| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2380  Responded to: 04 October 2024 |
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Your recent request for information is replicated below, together with our response.

## If the ambulance service attends a residential address for a patient and they assess that there is an immediate threat to the patients life that needs hospital management, but the patient is refusing hospital transport and is assessed to lack mental capacity by the clinician, is there a provision for police to assist in the physical removal of the patient pursuant to any relevant legislation?

## I have personally experienced this situation many times and always had vastly different responses from different officers & including sergeants and inspectors with police Scotland stating;

## > They have no power and we must get a GP to do an emergency detention certificate even if the delay in doing so will harm the patient

## > That they can under common law duty of care

## > That the can pursuant to sec 20 Police and Fire Reform Act “powers to preserve life”.

## I would appreciate your input on a definitive answer to this question as this is an issue faced on a daily basis by clinicians in the local area and it detriments patients on occasion.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

The information sought is publicly available at the link below, please see section 4.

<https://www.scotland.police.uk/spa-media/552h0t3x/mental-health-and-place-of-safety-sop.doc>

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.