



Devon & Cornwall Police

Force Policy & Procedure	Welfare Checks Policy
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Portfolio Holder	Assistant Chief Constable (Local Policing & Connectivity)

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1. Policy Statement [FOIA – Open]

- 1.1 The Police and Crime Commissioner and the Chief Constable of Devon and Cornwall Police are committed to protecting vulnerable people in our communities and this is clearly set out in the Police and Crime Plan. Devon and Cornwall Police is specifically committed to the continued development of effective partnership working arrangements with both statutory and non-statutory partners.
- 1.2 In the application of this policy staff are reminded of the need to comply with the standards and principles of the [Code of Ethics for Policing](#).

2. Introduction [FOIA – Open]

- 2.1 This policy is written to clarify the Devon and Cornwall Police position in relation to requests by external agencies to carry out ‘Welfare Checks’ on vulnerable adults and children. This document is intended to provide Officers with an overview of when Welfare Checks should be undertaken and does not include an exhaustive list of Police powers of entry. Officers should therefore familiarize themselves with the relevant provisions of the Police and Criminal Evidence Act 1984 (PACE) and the Codes of Practice.
- 2.2 Analysis of Police incident logs has identified that requests by external agencies to conduct ‘Welfare Checks’ have been steadily increasing and that some of these requests are not appropriate for Police Officers to deal with.
- 2.3 Devon and Cornwall Police Officers and staff have specific duties and responsibilities to carry out in protecting the public and the purpose of this policy is to ensure that Police resources are utilised to best effect and in accordance with these duties and responsibilities.
- 2.4 The Statement of Common Purpose and Values for the Police Service sets out that:
- “The purpose of the Police service is to uphold the law fairly and firmly; to prevent crime; to pursue and bring to justice those who break the law; and to keep the Queen's Peace; to protect, help and reassure the community; and to be seen to do all this with integrity, common sense and sound judgement”.*
- 2.5 The law provides Constables with certain powers to enable them to fulfil their duties, e.g. power of entry to premises, but it is important to note that there is no general duty to ensure the welfare of citizens and that Police Officers are accountable for their decisions in utilising these powers.
- 2.6 It is also the case that the presence of a uniformed Police Officer can have a significant negative impact on vulnerable individuals and therefore the deployment of Officers needs to be necessary and proportionate in the circumstances.

3. Policy [FOIA – Open]

- 3.1 Devon and Cornwall Police will respond to requests for assistance from external agencies to conduct Welfare Checks on vulnerable adults and children where the following criteria are met:
- There is an identifiable and **immediate** risk to life or property.
 - The vulnerable person or child is suffering or are at risk of suffering **immediate** and significant harm.
 - It is reasonably believed that a crime has been committed or is about to be committed.
 - Attendance of a Police Officer is necessary to prevent a Breach of the Peace.

- 3.2 Devon and Cornwall Police will not accept responsibility for carrying out checks where an agency makes a request that does not meet any of the above criteria.

4. Procedural Guidance [FOIA – Open]

- 4.1 Devon and Cornwall Police will accept responsibility for carrying out checks on the welfare of vulnerable people where any of the criteria set out in this policy are met.
- 4.2 When requests are made for Welfare Checks, the exact nature of the immediate threat, risks and potential harm relating to the vulnerable person must be established.
- 4.3 Police will carry out a 'Welfare Check' when a request is made to Police about an individual, if it is an **emergency situation** where there is a **real concern** or a degree of apprehension of some serious injury/loss of life without immediate Police intervention, or serious damage is being done or is immediately threatened to property.
- 4.4 The Police will respond because it enables a professional intervention if an individual is in need of immediate assistance due to a health condition, injury or some other life threatening situation. Unless this threshold is reached, Police have no duty, and therefore no additional power, to take any action once outside the premises. Officers are reminded that section 17 PACE does not provide Officers conducting emergency Welfare Checks, where it is reasonably believed that a crime has occurred or is about to or where it is necessary to prevent a breach of the peace as per criteria 2 and 3 of the policy, with an automatic right of entry to the premises.
- 4.5 **N.B. Officers considering their power under section 17 PACE must ensure that they gather as much information as possible in support of their grounds and record the same as soon as reasonably practicable following the event.** This might include speaking with occupants, neighbours or collating any other information/intelligence to support an honestly held belief that entry without warrant is necessary. There will of course be circumstances when the Officer will not consider this to be appropriate due to the emergency nature of the situation. In these circumstances, the Officer should ensure their report contains details of their reasoning for immediate entry.
- 4.6 The National Decision Model (NDM) can be applied, in line with the Code of Ethics and Force Mission and Strategy. Please refer to the [NDM Authorised Professional Practice \(APP\)](#) for further guidance.

5. Non-Emergency Welfare Checks [FOIA – Open]

- 5.1 In the event that the threshold for Police attendance is not satisfied, the concern (and the resolution of that concern), will remain that of the requesting agency.

- 5.2 It may occasionally be considered appropriate for Police to accompany another agency to conduct such a check, but this will need to be assessed on a case by case basis and it is for the requesting agency to provide the relevant information/intelligence to support the need for the presence of the Police. If the requesting agency cannot provide and evidence good reason, **Police will not attend**. The responsibility for dealing with the matter will remain that of the requesting agency.
- 5.3 If a 'Welfare Check' is carried out by Police, the Officer/s carrying out the check must update the relevant agency and complete the ViST.
- 5.4 Police will attend at the request of another force. The attending Officer/s should satisfy themselves that the threshold for entry is met even when the request for attendance originates from another Police force.

6. Escalation Policy [FOIA – Open]

- 6.1 In the event of a disagreement between the requesting agency and Police, the matter should be referred to the Force Incident Manager (FIM) who will be responsible for determining whether Police resources are deployed.

7. Legal Considerations [FOIA – Open]

- 7.1 Police have a range of powers deriving from statute that enable them to carry out their duties. Where there is no specific legislative power, courts will often imply a power that corresponds to the core duties to enable Police Officers to lawfully fulfil that duty. However, powers do not extend simply to facilitate Officers acting in excess of those core duties.
- 7.2 Police have a positive obligation to protect life under article 2 of the European Convention of Human Rights, incorporated into UK law by the Human Rights Act 1998. This obligation arises where Police know, or ought to know, about a real risk to life. In situations where a 'Welfare Check' is carried out by Police and there is an identified risk to life, Officers may seek to rely upon section 17 of the Police and Criminal Evidence Act 1984, which provides that:
- "1) Subject to the following provisions of this section....a constable may enter and search any premises for the purpose-*
.....
(e) of saving life or limb or preventing serious damage to property."
- 7.3 However, it should be noted that in the case of *Syed v DPP [2010]* the High Court ruled that this provision did not justify entry where there was a general concern for the welfare of someone within the premises and therefore Officers were not acting in the execution of their duty when purporting to rely on s.17 to force entry against the wishes of the person who answered the door.
- 7.4 Welfare Checks should not encroach on an individual's right to privacy.

8. Assessment Compliance [FOIA – Open]

- 8.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with Equality legislation and policies. In addition Data Protection, Freedom of Information, Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies. Public disclosure is approved unless where otherwise indicated and justified by relevant exemptions.

9. Review and Ownership [FOIA – Open]

- 9.1 The review of the contents of this policy is the responsibility of the Commander, Alliance Operations Department. Review of this policy will be undertaken annually.