

22 August 2019

Freedom of Information Request - Reference No: 20191744

REQUEST

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

Questions 4 & 5

You are requesting an average figure. You may not be aware that FOI concerns requests for already recorded information, and unless the average is already recorded, this would be considered 'creating data' for the purposes of the request, which is not considered a 'valid' request.

Questions 2 & 3

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- a. states that fact,
- b. specifies the exemption in question and
- c. states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

Section 12(2) – Exemption where cost of compliance exceeds appropriate limit

We have been asked for similar information to Questions 2 and 3 in the past. There is no specific system which would record and report on authorisation to convey a detainee to

hospital. The only way in which any recorded information could be extracted is to review all custody records where the person was being detained under the title of *Free Text for Place of Safety* and the reason for the arrest containing any reference to Section 136 / Mental Health Act.

To give you an example of the numbers of records the following data has previously been extracted which meets this criteria:

2013/14 = 179
2014/15 = 140
2015/16 = 85
2016/17 = 41

The only way of establishing if the detainee was then conveyed to hospital would be to review this number of records manually to determine if there is mention that the detainee was transported to hospital. Alternatively, we could ask all Police Officers to review their pocket note books for this period. Either way, the process of locating, retrieving and extracting any data held would exceed the 18 hour cost threshold.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. . If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Although excess cost removes the force's obligations under the Freedom of Information Act, I have supplied some links to similar requests below which may be of interests as a gesture of goodwill. 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 neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/mental-health-detentions-ref-20181353/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/mental-health-cases-and-detentions-ref-20181666/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/mental-health-incidents-ref-20171440/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/mental-health-s136-detained-ref20171488/>