can be taken to a Police Station as a Place of Safety under any circumstances.

Question 7

At the point that someone is detained under Section 136, the Police Control will call the East of England Ambulance Service and request that an ambulance attends the place of detention to undertake a physical health assessment and then transport the patient to the agreed place of safety. Under our local protocol the ambulance should attend within 30 minutes. At the point of detention the Police Control Room will also contact Norfolk County Council and request that they assign an Approved Mental Health Professional (AMHP) to coordinate the MHA assessment. Finally, the Police Control Room will contact the agreed Place of Safety to ensure that they can accept the patient. In the majority of cases the Place of Safety will be one of the designated S136 suites listed above. On arrival at the S136 suite the patient/officers will be met by the Nurse in Charge of the S136 suite. The officers will then complete a joint risk assessment with this nurse. The outcome of this risk assessment will determine if officers are required to remain with the patient whilst they await assessment under the MHA or whether the officers can leave the patient in the care of nursing staff.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700