

13 November 2024

FOI Ref 17418

Request - You asked us the following:

For each of the last four calendar years (2019, 2022, 2023, and 2024) could you please provide me with:

1. the number of individual arrests under sections 136 and 137 of the Mental Health Act;
2. the number of individual arrests of children, being under 18-years-old, under sections 136 and 137 of the Mental Health Act;
3. the number of individual instances when a police officer was physically harmed by someone whilst making an arrest or looking after someone under sections 136 and 137 of the Mental Health Act;
4. the number of individual instances of someone self-harming whilst in your custody; and
5. the number of individual instances of someone ending their life whilst in your custody.

We received your request on 30/10/2024 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

The following exemptions have been applied:

- Section 12(1) where the cost of compliance exceeds the appropriate limit.
- Section 12(1) 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 prescribed limit'.

The above information has been withheld for the following reasons:

There is no method by which we can easily retrieve information from our systems to answer parts of this request. For the time period requested, there have been in excess of 2,200 Section 136 detentions, to ascertain whether questions 3, 4 and 5 relate to any of these the record for each detention would require a manual review. To extract this data would therefore require a very labour-intensive manual trawl through each record.

From dip sampling, it has been estimated that it would take approximately 5 minutes to review each record to answer this request, this would equate to over 183 hours. To achieve this task would therefore exceed the 18-hour time and cost threshold of the FOI Act by some considerable margin.

Advice and assistance

Section 16 of the Act places an obligation upon the Authority to provide advice and assistance, in order to comply with this obligation please see below.

In order to refine your request data can be provided in full for questions 1 and 2 if you were to retract questions 3, 4 and 5. However please be advised that we only hold this data in financial years so therefore data for 2020/21, 2021/22, 2022/23 and 2023/24 can be provided.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:



STAFFORDSHIRE
POLICE

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

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit