



Your reference:

Our reference: FOI_25_0168

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 04/03/2025

Dear

Gloucestershire Constabulary Freedom of Information request FOI_25_0168

On 10/02/2025 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am following up on this report:

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnews.npcc.police.uk%2Freleases%2Fthousands-of-people-suffering-mental-health-issues-may-be-unlawfully-held-by-police-due-to-lack-of-available-hospital-beds&data=05%7C02%7CFreedom.Information%40gloucestershire.police.uk%7C8197eb4747e145dc9c5c08dd494b6600%7Cd4936c562d8640769ba6ea6bfd965203%7C0%7C0%7C638747310367899759%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydwUslYiOilwLjAuMDAwMCIsIAiOiJXaW4zMilslkFOIjoITWFpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=mOybAvH0nDcQbhpwVLk0DOWKXcHRYnFIhs4GhEqANsM%3D&reserved=0>

To that end, can you please provide to me:

1. The overall number of arrests which led to a mental health act assessment (MHAA) taking place in custody, and a decision to admit the patient under S2/3 of the Mental Health Act between 2014-2024 (broken down by year),

And, of those overall cases, by year:

- a) How many of those cases each year involved a detention which exceeded the statutory maximum period without an application under the Mental Health Act being completed and a bed found.
- b) Of those cases, please can you tell me the longest someone was held in custody past the PACE limit each year as a bed could not be located.
- c) Your policy as of 2024 regarding MHAAs in custody, and escalation procedures if a bed is not available. If you no longer detain sectioned patients after their PACE

clock expires, please also provide your policy on that, and where they are taken instead of custody.

I am specifically not interested in S136, or your policy on that.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

Unfortunately there is no central register for this information and no way to retrieve the information by way of electronic searches.

If there are concerns for the mental health of a detained person, and an additional assessment is required, this is carried out by a Mental Health Team who are partner agency staff, not Gloucestershire Constabulary employees. Their assessment is recorded on their own external system. If any updates are required to be recorded on Gloucestershire Constabulary systems, in order to determine if information is held a manual review of all records is required. As this would involve the review of thousands of records this would therefore take far longer than the 18 hours prescribed by the Freedom of Information Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1)– Fee Regulations states:

Section 1(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Section 16 of the Freedom of Information Act, provides the opportunity to assist the applicant with any suggestions or variation that may allow a search to be undertaken within the cost constraints of Section 12 of the Act.

Information may be held in answer to question 1c.

If this would be of use to you, you can resubmit your request for this part only.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the

response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary