



Home Office



Department  
of Health

PCCs/Chief Constables (England and Wales)  
Crisis Care Concordat Leads

By e-mail

## **POLICING AND CRIME ACT 2017: MENTAL HEALTH PROVISIONS**

The Policing and Crime Act received Royal Assent on 31 January and its provisions are being commenced on a phased basis. Sections 80-83 of the Act, making changes to the Mental Health Act 1983 are expected to come into force in May once relevant regulations have been passed. This letter seeks your assistance in preparing at local level for the practical implications of those changes.

The mental health provisions are designed to improve outcomes for people experiencing a mental health crisis by helping to ensure that they get the most appropriate support and care, promptly. The changes include:-

- an extension of section 136 powers to any place other than a private residence, so that police officers can act promptly in relation to an individual found in mental distress and in need of care and control;
- a requirement on police officers to consult with mental health practitioners, where practicable (for example through street triage or other local arrangements), before exercising a section 136 power, to help ensure that such a step is absolutely necessary in the circumstances;
- an ability to conduct a mental health assessment in a person's home following execution of a section 135 warrant, if that is considered to be in the interests of the person, rather than removing them to a different place of safety;
- reducing the length of time for which a person may be detained for the purposes of an assessment from 72 to 24 hours (save where, for medical reasons, a person is not fit to be so assessed within that period); and
- prohibiting the use of police cells as places of safety for under 18 year olds and significantly restricting their use in the case of adults.

All of the new provisions are likely to require some local assessment as to what impact they will have on current arrangements and how they may best be implemented. It will be necessary to review local protocols and joint working arrangements and to ensure that relevant staff are properly briefed on the forthcoming changes.

In particular, the issue of ensuring that there are sufficient places of safety to which to take those in mental health crisis is, for many areas, possibly one of the most immediate issues. In general, local areas have made significant strides in recent years, including through local Crisis Care Concordat Partnerships, in improving the local partnership response to those in mental health crisis. The use of police stations as places of safety has dramatically reduced in recent years with many areas seeing either no such use, or only a handful of cases each year. However, in some areas use of police stations is still much more prevalent than it should be. Since the use of police stations will, in future, be much more tightly circumscribed by legislation it is imperative that there is adequate local planning in place to cope with expected demand following commencement of these provisions.

The Government has recently allocated some £15 million to local areas to improve the capacity of health based places of safety, and announced further provision to continue this programme of work. However, all areas may wish to consider the desirability of putting in place contingency arrangements, in the event that available places of safety are all at capacity or perhaps temporarily out of commission for some reason.

The new legislation makes clear for example, that any suitable place may be used as a place of safety (providing the occupier or person managing the premises agrees). Local areas may, therefore, wish to explore with partner agencies whether it is feasible to identify or establish, in advance, facilities which could act as temporary places of safety, on an ad hoc basis, and the circumstances in which they might be used.

Officials in the Home Office and Department of Health are producing more detailed guidance on the new provisions to assist local areas with implementation. In the meantime they stand ready to assist with any immediate queries (contacts details are given below).

The Crisis Care Concordat Partnerships have demonstrated that the most effective operational solutions to improving responses to those in mental health crisis are usually locally driven, across the relevant health and policing agencies.

We therefore ask for your leadership in ensuring that your own area has adequately considered and prepared for the new provisions.

**Nicola Blackwood MP**  
**Parliamentary under Secretary of**  
**State for Public Health and**  
**Innovation**



**Sarah Newton MP**  
**Parliamentary under Secretary of**  
**State for Vulnerability, Safeguarding**  
**and Countering Extremism**



***For queries on the new legislation please contact***

Home Office:- Chris Witt  
[Christopher.Witt@homeoffice.gsi.gov.uk](mailto:Christopher.Witt@homeoffice.gsi.gov.uk)  
020 7035 0532

Department of Health:- Matthew Lees  
[Matthew.Lees@dh.gsi.gov.uk](mailto:Matthew.Lees@dh.gsi.gov.uk)  
020 210 5774