



Ref: FOIA Reference 2019/20-350

Royal Stoke University Hospital  
Quality, Safety and Compliance Department  
Newcastle Road  
Stoke-on-Trent  
Staffordshire  
ST4 6QG

Date: 3<sup>rd</sup> October 2019

Email [foi@uhnm.nhs.uk](mailto:foi@uhnm.nhs.uk)

Dear

I am writing in response to your email dated 19<sup>th</sup> September 2019 regarding information we released to you under the Freedom of Information Act (2000) regarding people with a dementia diagnosis have been detained under the Mental Health Act 1983.

You emailed the following query:

***“Thank you, but it's my understanding that a person with dementia can be sectioned by any health professional, not only if they are in a mental health hospital. Please can you check if this is correct”***

**Our response:**

To clarify the query above we confirm that under the mental capacity act we could hold patients for as long as it was needed until we get a formal assessment under the mental health act or do a DOLs (deprivation of liberty safeguard) referral and in the emergency departments (ED) we could treat patients under the mental capacity act for their whole admission to ED if we assessed them as having no capacity.

Any healthcare professional can use the mental capacity act.

In terms of the Mental Health Act only registered mental health nurses can use section 5(4), doctors section 5(2) and for a full section a mental health assessment team would do this.

In order to obtain any figures on patients held under the Mental Capacity Act we would have to check all patient records which would invoke section 12 exemption: For details please see below.

I can neither confirm nor deny whether the information you have requested is held by the Trust in its entirety. This is because the information requested in your questions is not held centrally, but may be recorded in individual health records. In order to confirm whether this information is held we would therefore have to individually access all individual health records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: *cost of compliance is excessive*. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all individual health records and then extracting relevant information would take longer than the 18 hours allowed for.

In addition to the section 12 exemption the Trust is also applying section 14 (1) exemption: oppressive burden on the authority

As of 1<sup>st</sup> November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

**Q1 Please can you tell me over the last five financial years how many people with a dementia diagnosis have been detained under the Mental Health Act 1983 under section 2 or section 3 of the Act? Please specify whether section 2 or section 3 was used.**

A1 Mental health services are managed by North Staffordshire Combined Healthcare NHS Trust for patients cared for at Royal Stoke and Midlands Partnership Foundation Trust for patients cared for at County Hospital. If you wish to redirect your request to the Trust you can do so by post or email as below:  
[communications@northstaffs.nhs.uk](mailto:communications@northstaffs.nhs.uk)

North Staffordshire Combined Healthcare NHS Trust  
Trust Headquarters  
Lawton House  
Bellringer Road  
Trentham  
ST4 8HH

**Q2 Please specify where each person was detained e.g. hospital name**

A2 As answer 1

**Q3 Please can you also tell me how many people with a dementia diagnosis who were detained under the Mental Health Act have subsequently been turned down for after-care by a care home, and if more than one care home has turned down after-care please can you state how many homes have done so.**

A3 As answer 1

\*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

***UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.***

Where the Trust owns the copyright in information provided, you may re-use the information in line with the conditions set out in the Open Government Licence v3 which is available at <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>. Where information was created by third parties, you should contact them directly for permission to re-use the information.

An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

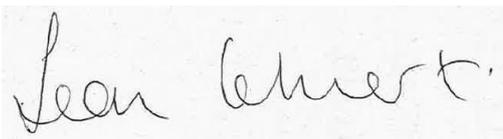
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via [www.ico.org.uk](http://www.ico.org.uk).

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,



Jean Lehnert  
**Information Governance Manager**