

Dated: 22/3/2024

POLICY TITLE: Place of Safety under Section 136 Mental Health Act 1983

OWNING DIRECTORATE: Local Policing

AUTHOR: Chief Inspector Problem Solving and Mental Health, Prevention Department

CONTACT DETAILS: 101

EQUALITY IMPACT ASSESSMENT: Complete

AUTHORISED PROFESSIONAL PRACTICE (APP) NATIONAL GUIDANCE:
Available

AIM OF POLICY: Northumbria Police will exercise the powers granted by Section 136 of the Mental Health Act 1983, to ensure the safety of those suffering mental illness and to provide protection to the general public and Northumbria Police staff.

BENEFIT OF POLICY: Provision of safety for those suffering mental illness and the protection of the general public and Northumbria Police staff.

REASON FOR POLICY: To ensure that Northumbria Police use the powers granted by Section 136 of the Mental Health Act 1983 to provide safety to those suffering from mental illness and protection to others.

Northumbria Police acknowledges its positive duty to protect life under the Human Rights Act (HRA) 1998, Article 2, and that this duty extends to:

- people found in any place other than a private premises, yard, garden or shed attached to that premises apparently suffering from a mental disorder and to be in immediate need of care and control in their own interests;
- others who need protection from such people;
- Northumbria Police staff and officers.

As part of its response to that duty, Northumbria Police will use the powers granted by Section 136 of the Mental Health Act 1983, to remove people found in those circumstances to a place of safety.

It is recognised that use of such powers will impinge upon the individual's right to liberty, afforded by the HRA 1998, Article 5, and that officers will do so only where lawful in accordance with Article 5(1)(e), where necessary to the duty to protect life and when proportional to the harm which might otherwise occur.

Removing a person to a place of safety (namely a designated Section 136 suite at a hospital), will enable detainees to be examined by a suitably qualified doctor and to be considered for a full assessment under the Mental Health Act 1983. The process by which this is achieved is detailed in the protocol agreed with relevant partner agencies.

SOURCE DOCUMENT: N/a

GROUPS AFFECTED: All staff

ACCESS AND DISCLOSURE RESTRICTIONS: None
