

GWENT POLICE AUTHORITY
Professional Standards Committee

Date: 11th November 2008 **Item No: 4e**
Heading: Use of Police Custody as a Place of Safety
Report Author: Chief Executive and Chief Constable

SUMMARY

The IPCC has recently published a study on the use of police custody as a place of safety under section 136 of the Mental Health Act 1983 (MHA83). The report makes a number of recommendations for the police, for primary care trusts and other agencies which aim to help to minimise the use of police custody as a place of safety. Gwent Police has the highest number of section 136 detentions in the Welsh Region.

RECOMMENDATION(S)

Members are asked to note the report.

1. BACKGROUND

- 1.1 The IPCC has recently published a study on the use of police custody as a place of safety under section 136 of the Mental Health Act 1983 (MHA83). The study had two main aims:
- To describe the nature and extent of Section 136 detentions in police custody across the 43 police forces in England and Wales.
 - To identify reasons why the use of police custody as a place of safety varies across police forces in England and Wales by examining practice on the ground and working relationships in a sample of forces with differing rates of section 136 usage in police custody.
- 1.2 The Mental Health Act 2007 and its subsequent Code of Practice (COP) comes into force in November 2008. The draft COP, along with all the advice from the IPCC, Safer Detention Guidance, ACPO and Home Office Guidance agree that a Police station should NOT be used as a Place of Safety, unless under exceptional circumstances. A recent report on S.136 by the Royal College of Psychiatrists gives further weight to the need for S.136 detainees to be appropriately cared for and encourages the provision of dedicated units and staff.
- 1.3 The APA strongly supports the IPCC's work to ensure that more people with mental health problems have access to more appropriate places of safety where they are able to receive the support they require at the earliest possible stage

1.4 The table shows the rate of S. 136 detentions per 10,000 people in custody.

Police Force	No. of S.136 detentions	No. of people held in custody	Rate of S.136 detentions per 10,000 people in custody
Low Rate Forces			
n/a			
Medium Rate Forces			
North Wales	68	28,233	24
South Wales	174	51,957	33
High Rate Forces			
Dyfed Powys	167	19,649	85
Forces with rates based on estimated custody population			
Gwent	380	19,490	195
Total for England & Wales	11,517	2,015,817	57

The report noted a number of factors explained the variations in rates of detention across police forces:

- Availability of alternative places of safety
- Demographical and geographical features
- Preventative work
- Usage of different powers, ie. arrest seen to be less bureaucratic process when detaining under s.136
- Inconsistent and incomplete recording

1.5 The IPCC recommendations cover a range of issues associated with the assessment of mental health detainees, training for police officers generally and in key roles, strategic arrangements and structures, Place of safety, detention and transport arrangements, recording practices, local codes of practice and the Place of Safety arrangements. Details of the recommendations are included in Appendix A.

1.6 GWENT NHS has never provided a Place of Safety (PoS) within the NHS establishments. Not only that, until recently the Psychiatric Sector would not even consider or discuss this option. Gwent Police have to rely on Police cells. This may explain why Gwent has a larger proportion of S136 arrests than comparable Forces.

Even if detainees are arrested for a Criminal offence, the Force has mental health trained nurses in custody units. Soon these will be supported by Mental Health Court and Custody liaison team, who can address any needs, and refer accordingly.

Custody Sergeants are undergoing a programme of refresher training in respect of mental health and risk assessment

A Mental Health S136 working party was established in early 2007, to implement the protocol aligned to the Code of Practice and the place of safety. A planning officer for mental health with Caerphilly Social Services is the group lead. The group have prepared a draft S136 Protocol, but concern around the absence of an alternative place of safety (other than a police station) has prevented the sign off of the protocol.

An in force Mental Health Steering Group has been closely monitoring the use of Section 136 within Gwent. Feedback has been given to officers following arrest, stressing the need to arrest for criminal offences that may have been committed, (mental health issues can still then be assessed at the custody unit) and only using S136 when there is felt to be that immediate need of care or control in that person's interests or for the protection of others. Further training is about to be delivered. Our monitoring of S.136, coupled with the IPCC report, and the Bradley review (Independent Review of the Diversion of Individuals with Mental Health Problems from the Criminal Justice System and Prison) have all assisted in moving the debate forward. The monitoring has not surprisingly also shown the clear links between mental health issues, alcohol and substance misuse.

- 1.7 On 24th October 2008 a meeting took place in Monmouthshire County Hall with strategic leads from the NHS Psychiatric Sector. Police lead at the meeting was the Head of Criminal Justice. During the meeting NHS/social service attendees around the table agreed that there was a need for the NHS Psychiatric sector to scope out the provision of a Place of Safety within Gwent. A small focussed subcommittee will progress plans for this provision within the next three months.
- 1.8 South Wales Police provide a Detective Constable as a Mental Health coordinator. This officer provides a significant input in respect of single point of contact, information and intelligence sharing, multi-agency approaches (including training) and performance management. In light of the current situation consideration will be given to a similar appointment in Gwent if funding can be identified.

2. PROPOSAL FOR CONSIDERATION BY COMMITTEE AND CURRENT POSITION

- 2.1 That the Authority notes the progress in respect of an alternative Place of Safety for Mental Health Detainees.

3. STAFFING/PERSONNEL IMPLICATIONS

- 3.1 Use of police custody as a 'place of safety' can result in a huge strain on resources. Each detainee requires constant supervision. The progression of improved processes through a dedicated coordinator has been extremely beneficial within the South Wales Police area.
- 3.2 A business case for a Mental Health co-ordinator will be considered by the force.

4. FINANCIAL IMPLICATIONS

- 4.1 A reduction in the number of section 136 detentions may have a positive effect on financial resources. These detainees are a higher risk than the general detainee population.

5. CONSULTATION

- 5.1 ACPO have been approached for their initial views on the recommendations and consultation with partner agencies is well established.

6. PROJECT ASSESSMENT FOR EQUALITY AND DIVERSITY MATTERS

- 6.1 This project/proposal has been considered against the general duty to promote equality, as stipulated under the Police Authority and Force's Equality Schemes, and has been assessed not to discriminate against any particular group.

7. RISK ASSESSMENT

- 7.1 Police custody is widely regarded as an unsuitable 'place of safety' as the environment can exacerbate the individual's mental state and, in the most tragic cases, can lead to deaths in custody. Police resources may also be diverted from fighting crime.

8. STAYING AHEAD (2011 REVIEW)

- 8.1 Staying Ahead will confirm responsibility for the oversight of Mental Health issues across the organisation.

9. CONCLUSION

- 9.1 Over the next year IPCC Commissioners will monitor whether their forces and local health and social care authorities have developed new protocols on the use of section 136 in their area taking account of the new Mental Health Act and the revised Code of Practice limiting the use of police custody to exceptional situations. The key issue for Gwent is the lack of a suitable alternative.
- 9.2 The position in Wales in terms of responsibility is different from England as responsibility lies with the Welsh Assembly Government as far as providing the necessary funding and policy direction to provide suitable alternatives for places of safety and thus not rely on police stations as tends to be the case now.

10. CONTACT OFFICERS

- 10.1 Siân Curley, Business and Member Services Manager and Jon Burley, Head of Criminal Justice

11. BACKGROUND PAPERS

- 11.1 IPCC report Police Custody as a 'Place of Safety' Examining the Use of Section 136 of the Mental Health Act 1983 (www.ipcc.gov.uk/section_136.pdf)

12. APPENDICES

- 12.1 Summary of IPCC Recommendations and the Local response

Appendix A

IPCC Report Recommendation Number	Comments/Actions
	Background. Para 1.2. There is an error here. It should state...."although it does not exclude the police station from the list of places of safety."
5	<p>Recommendation 5: co-ordinated and timely of mental health assessments.</p> <p>Gwent Response Timeliness is not necessarily an issue for Gwent. All custody nurses are trained in Mental health. Recurring revenue funding from WAG has also been secured to implement a Court and Custody Mental Health Diversion Team. This will consist of approved Mental health workers coming into custody, assisting in our nurses and doctors, and will assist in this process/recommendation.</p>
6	<p>Recommendation 6: raise any problems with lengthy delays in mental health assessments in hospital emergency departments</p> <p>Gwent Response Target times have been discussed at the S136 working groups, and are included in the draft protocol.</p>
7	<p>Recommendation 7: ensure that officers on the street have adequate training to recognise symptoms of mental disorder and understand their powers</p> <p>Gwent Response Training is given to new recruits, with aid of partners from the psychiatric sector. Training to existing front line officers is being refreshed. There are workshops being rolled out and next such workshop is on 19th November, targeting 100+ front line officers.</p>
8	<p>Recommendation 8: agree with other agencies that officers can contact individuals with mental health expertise, such as approved social workers, to get advice on particular individuals.</p> <p>Gwent Response Once the Court and Custody Mental Health Diversion Team have been implemented, this is an action they are to take forward in conjunction with our lead custody nurse.</p>
9	<p>Recommendation 9: ensure that custody officers and staff receive refresher training on mental health symptoms and section 136 processes so that detainees held in police custody receive appropriate care and attention.</p> <p>Gwent Response 2 Days of Risk Assessment/Mental Health training is included in the initial Custody Sergeants course. Refresher Training is being provided to all custody staff during November 2008</p>
10	<p>Recommendation 10: meet at a strategic level to review the current arrangements with regard to section 136 detentions in their</p>

	<p>area.</p> <p>Gwent Response The strategic approach of the NHS Trusts, in particular place of safety needs to be formalised. This work is being taken forward via the force Mental Health Steering group.</p>
11	<p>Recommendation 11: review their arrangements for detaining under section 136 people who are intoxicated and/or violent to ensure that they get the most appropriate care. It might be possible to provide a non-police facility where individuals can be safely detained and assessed with police officers present.</p> <p>Gwent Response We already have 1-1 observation levels in custody. A Non Police/NHS facility for drunks is required. Such facilities are often referred to as 'wet houses'. There are only 2 others throughout the UK. The planning officer for mental health with Caerphilly Social Services is however looking at such a project.</p>
12	<p>Recommendation 12: look for solutions that improve the availability and/or timely attendance of doctors approved under section 12 of the Mental Health Act 1983, where this is a problem. Forces should require their forensic medical examiner provider to ensure that sufficient forensic medical examiners are section 12 approved. This could be particularly helpful in increasing the availability of specialist doctors outside normal working hours</p> <p>Gwent Response Not a current problem in Gwent.</p>
13	<p>Recommendation 13: accurately and consistently record section 136 detentions both in police custody and hospital environments. The records should include key demographic details such as age, gender and ethnicity, along with the length and outcome of the detention (for example, whether the individual was taken to hospital).</p> <p>Gwent Response Already in place. The CJD have developed a database for collating all such information from S136 forms.</p>
14	<p>Recommendation 14: agree a policy on the transportation of section 136 detainees being admitted to hospital following an assessment (within the wider conveyance policy required under the Mental Health Code of Practice).</p> <p>Gwent Response In draft form and aligned with the S136 draft protocol.</p>
15	<p>Recommendation 15: agree a policy on the transportation of section 136 detainees being released back into the community (when transportation is necessary).</p> <p>Gwent Response In draft form and aligned with the S136 draft protocol.</p>
16	<p>Recommendation 16: monitor section 136 detentions by multi-agency groups at a local level to identify any problems. This should include monitoring of the new power to transfer between places of safety to see how it is being used in practice.</p> <p>Gwent Response</p>

	This is being done by the S136 working party.
19	<p>Recommendation 19: provide joint training on section 136 and mental health.</p> <p>Gwent Response Joint training occurs for probationers and further training being delivered via roadshows.</p>
20	<p>Recommendation 20: clarify the current situation by providing joint training on information sharing and what can be shared legally about a section 136 detainee.</p> <p>Gwent Response Information Sharing protocol currently being explored by the S136 working group.</p>