



16<sup>th</sup> August 2019

### **Freedom of Information Request Reference N°: FOI 002754/19**

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 31<sup>st</sup> July 2019 in which you sought access to the following information:

- 1 In each of the last three financial years, the number of times somebody was detained under Section 136 of the Mental Health Act?
- 2 In each of the last three financial years, the number of times authorisation was provided for a police officer to convey an individual detained under Section 136 of the Mental Health Act to an Accident and Emergency Department?
- 3 In each of the last three financial years, the number of times authorisation was provided for a police officer to convey an individual detained under Section 136 of the Mental Health Act to a Section 136 Suite?
- 4 In each of the last three financial years, the average time awaiting medical clearance or treatment for somebody detained under Section 136 of the Mental Health Act?
- 5 In each of the last three financial years, the average handover time between an individual being detained under Section 136 of the Mental Health Act being medically cleared and their arrival at a Section 136 Suite when a suite was a) available, b) unavailable?

### **Response to your Request**

Norfolk and Suffolk Constabularies have considered your request and our response is below:-

When responding to a request for information under the terms of the Freedom of Information Act, a public authority is not obliged to provide information if the authority estimates that the cost of the retrieval of the information requested would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve all of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk and Suffolk Constabularies estimates that to retrieve all the information you have requested for both forces would exceed cost in excess of £450 (per force).

In most cases, when a person has been detained under Section 136 of the Mental Health Act, medical clearance or treatment would be provided by an East of England Ambulance Service paramedic or technician at the place of detention, before the patient is then conveyed to the appropriate Place of Safety. In exceptional cases the East of England Ambulance Service may undertake a clinical assessment by telephone with the officers on scene. On occasions when it has not been possible for the patient to be assessed by the Ambulance Service they would be medically screened at the Place of Safety on arrival. If the Place of Safety is a designated Section 136, this screening would be undertaken by the nurse or doctor in charge of the S136 suite.

If they are taken to A&E they would be seen by an Emergency Department doctor or nurse. In the very rare event that they are taken to a police custody suite they would be seen by the appointed Health Care Professional who provides medical care for all detained persons.

In order to determine the average waiting time for this medical clearance, or treatment for any person who has been detained under Section 136, in the last three financial years, we would have to undertake a review of 1169 incident (CAD) reports in Norfolk and 898 in Suffolk. The CAD may detail at what stage the medical treatment/clearance was received and the time taken. It should be noted that it is highly likely that we would not be able to determine this information in all cases as it may not be documented in the relevant CAD report.

This information may be recorded would be on the Section 136 Joint Operational Detention Record, however, these are paper forms which are held by the Norfolk and Suffolk NHS Foundation Trust.

As above, information regarding medical clearance and onward transfer to a S136 suite would need to be obtained by a manual review of all CAD logs. This would significantly exceed 18 hours for each Constabulary.

In addition, the information requested in parts 2 and 3 of your request are not centrally recorded by Suffolk Constabulary. To answer these questions, a manual review of records would need to be undertaken.

Taking all of the above into consideration, this would be a significant task, which would exceed the appropriate limit for dealing with a Freedom of Information request, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act 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 2004, defines the ‘appropriate limit’ for the Norfolk and Suffolk Constabularies as £450 for each Constabulary, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

#### Advice and Assistance

Although excess cost removes Norfolk and Suffolk Constabularies obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relevant to your request, which was 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.

Q1 Number of individuals detained under section 136 of the Mental Health Act:-

Financial Year	Number
<b>NORFOLK</b>	
2016/17	336
2017/18	373
2018/19	460
<b>SUFFOLK</b>	

2016/17	319
2017/18	303
2018/19	276

Q2 The number of occasions that an individual has been detained under section 136 of the Mental Health Act and taken to an A&E department, by a police vehicle, as a place of safety. Norfolk figures only.

Financial Year	Number of occasions
<b>NORFOLK</b>	
2016/17	12
2017/18	11
2018/19	6

Q3 The number of occasions that an individual has been detained under section 136 of the Mental Health Act and taken to a designated section 136 Suite, by a police vehicle, as a place of safety. Norfolk figures only.

Financial Year	Number of occasions
<b>NORFOLK</b>	
2016/17	134
2017/18	163
2018/19	110

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>  
<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, 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 40 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  
Norfolk Constabulary  
Operations and Communications Centre  
Jubilee House  
Falconers Chase  
Wymondham  
Norfolk NR18 0WW  
OR  
Email: [freedomofinformation@norfolk.pnn.police.uk](mailto:freedomofinformation@norfolk.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 20 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](http://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