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3 March 2016

Reference: T1894/16

Dear Mr James,

Thank you for your letter of 31 October 2015 about police powers under section 136 of the Mental Health Act 1983. I am sorry for the delay in responding.

Section 136 provides police officers with powers to remove a person who they believe to be suffering from a mental disorder and is in immediate need of care or control from a public place to a place of safety for the purposes of a mental health assessment. Often the person involved poses a risk of harm to themselves or others and the police have a duty to keep the public safe. Once the person has been taken to a place of safety, the assessment itself and any decisions on follow-up care for the patient are the responsibility of an Approved Mental Health Practitioner and a doctor with appropriate experience.

The police are not health professionals. However, it is important that they have an awareness of mental health issues so that they recognise the warning signs and use their section 136 powers when it is necessary. The College of Policing is reviewing the training and guidance available to police officers on their duties in relation to mental health. Moreover, many local areas are operating mental health triage schemes through which mental health nurses provide support and advice to the police when they are responding to people at the point of crisis. Initial signs indicate that triage-type approaches are reducing unnecessary use of section 136 in those areas. The Policing and Crime Bill, which was introduced to Parliament on 10 February, seeks to strengthen this work by including a provision that will require police officers to consult a mental health professional before taking the decision to detain a person under section 136, if practicable.

I hope this reassures you that it is lawful and appropriate for the police to use powers under the Mental Health Act in order to ensure that people in mental health crisis get the care and support they need from health professionals.

Yours sincerely,

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