



14th January 2021

Freedom of Information Request Reference N^o: FOI 004131/20

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 14th December 2020 in which you sought access to the following information:

Between 1 April and 1 December 2020, how many people were detained by your police force under (Section 136) of the mental health act?

Between 1 April and 1 December 2019, how many people were detained by your police force under (Section 136) of the mental health act?

Between 1 April and 1 December 2018, how many people were detained by your police force under (Section 136) of the mental health act?

I want to clarify by saying: in relation to "detained" I meant both people detained at a police station and those detained using the 136 powers but taken to another place of safety. It would be ideal if you could provide a figure for people detained by your officers at a police station, and a separate figure for those detained at another place of safety - and specify where (such as in A&E) if time allows.

Response to your Request

The response provided below is correct as of 21st December 2020.

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.

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

Due to a change in personnel, and collation of the requested information, the Suffolk figure for 2018 cannot be verified without a manual review of records to ensure that all relevant cases have been captured. This would exceed 18 hours of research for Suffolk Constabulary information.

This 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 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 & assistance

Although excess cost removes the 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.

NORFOLK

We have provided below whether the detainee was detained under section 136 elsewhere and taken to a Police Investigation Centre as a place of safety or whether they were section 136 whilst at the PIC and taken to a designated place of safety. This does not include those who were arrested for an offence and were subsequently assessed under the Mental Health Act whilst in custody.

Time Period	Total Section 136 Detentions	Number Taken to Police Investigation Centre (Custody) as a Place of Safety	Number detained at a Police Investigation Centre & Taken to a Place of Safety
1 st Apr to 1 st Dec 2020	405	1	11
1 st Apr to 1 st Dec 2019	342	0	18
1 st Apr to 1 st Dec 2018	329	1	8

SUFFOLK

Time Period	Total Section 136 Detentions
1 st Apr to 30 th Nov 2020	284
1 st Apr to 30 th Nov 2019	265
1 st Apr to 30 th Nov 2018	220*

*Please note the 2018 figure for Suffolk has been extracted from one database only. Current collation of data involves cross checking with other recording systems to ensure that all relevant cases are captured.

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*

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 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