

24 February 2025

FOI Ref 17805

Request - You asked us the following:

I am following up on this report: <https://news.npcc.police.uk/releases/thousands-of-people-suffering-mental-health-issues-may-be-unlawfully-held-by-police-due-to-lack-of-available-hospital-beds>

To that end, can you please provide to me:

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

And, of those overall cases, by year:

- How many of those cases each year involved a subsequent detention in custody which exceeded the statutory maximum period under PACE due to a mental health bed not being found.

- 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.

- Your policy as of 2025 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.

If you do not have all the information to hand, please provide me with what you can, ideally the most recent data.

We received your request on 10/02/2025 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 exemption has 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:

This is because on 20th May 2020 Staffordshire Police implemented a new case management system. This system brought data from a number of legacy systems into one to provide a single nominal record, including the custody system. The old custody system has now been decommissioned and as a result there is no search facility to be able to retrieve the requested data. It would entail searching thousands of records to establish if it fitted the criteria of the request. Furthermore, arrest data after 20th May 2020 would require a trawl through all arrests to determine if the detained person was arrested due to mental health act assessment (MHAA) and this data would be recorded in the free text fields of the detention log. Therefore to achieve this task would exceed the 18-hour time and cost threshold stipulated by 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.

Please be advised Staffordshire Police follow the [Detention and custody risk assessment | College of Policing](#) procedure.

Unfortunately, we cannot suggest a way in which your request could be simplified or pared down in order to bring it within the confines of the time and cost threshold.

Please be advised that all Freedom of Information request responses are published on the Staffordshire Police website although personal details are not included.

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:

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