



Date: 11/09/2024
Our ref: 01/FOI/24/013111/R

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 01/FOI/24/013111/R

I write in connection with your request for information dated 13/08/2024, received by Greater Manchester Police (GMP) for the following information:

Are you able to also provide the number of detainments under Section 136 of the Mental Health Act 1983, ideally by month over the same period? If that is not possible, could you provide annual figures?

Result of Searches

Following receipt of your request searches were conducted within Greater Manchester Police to locate information relevant to your request. I can confirm that the information you have requested is held by Greater Manchester Police. However, I am not obliged to supply all the information you have requested as exemptions apply.

When refusing to provide such information because an exemption applies, Section 17(1) of the Freedom of Information Act 2000 requires GMP, to provide you - the applicant - with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The requested information is exempt under **Section 21 – Information accessible to applicant by other means** and **Section 22 – Information intended for future publication**.

Police use of S136 of the Mental Health Act statistics for all forces are published by the Home Office: [Police powers and procedures England and Wales statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-statistics). Statistics up to the year ending March 2023 are currently available. Statistics for the period after March 2023 will be published in due course.

As Section 22 is a qualified exemption a public interest test needs to be applied.

Factors Favouring Disclosure:

Disclosure of the requested information at the present time would allow the public to have access to the information immediately. It would enhance public knowledge of the subject of s136 and would promote the accountability and aid transparency of GMP.

Factors Favouring Non-Disclosure:

Reviewing and formatting the data at the present time, in response to a Freedom of Information request, would be a duplication of work and would involve a disproportionate use of GMP resources and would not be an economical use of public funds. Additionally, should the data from the upcoming report be released prematurely, there is the possibility that it may contain inaccuracies if it has not been subject to full scrutiny procedures.

Balancing Test

When balancing the Public Interest Test, we must consider whether the Public Interest is best served by the release of the information into the public domain immediately or by the withholding of the information. Arguments need to be weighed against each other. The most persuasive reason for disclosure is the facilitation of transparency of GMP, which needs to be weighed against the strongest negative reason, which, in this case, is the disproportionate use of GMP resources and an uneconomical use of public funds. Therefore, the stance currently is that the requested data is exempt from disclosure in response to a Freedom of Information request due to its future official publication by GMP.

In accordance with the S17 of the Freedom of Information Act 2000, this letter acts as a Refusal Notice.