

WELSH INFORMATION STANDARDS BOARD

DSC Notice:	DSCN 2019 / 05
Date of Issue:	9 th April 2019

Ministerial / Official Letter: N/A	Subject: Removal of a Suspected Mentally Disordered Person to a Place of Safety (s.135 and s.136 Mental Health Act 1983)
Sponsor: Matt Downton (Deputy Director – Mental Health and Vulnerable Groups Policy Division Welsh Government)	
Implementation Date: Pilot – starting 1 January 2019 Implementation from 1st April 2019	

DATA STANDARDS CHANGE NOTICE

A Data Standards Change Notice (DSCN) is an information mandate for a new or revised information standard.

This DSCN was approved by the Welsh Information Standards Board (WISB) at its meeting on the 27th March

WISB Reference: ISRN 2018 / 31

Summary:

To formalise a standardised data collection that reflects the changes in legislation set out in Sections 135 and 136 (s.135 and s.136) of the Mental Health Act 1983 and removing s.135 & s.136 elements of the current KP90 – Admissions, Changes in Status and Detentions under the Mental Health Act 1983 collection.

Data sets / returns affected:

s.135 and s.136 elements of the current KP90 – Admissions, Changes in Status and Detentions under the Mental Health Act 1983

Please address enquiries about this Data Standards Change Notice to the Data Standards Team in NHS Wales Informatics Service

E-mail: data.standards@wales.nhs.uk / Tel: 029 2050 2539

The Welsh Information Standards Board is responsible for appraising information standards. Submission documents and WISB Outcomes relating to the approval of this standard can be found at:

<http://howis.wales.nhs.uk/sites3/page.cfm?orgid=742&pid=24632>

DATA STANDARDS CHANGE NOTICE

Introduction

- People experiencing mental health crisis often come into contact with the police service either by referral or in the course of police officer presence in the community.
- Both section 135 and section 136 (s.135 and s.136) of the Mental Health Act 1983 (MHA) give police officers lawful authority to take or keep a person at a place of safety (respectively either a private dwelling or a public place) to enable an assessment of their mental health for the purpose of their own and/or the safety of others. When police officers use their powers under either section of the MHA an assessment must be arranged with qualified doctors and an Approved Mental Health Professional. There are statutory timescales for the completion of that assessment.
- The operational process for s.135 and s.136 is a complex transaction across policing, Health Boards and Local Authorities. It is the Mental Health Act administrators/department in each Local University Health Board who complete the data returns to the Welsh Government.
- The overall use of the Mental Health Act 1983 in Wales is monitored by Healthcare Inspectorate Wales. Historically this included the use of s.135 and s.136 and health boards and policing submitted their data directly to HIW.
- In 2015, it was agreed that this monitoring would be undertaken by the Welsh Government (Mental Health Policy and Delivery and Performance) for s.135 and s.136. The same year that the Welsh Government and Partners' Mental Health Crisis Care Concordat for Wales was published, with the purpose of improving the care and support for people experiencing or at risk of mental health crisis and who are likely to be detained under s. 135 or s. 136 of the Mental Health Act 1983.
- In April 2017, the Policing and Crime Act (PACA) received Royal Assent and changes made to s.135 and s.136 by PACA came into force in December 2017. The effect of these changes, broadly:
 - a) expanded the circumstances in which police officers can exercise their powers under s.135 and s.136
 - b) mandated that police officers must consult with a specified health professional before using s.135 and s.136 powers (with a view to establishing a less restrictive care pathway)
 - c) reduced the time a person can be lawfully detained under these powers – from 72 hours to 24 hours (with an extension of 12 hours in exceptional circumstances)
 - d) banned the use of police stations as places of safety for under 18s
 - e) limited the use of police stations as places of safety for 18+ year olds to exceptional circumstances and requiring senior authorisation and
 - f) where an adult is taken to a police station as a place of safety, there are statutory timescales for monitoring the currency of that need and a transfer to a health bases placed of safety must be arranged at the earliest opportunity
- Given that Health Boards were already reporting data on the use of s.135 and s.136 to the Welsh Government, an interim updated monitoring "form" was issued by Welsh Government to enable Health Boardsto report the legal changes.
- The Crisis Care Concordat Assurance Group (CCCAG) agreed in January 2017 to establish a multi-agency task and finish group to review what information was needed on a national basis to monitor the use of s.135 and s.136 in Wales. This DSCN reflects the revised data set subsequently agreed by the CCCAG).

Description of Change

The following is a summary of the changes.

- To remove s.135 and s.136 elements of the current KP90 – Admissions, Changes in Status and Detentions under the Mental Health Act 1983 collection.
- To formalise a standardised data collection that reflects the changes in legislation set out in s.135 and s.136 of the Mental Health Act.

Data Dictionary Version

Where applicable, this DSCN reflects changes introduced by DSCN and/or DDCN since the release of version 4.9 of the NHS Wales Data Dictionary.

The changes introduced by such DSCNs will be published in version 4.10 of the NHS Wales Data Dictionary.

Actions Required

Local Health Boards:

- To use the pro forma Removal of a Suspected Mentally Disordered Person to a Place of Safety (s.135 and s.136 Mental Health Act 1983) for the submission of this data.
- To continue to submit KP90 – Admissions, Changes in Status and Detentions under the Mental Health Act 1983 collection to Welsh Government, using the revised version of the form (i.e. the revised KP90 excludes s.135 and s.136).

Welsh Government:

- On an annual basis, make the form for Removal of a Suspected Mentally Disordered Person to a Place of Safety (s.135 and s.136 Mental Health Act 1983) Data Collection available to health boards to complete, and notify them of the deadline for the submission of data.
- On an annual basis, make the form KP90 – Admissions, Changes in Status and Detentions under the Mental Health Act 1983 collection to Welsh Government available to health boards to complete, and notify them of the deadline for the submission of data.

Appendix A: Table reflecting areas that are impacted as a result of this DSCN

The following table shows all applicable data sets, data items, terms and other associated areas that are linked with the changes documented within this DSCN.

Each data definition type is listed in alphabetical order and is shown in the sequence in which it appears in this DSCN.

Data Definition Type	Name	New/Retired/Changed	Page Number
Aggregate Pro forma	s.135 and s.136 elements of the current KP90 – Admissions, Changes in Status and Detentions under the Mental Health Act 1983	Changed	6
Pro forma	Removal of a Suspected Mentally Disordered Person to a Place of Safety (s.135 and s.136 Mental Health Act)	Changed	7

Appendix B: Highlighted changes to be made to the NHS Wales Data Dictionary

Changes to the NHS Wales Data Dictionary are detailed below, with new text being highlighted in **blue** and deletions are shown with a ~~strikethrough~~. The text shaded in **grey** shows existing text copied from the NHS Wales Data Dictionary.

This DSCN provides the information required for the new pro forma: Removal of a Suspected Mentally Disordered Person to a Place of Safety (s.135 and s.136 Mental Health Act 1983). If you wish to see how this correlates with the old KP90 then please use the following link:

[DSCN 2013 / 05](#)

Guidelines and Return Submission Details

Local Health Boards to provide one completed template for all hospital and police detentions within their Health Board area.

The submission requirements are on the last working day of the month, immediately following the quarter you are reporting.

All submissions should be e-mailed to the Welsh Government Delivery & Performance Division inbox at:

HSS.Performance@gov.wales

The latest version of the form is available on the Delivery & Performance website:

<http://howis.wales.nhs.uk/sitesplus/407/home>

Information Requirements

Definitions: General for Section 135

Item Number	Data Item	Definition
1*	Health Board where person is resident	The area in Wales covered by the Local Health Board where the person was ordinarily resident. Where the person is a not a Welsh resident, please select 'Non-Welsh resident' in the drop down list. If, for example, the person has no fixed abode such as a gypsy or traveller or you do not know where the person is ordinarily resident, then please select 'Unknown' in the drop down list.
2	Date of Birth	To be inputted as dd/mm/yyyy
3*	Gender	Any person should be classified according to the gender they consider themselves to be. If any persons are not able or willing to state their gender, these should be classified according to the last available classification, for example during a previous hospital admission or that available from their GP.
4*	Ethnicity	Any person should be classified according to the ethnicity they consider themselves to be. If any persons are not able or willing to state their ethnicity, these should be classified according to the last available classification, for example during a previous hospital admission or that available from their GP. The list of ethnicities provided in the drop down menu is taken from those used in the 2011 Census.
5*	Preferred Language	Any person should be classified according to the language they have stated they wish to use.
6a	Date warrant executed	The date on which the warrant was executed. To be inputted as dd/mm/yyyy
6b	Time warrant executed	The time at which warrant was executed. To be inputted as hh:mm
7*	Is the address identified on warrant considered suitable PoS for assessment	Whether or not it has been agreed that the address on the warrant is a suitable place for the assessment to be carried out
8a*	First PoS identified	The first place of safety (PoS) will be the place of detention to which the person is kept at or first taken. (If person taken first to A&E for urgent medical attention, the date and time of start of detention is noted as time of arrival at A&E)
8b*	First PoS conveyance method	This is the method of transport by which the person was taken to the first place of safety.
8c	If a police vehicle is used - state reasons why	The reason a police vehicle was used instead of a different organisational/type of vehicle
9	Time s.135 began if removed to PoS	The time at which the person arrived at the first place of safety. To be inputted as

	(when received there)	hh:mm
10*	At the time of being detained, were there any indications that the person was suffering the effects of substances or alcohol?	The professional opinion of the detaining police officer as to whether the person was suffering the effects of substances and/or alcohol at the time of detention.
11a*	Transfer to 2nd PoS	Specify the next place of safety if it is not provided in the drop down list in indicator 12.
11b*	2nd PoS conveyance method	This is the method of transport by which the person was taken to the second place of safety.
11c	If a police vehicle is used - state reasons why	The reason a police vehicle was used instead of a different organisational/type of vehicle
11d*	Reason for transfer to 2nd PoS	The primary reason for the transfer of the person from the first place of safety to a subsequent place of safety.
12a*	Transfer to 3rd PoS	Specify the next place of safety if it is not provided in the drop down list in indicator 12.
12b*	3rd PoS conveyance method	This is the method of transport by which the person was taken to the third place of safety.
12c	If a police vehicle is used - state reasons why	The reason a police vehicle was used instead of a different organisational/type of vehicle
12d*	Reason for transfer to 3rd PoS	The primary reason for the transfer of the person from the second place of safety to a subsequent place of safety.
13a	Date assessment completed	The date on which the assessment was completed To be inputted as dd/mm/yyyy
13b	Time assessment completed	The time at which the assessment was completed. To be inputted as hh:mm
14*	Extension of 24 hour agreed	Whether the extension of 24 hour period been authorised.
15a	Date detention ended	The date on which the outcome of the assessment was completed To be inputted as dd/mm/yyyy
15b	Time detention ended	The time at which the outcome of the assessment was completed. To be inputted as hh:mm
16*	Outcome of assessment	What happened to the person after the assessment was completed.

*The data items marked with an * in the table above, represent where a drop down selection is available within the pro forma.

For further details please see the latest version of the form, which is available on the Delivery & Performance website:

<http://howis.wales.nhs.uk/sitesplus/407/home>

Definitions: General for Section 136

Item Number	Data Item	Definition
1*	Health Board where person is resident	The area in Wales covered by the Local Health Board where the person was ordinarily resident. Where the person is a not a Welsh resident, please select 'Non-Welsh resident' in the drop down list. If, for example, the person has no fixed abode such as a gypsy or traveller or you do not know where the person is ordinarily resident, then please select 'Unknown' in the drop down list.
2	Date of Birth	To be inputted as dd/mm/yyyy
3*	Gender	Any person should be classified according to the gender they consider themselves to be. If any persons are not able or willing to state their gender, these should be classified according to the last available classification, for example during a previous hospital admission or that available from their GP.
4*	Ethnicity	Any person should be classified according to the ethnicity they consider themselves to be. If any persons are not able or willing to state their ethnicity, these should be classified according to the last available classification, for example during a previous hospital admission or that available from their GP. The list of ethnicities provided in the drop down menu is taken from those used in the 2011 Census
5*	Preferred language	Any person should be classified according to the language they have stated they wish to use
6a*	Officer encounter with patient	Indicates whether the officer is responding to a contact about the person or has come across the person in a public place
6b	Date of officer encounter	The date on which the officer encountered the patient To be inputted as dd/mm/yyyy
6c	Time of officer encounter	The time at which the officer encountered the patient. To be inputted as hh:mm
7*	Police officer concern for patient's MH	The reason why the police officer is considering whether s.136 powers need to be used
8a*	Police officer consultation with (specify)	The specified professional role of the person that the police officer consults with in considering whether s.136 powers need to be used
8b	Time of consultation	The time at which the consultation occurred. To be inputted as hh:mm
8c	If consultation not practicable state reasons why	The reason the police officer considered that it was not practicable to consult with a specified health professional before exercising s.136 powers
9*	Outcome of consultation	Whether the officer decides to exercise s.136 powers following consultation or exercises s.136 powers against the advice of the specified health professional that s/he consulted with
10a*	First PoS identified	The first place of safety (PoS) will be the place of detention to which the person is

		kept at or first taken. (If person taken first to A&E for urgent medical attention, the date and time of start of detention is noted as time of arrival at A&E)
10b*	First PoS conveyance method	This is the method of transport by which the person was taken to the first place of safety.
10c	If a police vehicle is used - state reasons why	The reason a police vehicle was used instead of a different organisational/type of vehicle
11*	At the time of being detained, were there any indications that the person was suffering the effects of substances/alcohol?	The professional opinion of the detaining police officer as to whether the person was suffering the effects of substances and/or alcohol at the time of detention.
12a	Time s.136 began if removed to PoS (when received there)	The time at which the person was kept at or arrived at the first place of safety. To be inputted as hh:mm
12b	Time s.136 began if kept at PoS (should be the same as s.136 arrest)	The time at which the person was kept at or arrived at the first place of safety. To be inputted as hh:mm
13a*	Transfer to 2nd PoS	Specify the next place of safety if it is not provided in the drop down list in indicator 12.
13b*	2nd PoS conveyance method	This is the method of transport by which the person was taken to the second place of safety.
13c	If a police vehicle is used - state reasons why	The reason a police vehicle was used instead of a different organisational/type of vehicle
13d*	Reason for transfer to 2nd PoS	The primary reason for the transfer of the person from the first place of safety to a subsequent place of safety.
14a*	Transfer to 3rd PoS	Specify the next place of safety if it is not provided in the drop down list in indicator 12.
14b*	3rd PoS conveyance method	This is the method of transport by which the person was taken to the second place of safety.
14c	If a police vehicle is used - state reasons why	The reason a police vehicle was used instead of a different organisational/type of vehicle
14d*	Reason for transfer to 3rd PoS	The primary reason for the transfer of the person from the second place of safety to a subsequent place of safety.
15a	Date officer released	The date on which the Date officer was released To be inputted as dd/mm/yyyy
15b	Time officer released	The time at which Date officer was released. To be inputted as hh:mm
15c*	Reason officer stays with person	The reason that the police officer stays with the person at the place of safety once received there
16a	Date assessment completed	The date on which the assessment was completed To be inputted as dd/mm/yyyy
16b	Time assessment completed	The time at which the assessment was completed. To be inputted as hh:mm
17*	Extension of 24 hour agreed	Whether the extension of 24 hour period been authorised
18a	Date detention ended	The date on which the outcome of the assessment was completed To be inputted

		as dd/mm/yyyy
18b	Time detention ended	The time at which the outcome of the assessment was completed. To be inputted as hh:mm
19*	Outcome of assessment	What happened to the person after the assessment was completed.

*The data items marked with an * in the table above, represent where a drop down selection is available within the pro forma.

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