

Via email

21 October 2020

Our ref: NIC-405855-Y0G7M

Dear Sir/Madam,

**Re: Information Request – Freedom of Information Act (FOIA) 2000**

Thank you for your email dated 24 September 2020 requesting the following information:

*I would like to receive information relating to the number of patients detained and the number of patients discharged under various sections of the Mental Health Act from January 2018 to September 2020.*

- 1. The number of people detained under Section 2 of the Mental Health Act from 2018 to date. Please provide a monthly breakdown of these figures for the years 2018 and 2019, and a weekly breakdown for 2020.*
- 2. The number of people discharged under Section 2 of the Mental Health Act from 2018 to date. Please provide a monthly breakdown of these figures for the years 2018 and 2019, and a weekly breakdown for 2020.*
- 3. The number of people detained under Section 3 of the Mental Health Act from 2018 to date. Please provide a monthly breakdown of these figures for the years 2018 and 2019, and a weekly breakdown for 2020.*
- 4. The number of people discharged under Section 3 of the Mental Health Act from 2018 to date. Please provide a monthly breakdown of these figures for the years 2018 and 2019, and a weekly breakdown for 2020.*
- 5. The number of people detained under Section 37 of the Mental Health Act each week from 2018 to date. Please provide a monthly breakdown of these figures for the years 2018 and 2019, and a weekly breakdown for 2020.*
- 6. The number of people discharged under Section 37 of the Mental Health Act each week from 2018 to date. Please provide a monthly breakdown of these figures for the years 2018 and 2019, and a weekly breakdown for 2020.*

*Please break down all the above information by age, gender and ethnic background.*

We do not currently publish a monthly breakdown of people detained under the Mental Health Act by individual sections. The data that are currently published monthly gives an indication of the number of people subject to the Mental Health Act (measure MHS08) but not which sections are used or any indication of the volume of activity (i.e. numbers of detentions and discharges from each section). MHS09 (People subject to detention at the end of the reporting period) is also published monthly.

For the first time, for July 2020 data, we are publishing four new measures which include The number of uses of short term orders under Sections 4, 5(2), 5(4), 135 and 136 of the MHA that occurred in the reporting period (measure MHS82) and The number of uses of Section 136 that occurred in the reporting period (measure83).

Data is available from <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-services-monthly-statistics>

The Mental Health Act Statistics Annual publication does hold information broken down by individual sections but not for the periods requested (monthly and weekly). Table 1a (Detentions under the Mental Health Act 1983, by legal status and provider type) and table 4 (Uses of Sections 2 and 3 of the Mental Health Act 1983 by provider type) may be of interest. The latest published data is for 2018-19 and is available from the following link: <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-act-statistics-annual-figures/2018-19-annual-figures>

Data on discharges from the Act are not currently published but we plan to include this in the upcoming Annual publication next month. However it should be noted that in the first instance this will concentrate on discharges from the Mental Health Act and will not be broken down by which Section they were discharged from.

The 2019-20 publication is planned for release on 27<sup>th</sup> October 2020.

Under section 21 of the FOI Act, we are not required to provide the information in response to a request if it is already reasonably accessible via other means. This exemption applies because the information you have requested is available via the NHS Digital Data Access Request Service (DARS).

To request a bespoke extract or tabulation report, follow the link below to the NHS Digital DARS pages on the NHS Digital website where you can find information regarding our bespoke data extract services, charges that may apply and download the relevant application forms. <https://digital.nhs.uk/services/data-access-request-service-dars>.

I trust you are satisfied with our response to your request for information. However, if you are not satisfied, you may request a review from a suitably qualified member of staff not involved in the initial query, via the [enquiries@nhsdigital.nhs.uk](mailto:enquiries@nhsdigital.nhs.uk) email address or by post at the above postal address.

If following an internal review, you remain unsatisfied with the way in which we have handled your request you are entitled to ask the Information Commissioner to assess whether we have complied with our obligations under FOIA by writing to them at the following address:

Information Commissioner's Office  
Wycliffe House Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

NHS Digital values customer feedback and would appreciate a moment of your time to respond to our Freedom of Information (FOI) Survey to let us know about your experience. Please access the survey through this link [here](#)

Yours sincerely

**Information Governance Advisor**

