

Our Ref: PW/SJR/FOI/0325/1238

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

1ST April 2025

Sent by email

Telephone: 0300 123 1461

Dear

FOI-0325/1238

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information received on 25th March 2025. We can confirm that the Staffordshire and Stoke-on-Trent Integrated Care Board can provide the following information.

An anonymised copy of this response will be made publicly available on the ICB website. Please note the ICBs responses in blue.

Information Requested

In respect of S135 and S136 detentions at NHS S136 facilities, I request the following information for the period from 1st April 2021 to 31st March 2025 presented by year where appropriate:

- 1. The total number of detentions under Section 135 of the Mental Health Act that exceeded their maximum permitted duration (24 hours).**
[The ICB does not hold this information please redirect to MPFT and NSCHT.](#)
- 2. The total number of detentions in NHS facilities under Section 136 of the Mental Health Act that exceeded maximum permitted duration (24 hours, or 36 hours if extended in specific circumstances).**
[The ICB does not hold this information please redirect to MPFT and NSCHT.](#)
- 3. The numbers of extensions of S136 by 12 hours, under Section 136B**
[The ICB does not hold this information please redirect to MPFT and NSCHT](#)
- 4. Of the cases identified in points 1 and 2, the number of instances where patients were subsequently detained under common law powers following the expiry of the Section 135 or 136 detention periods.**
[The ICB does not hold this information please redirect to MPFT and NSCHT](#)
- 5. For 4 above, durations of detention under common law in excess of Statutory limits in hours, days or weeks – and the average and median durations of common law detention following the expiry of Section 135/136 detentions.**
[The ICB does not hold this information please redirect to MPFT and NSCHT](#)
- 6. How many Section 2 and Section 3 medical recommendations for detention made in the course of S135/S136 detentions have expired due to Approved Mental Health Professionals not being able to complete their applications due to bed non-availability? Normally there are two medical recommendations per Mental Health Act Assessment.**
[The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council](#)
- 7. How many medical recommendations have been rescinded: (1) by the originating doctor(s), and (2) by doctors other than the originators? For your knowledge, two doctors will normally make recommendations if they believe a patient should be detained under S2 or S3 (in the course of S135/136 detentions). Those are considered as the 'originating doctors'. This inquiry arises from experience of doctors being asked to withdraw recommendations made by other recommending doctors, an action I know to be ultra vires. Doctors who are not**

the originating doctors means some other doctor being asked to rescind two originating recommendations.

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

8. **Anonymised data on deaths or mishaps across the same period of my request, for patients held post-expiry of statutory limits and being discharged, and/or transferred out of S136 NHS facilities to non-NHS facilities in the community i.e. not admitted to a hospital bed.**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

9. **Anonymised statistics of any complaints, investigations, or legal challenges related to the practice of detaining individuals under common law following the expiry of Section 135 or 136 detentions.**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

10. **Any data, reports, analyses, or guidance documents held by your organisation regarding the practice of detaining individuals under common law following the expiry of Section 135 or 136 detentions.**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

11. **Any legal advice received by your ICB on common law detentions where Statutory limits have been exceeded (redacted or anonymised where appropriate).**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

12. **What root causes if any emerge from your ICB's data or any analyses, as contributing to Statutory breaches of time limits for S135 and S136.**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

13. **Any correspondence, minutes of meetings, or other records discussing policy or practice regarding the transition from Mental Health Act detention post expiry of Statutory limits for S135/136 to common law detention.#**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

14. **If Your ICB is aware that there is a problem with the captioned breaches of Statutory time limits, what actions are planned to rapidly address breaches of Statute law.**

The ICB does not hold this information please redirect to MPFT and NSCHT, Stoke-on-Trent City Council and Staffordshire County Council

Midlands Partnership NHS Foundation Trust: foi@uhnm.nhs.uk

North Staffs Combined Healthcare Trust: FOIREquests@combined.nhs.uk

Stoke-on-Trent City Council: foi@stoke.gov.uk

Staffordshire County Council: accessinformation@staffordshire.gov.uk

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

To request an internal review

You can request an internal review by contacting the Staffordshire and Stoke-on-Trent ICB FOI team by emailing; staffsstokeFOI@staffsstoke.icb.nhs.uk or by post to the address at the top of this letter within 40 working days of the initial response.



**Staffordshire and
Stoke-on-Trent**
Integrated Care Board

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Staffordshire and Stoke-on-Trent Integrated Care Board's FOI complaints procedure.

The ICO can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.gov.uk

Yours sincerely

Paul Winter
Associate Director of Corporate Governance