



# Devon & Cornwall Police

## Force Policy & Procedure

## Mental Health Issues

Reference Number

D140

Policy Version Date

12 April 2016

Review Date

11 April 2017

Policy Ownership

Local Policing & Partnerships

Portfolio Holder

Assistant Chief Constable (LPP)

Links or overlaps with other policies D75 – Safeguarding Adults

**31/03/2016 – Please note that this policy is currently undergoing review. For the most current guidance please refer to the Force Mental Health Liaison Officer.**

## 1.0 Policy Statement / Intentions

1.1 Devon and Cornwall Police is committed to ensuring the wellbeing and safety of the community. No individual will receive less-favourable treatment or service on the grounds of their illness, disability, impairment or disorder. Whether a victim, witness or offender, we aim to treat people with mental health issues in a compassionate, skilful and informed way. We will work to ensure a more effective response and continued enhancement of partnership arrangements. A partnership approach to working practice will ensure a co-ordinated and considered approach to the individuals' welfare and safety.

1.2 The College of Policing (CoP) offers an online service that provides access to a consolidated body of guidance for policing called Authorised Professional Practice (APP). This enables officers and staff to access and search for the most up to date approved guidance, which replaces a number of previously published NPIA and ACPO documents.

APP guidance on [Detainee Care - Mental Ill Health and Learning Disabilities](#) is available and should be read in conjunction with this policy.

## **2.0 Introduction**

### **2.1 Definitions**

- 2.1.1 The Equality Act takes its definition of a mental health condition from the superseded Disability Discrimination Act 1995 which defines mental disability as ‘Mental impairment which has a substantial long-term adverse effect on a person’s ability to carry out normal day to day activities’.
- 2.1.2 The Mental Health Act 1983 as amended by the Mental Health Act 2007 defines mental disorder as ‘any disorder or disability of mind’
- 2.1.3 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](#).

## **3.0 Procedures / Principles / Ethos of Policy**

- 3.1 A multi-agency protocol in relation to s135 of the Mental Health Act (warrant to search for and remove patients) has been developed which outlines the roles and obligations of each Authority. It is intended to act as guidance to Police Officers, Medical Practitioners, Appropriate Healthcare Professionals (including Ambulance professionals) and Approved Social Workers as to how to deal with persons detained under this section. This document can be accessed through the following link.

[Peninsula s135 Mental Health Act 1983 Protocol](#)

- 3.2 A further protocol exists in relation to s136 of the Mental Health Act (mentally disordered persons found in public places) and can be accessed through the following link.

[Section 136 Mental health Act 1983 – Operational Protocol for Devon, Cornwall and the Isles of Scilly](#)

- 3.3 The Force is a signatory to the following document:-

[Protocol for the Exchange of Information between Statutory Agencies in Devon and Cornwall in Relation to Potentially Dangerous or Mentally Disordered Persons](#)

- 3.4 These documents represent the Force position in relation to addressing mental health issues in partnership with relevant organisations.
- 3.5 In utilising this policy, the following should be referred to:-
- The Mental Capacity Act 2005
  - Mental Health Act 1983
  - The Mental Health Act 2007
  - The Equality Act 2010

- Home Office Circular [66/90](#) (comprehensive advice regarding the manner in which individuals with mental disorders should be treated.)
- Home Office Circular [17/2004](#) (General principles to inform local protocols between the Police and Health Services on handling potentially violent individuals).
- P.A.C.E Codes of Practice (in particular Code C and D, Legal requirements advising on the treatment of suspected offenders with mental disorders.)
- [D075 Safeguarding Adults](#)
- D148 Detention Treatment and Arrest
- APP – Detention and Custody

#### **4.0 Audit Declaration**

- 4.1 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, Management of Police Information and Health and Safety issues have been considered. Adherence to this document will therefore ensure compliance with all relevant legislation and internal policies.

#### **5.0 Review and Ownership [FOIA Open]**

- 5.1 The review of the contents of this policy is the responsibility of the Head of Local Policing and Partnerships Department. Review of the policy will be undertaken annually.