



Section 136 in Sussex

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Background of research

Under Section 136 of the Mental Health Act (1983) police in England and Wales are empowered to remove individuals from a public place to a 'place of safety' for the purpose of mental health assessment, if they are thought to be a danger to themselves or to others.

Use of this authority is widespread, but attracts controversy, as it requires the police to make judgements about mental health and involves detaining individuals who may not have committed any crime.

Section 136 (s136) has been under increased scrutiny over the last eight years. The rate of detentions rose to an estimated 12,038 in 2009-10, although recent years have seen a slight decrease in these figures. In April 2014 the Department of Health and Home Office launched a joint national review into the operation of s136 and a number of areas are currently being funded by NHS England to run pilot schemes to reduce detentions.

Research on s136 is sparse and has predominantly focussed on London, finding detentions were associated with social disadvantage, a diagnosis of schizophrenia, male gender, and Black British, African or Caribbean ethnicity.

A pilot study based at the University of Sussex held focus groups with police officers to discuss their use of s136 in three differing regional areas of England and Wales, including East Sussex (Menkes and Bendelow, 2014).

Officers who took part readily acknowledged both the ethical difficulty of making judgements about mental disorder and their lack of knowledge of mental health; they were however ambivalent about the value of specific training to address these problems.

Recognizing their inability to make 'expert' diagnoses, they generally felt that experience enabled them to tell intuitively when something was wrong with someone's mental state.

In these instances, the criteria of serious risk of harm to self or others were paramount; s136 would be applied whether or not they believed it would lead to a hospital admission. In this sense, for officers it often served as a pragmatic intervention to contain potentially life-threatening situations.

Present study

This research project was initially funded by a BA/Leverhulme Senior Research Fellowship from September 2012-13 and additionally gained MHRN support from 2013.

Across Sussex, rates of detention under s136 are well above the national average. While this disparity may to some extent reflect idiosyncratic local phenomena and national inconsistencies in recording, it still does not explain why comparatively few detainees are subsequently admitted to mental health units, either under compulsion or voluntarily. During 2012, less than half of detainees were admitted to hospital or referred onto community mental health services.

Moreover, despite the provision of six s136 hospital suites across Sussex, over two thirds of detainees were taken into police custody. Further collaboration with the Chief Constable of Sussex Police and Sussex Partnership NHS Trust confirmed that these findings expose an ever-increasing problem for both the police and the mental health services in the worsening climate of deep cuts to both NHS and police services. From a service-user perspective, the statistics indicate a need for more appropriate crisis interventions within out of hours services.

The recent Crisis Care Concordat (2014) places responsibility on emergency services to ensure people receive appropriate responses to mental health crises, hence a truly integrated approach to this burgeoning 'social problem' is morally and therapeutically imperative, as well as being financially necessary, given the extent of cuts across all the services.

Whether or not extreme emotional distress is an 'illness', joined up strategies for help and intervention in these situations in an increasingly divided socio-economic society are paramount. A number of new initiatives are currently being trialled in Sussex to address some of these issues, including the Department of Health funded 'Street Triage' pilot in Eastbourne, which aims to reduce s136.

Across Sussex, there are 11 Places of Safety - 5 hospital s136 suites and 6 police custody sites. SPFT and Sussex Police have been jointly producing statistical information regarding s136 detentions for the last 10 years, revealing over 1200 s136 detentions of adults (over 18) in 2012.

Figure 1:
Approx rates of detention in 2012 to Sussex Places of Safety

		Geographical Area			
		East Sussex	Brighton & Hove	West Sussex	North Sussex
Police Custody	Eastbourne	200	Brighton 182	Worthing 93	Crawley 160
	Hastings	79		Chichester 38	
SPFT S 136 Suites	DGH, Eastbourne	102	Mill View, Hove 147	Meadowfield, Worthing 100	Langley Green, Crawley 130
	Woodlands, Hastings	17			

The study employs a mixed methods approach and is divided into four Work Packages.

Research aims and methodology

- To use secondary analysis of the existing records to establish statistical patterns of s136 detention across Sussex in relation to gender, age, geographical location and other demographics
- to establish the extent to which some individuals are repeatedly being sectioned under 136 and to gather in depth information about the outcomes of detainees who are not admitted to hospital, referred to Community Mental Health Teams or other MH services
- to collect qualitative interview data from detainees/ service users and those who have had contact with the Street Triage pilot regarding their experiences and perceptions of s136
- to conduct detailed observations of policy making meetings, training sessions and emergency response teams
- to undertake in-depth interviews with workers from SPFT, police and other statutory and non-statutory service providers
- to provide an overview of current out of hours crisis intervention for vulnerable adults provided by SPFT and Sussex Police (and other services) across Sussex
- to build upon and influence good practice and feed into current debates of s136, both locally and nationally

Progress to date

Data collection is proceeding by geographical area in the following order: East Sussex (Eastbourne and Hastings, Brighton and Hove), West Sussex (Chichester and Worthing) and North Sussex (Crawley) and has been widely welcomed across the county to date.

Thanks to the courage of those detained who have been willing to talk about their experiences, as well as the enthusiasm of professionals from the Trust, police and other services, the research has become one of the three highest recruiting NIHR studies in the region, with over 200 recruits and around 30 hours of interview and 100 hours of observation data logged so far.

Data collection will continue until late 2014 and the study has also been granted a substantial amendment to include interviews with those seen by the Street Triage team. The findings from the study will have high impact in the context of the fast moving policy agenda, especially given the central focus on service user / detainee narrative accounts.

The study has been approved and by City Road and Hampstead NHS ethics committee (Ref 12 LO 2031), by the SPFT Research & Development Department ref CSP 114491, and is supported by the MRHN.