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VISIT AND MONITORING REPORT

June 2017

Mental Welfare Commission for Scotland

Who we are

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

What we do

- Provide advice, information and guidance to people who provide mental health and learning disability services.
- Empower individuals and their carers through advice, guidance and information.
- Check that individual care and treatment is lawful and in line with good practice.
- Promote best practice in applying mental health and incapacity law.
- Influence legislation, policy and service development.

Background

Place of Safety Orders

Place of safety orders can be used by the police under section 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003 when they find someone in a public place who they believe may have a mental disorder and be in immediate need of care and treatment. The individual can be detained in a place of safety for up to 24 hours in order to be assessed by a medical practitioner, and for any necessary arrangements to be made for that person's care and treatment.

Police stations should only be used as the place of safety in exceptional circumstances, where it is the best option for the individual. There should be locally agreed Psychiatric Emergency Plans in place with designated Places of Safety – for example a local psychiatric hospital or accident and emergency department. The aim of a Psychiatric Emergency Plan is to agree on procedures to manage the detention and transfer process in a way that minimises distress, disturbance and risk for the patient and others and which ensures as smooth and safe a transition as possible from the site of the emergency to the appropriate assessment/treatment setting.

Following the assessment, there is a range of possible outcomes. The person may be admitted to hospital voluntarily, detained under the Mental Health Act, or may return home.

The police are required to notify the Commission of any person held under this power, and provide: details of the date and time of the removal from a public place, the circumstances giving rise to this, the address of the place of safety and, if the removal was to a police station, why this was done. They also have a duty to inform the local authority and nearest relative, if possible.

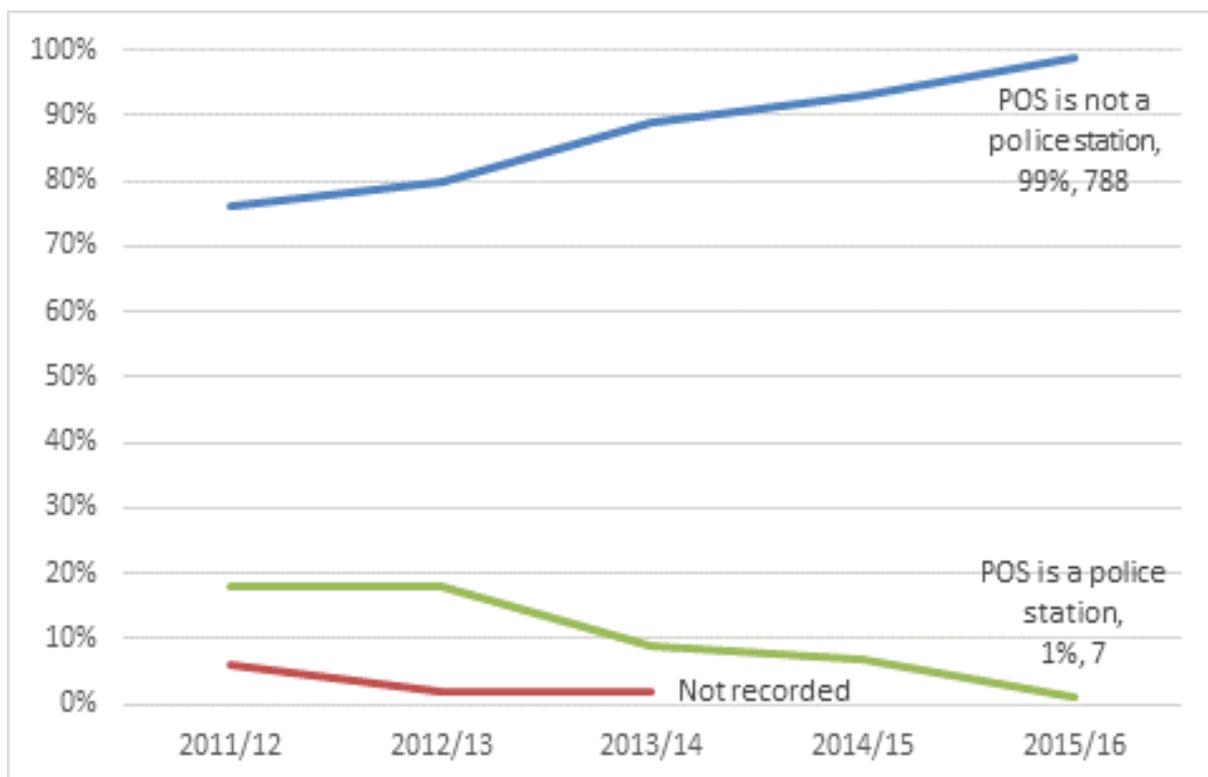
Details of the use of these orders is contained in our annual monitoring reports on the use of the Mental Health Act.

Why we produced this report

We wanted to look more closely at the information sent to us by the police and to identify any significant issues warranting further investigation by the MWC or Police Scotland.

There were significant concerns in England and Wales about the use of the equivalent power – s136 of the Mental Health Act 1983. In 2014-2015, 20% of people detained under this power were taken to a police cell, but in 2015-2016 this had fallen to just over 7%¹. However, this is still higher than the use of police cells as a place of safety in Scotland over the same period (1%).

Over the last 10 years we have been notified of increasing numbers of place of safety orders in Scotland, which we believe is due to better reporting by the police. In 2006/7 there were 130 notifications, rising to 795 in 2015/16. Since 2011/12 the percentage where a police station is used has fallen from 18% to 1%.



On the face of it, this is a positive story, with a proportionately lower use of the power, and a tiny number of cases where a police station has been used.

¹ <https://news.npcc.police.uk/releases/use-of-police-cells-for-those-in-mental-health-crisis-more-than-halves>

Police Scotland

Police Scotland is the country's national police service. It came into being on 1 April 2013, replacing eight regional police forces and specialist agencies. It is the second largest police service in the United Kingdom.

Police Scotland currently comprises 13 local policing divisions, headed by a Local Police Commander who oversees the delivery of policing in each area. It is through these divisions that most of the service's policing functions are delivered.

There are a number of national specialist divisions whose remit covers major crime investigation, public protection, organised crime, counter terrorism, intelligence and safer communities. The Operational Support division provide specialist support functions.

Policing Divisions and area Commands

Policing Divisions	Area Command
<u>Argyll & West Dunbartonshire</u>	West Dunbartonshire, Cowal, Bute & Helensburgh, Mid Argyll Kintyre & Islands, Oban, Lorn & Isles
<u>Ayrshire</u>	East Ayrshire, North Ayrshire South Ayrshire
<u>Dumfries & Galloway</u>	Galloway, Dumfriesshire
<u>Edinburgh</u>	North East, North West, South East, South West
<u>Fife</u>	Central Fife, East Fife, West Fife
<u>Forth Valley</u>	Clackmannanshire, Falkirk, Stirling
<u>Greater Glasgow</u>	Glasgow Centre, Glasgow North West, Glasgow East, Glasgow North, East, Dunbartonshire, Glasgow South West, East Renfrewshire, Glasgow South East
<u>Highland & Islands</u>	North Highland, Inverness, South Highland, Orkney Islands, Shetland Island, Western Isles
<u>Lanarkshire</u>	Monklands, Cumbernauld, East Kilbride, Cambuslang & Rutherglen, Hamilton, Clydesdale Wishaw, Motherwell & Bellshill
<u>North East</u>	Aberdeenshire North, Aberdeenshire South, Moray, Aberdeen City North & Aberdeen city South
<u>Renfrewshire & Inverclyde</u>	Inverclyde, Paisley, Renfrew
<u>Tayside</u>	Angus, Dundee, Perth & Kinross
<u>Lothian & Borders</u>	East Lothian, Midlothian, Scottish Borders, West Lothian

Each of the new divisions has a Risk and Concern Hub that is responsible for processing Place of Safety forms and submitting them to the Commission. Recently a major programme of training for police officers in dealing with people they encounter who may have a mental illness has been completed. In February Police Scotland published a Standard Operating Procedure (SOP) intended to provide guidance for police officers coming into contact with people 'experiencing mental health crisis', which covers the use of Place of Safety. We are aware that the SOP is currently under review and will incorporate changes made by the Criminal Justice (Scotland) Act 2016. Access to the SOP can be found on the Police Scotland website.²

Report

This report looks in more detail at the use of Place of Safety orders over a 3 month period in 2016 from 1/5/2016-31/7/2016.

There were 291 cases where a place of safety order was copied to the Mental Welfare Commission.

Of these 60% were male and 40% female. 3% were aged under 18, including one aged 14 years.

	Female		Male		Total	
Age range						
under 16	0	0%	1	1%	1	0%
16-17	5	4%	2	1%	7	2%
18-24	22	19%	30	17%	52	18%
25-44	60	52%	90	51%	150	52%
45-64	27	23%	47	27%	74	25%
65-84	1	1%	3	2%	4	1%
85+	0	0%	1	1%	1	0%
No DOB on form	1	1%	1	1%	2	1%
Total	116	100%	175	100%	291	100%

There were 262 individuals involved. Seven per cent had more than one episode and of these the majority had two episodes; only six people had more than two episodes in the three months.

During the three-month period, 96% of removals by police were to a hospital unit with only 4% being to a police station. This is higher than the most recent 12 month figure (1%) but may reflect a fluctuation during the shorter data collection period

² <http://www.scotland.police.uk/assets/pdf/151934/184779/mental-health-and-place-of-safety-sop>

Why were the powers used?

At this stage, we have not undertaken a full analysis of the circumstances giving rise to the use of the Place of Safety power. However, as the two typical case examples given below demonstrate, the police are generally responding to situations of great distress and difficulty for the individuals involved.

Our tentative view, which we will test out in our follow up work, is that the primary concern raised may not be that the police are using this power arbitrarily or inappropriately, but rather that these situations raise questions about the co-ordination and adequacy of community support for occasionally very distressed people.

Case example

April 2016: Mike called police saying he was suicidal and thinking of self-harm following a family argument. He was taken for assessment at the local mental health unit after the police found him confused and incoherent.

May 2016: Concerned neighbours phoned the police as Mike was threatening to cut his throat following an argument with his ex-partner. Taken to local mental health unit for assessment.

July 2016: Continually phoning the police and lots of other services, distressed and not taking his medication. Taken to local mental health unit for assessment.

Case example

Facebook messages posted stating going to jump off bridge. Intimated suicide plans to police in numerous phone calls that morning. 3 hour search before being found, taken to hospital for assessment.

How Place of Safety (POS) is used across Scotland

HB-POS1	Hospital-POS1	Total
Ayrshire & Arran	University Hospital Ayr	1
	University Hospital Crosshouse, Kilmarnock	1
Borders	Borders General Hospital	1
Dumfries and Galloway	Dumfries and Galloway Royal Infirmary	1
Fife	Queen Margaret Hospital	14
	Stratheden	6
	Victoria Hospital	1
	Whyteman's Brae	56
Forth Valley	Forth Valley Royal Hospital	4
Grampian	Dr Gray's	4
	Royal Cornhill	80
Greater Glasgow & Clyde	Glasgow Royal Infirmary	6
	Inverclyde General	1
	Queen Elizabeth University Hospital	2
	Royal Alexandra Hospital	5
	Drumchapel Hospital	1
Highland	New Craigs	51
Lanarkshire	Wishaw General Hospital	2
	Monklands Hospital	1
Lothian	REH / Royal Infirmary Edinburgh	1
	Royal Edinburgh Hospital	18
	Royal Infirmary Edinburgh	6
	St John's	3
Tayside	Carseview	7
	Murray Royal Hospital	3
NA	NA	1
Grand Total		277



Individual's Local Authority

Local authorities with no POS in period

- Dumfries and Galloway
- East Renfrewshire
- North Ayrshire
- Orkney
- Shetland
- South Lanarkshire
- Western Isles

LOCAL AUTHORITY	Count of id	Count of id2
Aberdeen City	64	22%
Aberdeenshire	10	3%
Angus	1	0%
Argyll & Bute	1	0%
Clackmannanshire	2	1%
Dundee City	16	5%
East Ayrshire	2	1%
East Dunbartonshire	3	1%
East Lothian	2	1%
Edinburgh City of	22	8%
Falkirk	3	1%
Fife	69	24%
Glasgow City	6	2%
Highland	44	15%
Inverclyde	1	0%
Midlothian	1	0%
Moray	5	2%
North Lanarkshire	4	1%
Perth & Kinross	3	1%
Renfrewshire	4	1%
Scottish Borders	1	0%
South Ayrshire	1	0%
Stirling	1	0%
West Dunbartonshire	1	0%
West Lothian	3	1%
not available	2	1%
NFA	10	3%
unknown[address 3 years ago Perth]	1	0%
England	6	2%
Wales	1	0%
Poland	1	0%
Grand Total	291	100%

The variation in reported use of Place of Safety orders shown above is striking. There are local factors which may mean that in some areas the police have less need to use this power. For example, it has been reported that mental health triage services in areas like Glasgow have successfully reduced the need for formal interventions in dealing with people in distress. However, we do not believe that this can explain the massive local variations.

We believe that either reporting processes are failing in certain areas or people are being removed for assessment without proper legal authority.

Another possibility is that the police are using criminal legislation to remove people who they think are mentally ill from a public place.

The Police Scotland Standard Operating Procedure and the Mental Health Act Code of Practice make clear that local areas should have agreed Psychiatric Emergency Plans. A Service Mapping report by NHS Scotland published in January 2016 found that 10 health boards reported having such a local protocol, while four did not.

While Health Boards, Local Authorities and Integrated Boards have no direct control over how the police use Place of Safety orders we would encourage them to engage in a dialogue with their local police service to examine possible reasons for the variations shown above, in the context of the development of their local Psychiatric Emergency Plans.

What we will do next

We will follow this information up at our annual meetings with Health Boards, Local Authorities and Integrated Boards, and seek assurances that local Psychiatric Emergency Plans are in place, and operating effectively.

We will share this report with Police Scotland to aid their training programme and their ongoing improvements in administration arrangements.

We will engage directly, on a regular basis, with the 13 Risk and Concern Hubs to help improve and standardise the reporting of Place of Safety orders.

We will carry out a more detailed monitoring exercise later in 2017 when we will speak to police officers who have used a Place of Safety orders and also try to ascertain what led to the crisis situation which the police had to respond to.

We will also seek to get views about the individual's experience of the process, and investigate how the use of Place of Safety links with subsequent use of detention.

We will ask Scottish Government to consider what further policy development and guidance may be required, as part of their commitment in the Mental Health Strategy 2017-2027 to 'support efforts through a refreshed Justice Strategy to help improve mental health outcomes for those in the justice system'.





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