

Our Ref: IM-FOI-2022-0432  
Date: 08 March 2022



## FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

### **How many times in the last year has Police Scotland used authority to take somebody to a place of safety due to concerns of a mental disorder in a public place?**

Powers in Scotland are derived from section 292 (removal from a private place under warrant) and section 297 (removal from a public place) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and allow police to remove someone to a place of safety as defined in the Act.

When a person is detained under section 292 of the Act (removal from a private place under warrant), police are only ever utilised to assist the Mental Health Officer / GP should the behaviour of the person being detained endanger the safety of the Mental Health Officer / GP executing the warrant.

All incidents which come to the attention of the Service are recorded on STORM, Police Scotland's incident management system. I can advise that there is no classification on the STORM incident recording system for 'place of safety' and there would therefore be tens of thousands of incident logs that would require manual examination, to establish if an individual was taken to a place of safety.

This is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations and, as such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

This recent FOI response may be of interest to you in terms of mental health relation *detentions*:

<https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/2021/august/21-1674-custody-stats-detained-mental-health-place-of-safety-2017-td/>

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Should you require any further assistance please contact Information Management - Dundee quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalrnarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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