

Our Ref: IM-FOI-2022-1020  
Date: 20<sup>th</sup> May 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.

**The number of children detained in police custody under section 136 of the Mental health Act 1983 from 2017-2022.**

**Please can I have this figure broken down by annual year. e.g. can you provide a figure for 2017, 2018, 2019, 2020, 2021 and 2022 (up until the date of receipt).**

**If you have the data, can you provide the average length of stay (in hours) of the children detained under section 136 in police custody for each annual year. e.g. 2017- average length of stay 3hours 2018- average length of stay 2hours.**

**If you have the data, can you provide the average age of the children in custody for each annual year. e.g. 2017 - average age 16 years old.**

**I would like to clarify that when I say 'detained in police custody', I mean when the subject has been taken to an actual police custody facility.**

In response to your request, I must first of all advise you that Section 136 of the Mental Health Act 1983 does not apply in Scotland.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

Individuals in Scotland can be detained for mental health reasons under 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 2002. This gives Police Officers the power to remove someone to a place of safety as defined by the Act.

If it would be of some assistance, we may be able to provide statistics regarding the above mentioned. Please submit a new request if this is of interest to you.

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

## OFFICIAL

[foi@scotland.police.uk](mailto:foi@scotland.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, 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.