



Your reference:

Our reference: FOI_25_0262

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 01/04/2025

Dear

Gloucestershire Constabulary Freedom of Information request FOI_25_0262

On 06/03/2025 you sent an email constituting a request under the Freedom of Information Act asking the following:

When a mental health act assessment is made in custody, within PACE, and a recommendation made to detain under the MHA, but a bed can't be found, often people are then unlawfully detained by Police until a bed is available.

Can you please confirm if you hold any data in a cost achievable format which can be disclosed?

If not, can you please confirm your policy on MHAA in custody?

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

There is no central register for this information and no way to retrieve the information by way of electronic searches. Should a situation occur where there is no other option than to house a MHA detainee within custody, the only way to determine if this information is held is to manually review all custody records. As the constabulary records, on average, 700 records per month, this would obviously take far longer than the 18 hours prescribed by the Freedom of Information Act.

You should consider this to be a refusal notice under Section 17 of the Act for this part of your request.

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.

Providing Information Outside of the Act

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, we have supplied the information relevant to your request which has already been retrieved. We trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

The policy for dealing with MH in custody is as follows:

If a detainee appears to be suffering from a mental health condition and is in need of a mental health assessment, the documents below provide the telephone numbers of the relevant individuals/departments to contact and operational guidance relating to the Maxwell Suite. Those detention under 136 of the MHA should NOT be brought to the custody suite unless they are too violent to be housed within the Maxwell Suite or any other place of safety.

Detention rates under the MHA Section 136 are very low as custody is now recognised to be an inappropriate environment for those suffering from acute mental health conditions to be supported and treated and, unless there is no other operational alternative due to the detainee being extremely violent, other places of safety will always be sought. The embedded MH team working in custody will work in partnership with the custody team to ensure the right placement is found and that the appropriate MH team workers are in place to undertake assessments and ensure on-going care is provided. Once detained following a full MHA assessment, detainees will be moved from the custody suite to an appropriate bed or alternative place of safety.

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