

**Date:** 19 November 2021

**Our Reference:** FOIA-2021-129

**RE: Freedom of Information Act 2000 Request**

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 28 September 2021, which was received by the College of Policing on 28 October 2021, and stated the following:

'Could you help answer the following questions for me?

1. Are the police trained to identify ADHD and Autism in someone who is either about to be arrested or has been arrested and what help should individuals with these problems receive when taken into custody?
2. What year was training to the police provided to help identify these conditions in people that have been arrested?
3. If a carer is looking after a parent and the parent lacks mental capacity and there are adult safeguarding meetings, along with best interest meetings, and the carer has been accused of neglecting their parent when in fact a care agency, doctor and care home, have neglected their parent, and then the carer is then arrested for the purpose of searching the property for medications which is an excuse to separate the father and son, what acts of law would apply in a case like this? Is it lawful to arrest the carer just to separate the carer from their parent? And what act of law is applied for establishing the accuracy of the information that has been gathered? And are the police expected to rely on the information that they have gathered without establishing the accuracy, or if it is misleading, malicious etc?
4. If the charges are then dropped against the carer, and on the day of the carer's arrest the father was forced out of their home without appointing an independent mental capacity advocate, is then left in the nursing home and deprived of his liberty and deliberately left to die, who would be expected to investigate this? The police? Or social services?

5. If it was found that the social worker had deliberately misled the police, to arrest the carer, how would the police act upon this?

When a request for information is made under FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received. In light of this, our responses and disclosures are published on our external website at a later date.

## **Decision**

After conducting careful searches relating to your request, I can confirm there is information held that may be relevant to your request. Please be advised that the FOIA is not designed to answer general questions and under the Act I would invite you to consider the information provided below, alongside that which we have publically available on our Authorised Professional Practice (APP) site (available here: <https://www.app.college.police.uk/>) to see if this assists in providing the information you require.

1. The College of Policing has published APP on Mental Health, which can be accessed here: <https://www.app.college.police.uk/app-content/mental-health/mental-vulnerability-and-illness/>. It provides guidance to the police service of England and Wales and is focused on the police response to people who:
  - are experiencing mental ill health
  - have a learning disability
  - have developmental conditions
  - have multiple needs relating to mental health
  - are mentally or emotionally vulnerable and require assistance.

The guidance highlights the actions and behaviours that may help the police address the needs of mentally vulnerable individuals.

The College has produced a Mental Health Learning Programme, the purpose of which is stated as being the following; “To ensure that officers and staff are able to recognise indicators of potential mental ill health and learning disabilities and understand appropriate methods to communicate with and respond to people exhibiting those indicators”. The National Policing Curriculum (NPC) does not make specific reference to ADHD or Autism however it does make reference, and provide learning, in relation to hidden vulnerabilities. There are also numerous references to mental health in the Policing Education Qualifications Framework (PEQF) National Policing Curriculum.

Code C of the Codes of Practice to the Police and Criminal Evidence Act 1984 (available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/903473/pace-code-c-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903473/pace-code-c-2019.pdf) ) also provides guidance for officers, and particularly custody officers, on dealing with vulnerable detainees.

Code G of the Codes of Practice to the Police and Criminal Evidence Act 1984 (available here: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/903814/pace-code-g-2012.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/903814/pace-code-g-2012.pdf)) provides guidance for officers on powers of arrest.

2. Individual forces are responsible for providing the training to their officers so we do not hold information on when this training would have been provided. However I can advise that the Mental Health APP referred to above, which covers autism and learning disabilities, was first published in August 2016. It has been modified since. This is the same year the original mental health training programme was published on our NCALT e-learning platform.

The PEQF initial entry routes into policing at the rank of police constable have been delivered by Home Office police forces since 2018. Within this there are significant areas around vulnerability and risk and public protection, and as stated above, numerous references to mental health. Prior to this, the Initial Police Learning and Development Programme (IPLDP), which was in place since 2006, contains references to mental ill-health.

In relation to your final three questions, we do not hold any information that would specifically provide the information requested. However, you may find the APP on Investigation to be of assistance. It can be accessed here <https://www.app.college.police.uk/app-content/investigations/>. In addition, the Criminal Procedure and Investigations Act 1996 and the associated Code of Practice may be of

assistance in providing information about the duties and responsibilities involved in a criminal investigation. They can be accessed here:

Criminal Procedure and Investigations Act 1996

<https://www.legislation.gov.uk/ukpga/1996/25/contents>

CPIA Code of Practice <https://www.gov.uk/government/publications/criminal-procedure-and-investigations-act-1996-section-231-code-of-practice>

I trust this letter answers your questions. Your rights are provided in **Appendix A**.

Yours sincerely,

**Sarah Lawrence | Legal Advisor**  
**Information Management and Legal Team**  
**College of Policing**

Email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

Website: [www.college.police.uk](http://www.college.police.uk)

## **Appendix A**

### **Rights**

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: [FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

#### **The Information Commissioner**

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow**

**Cheshire**

**SK9 5AF**

**Phone: 0303 123 1113**