

Our Ref: 002135/20



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

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18 May 2020

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 24/03/2020.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

I write to request the following information:

Do you have a policy or protocol which covers the transfer of young people from police custody to local authority accommodation? If so, please could we be sent a copy.

Answer: - Extract from Custody Procedure in relation to Juvenile accommodation transfer to local authorities

2.23.7 Juvenile Remand PACE section 38(6) requires that, where a juvenile (up to and including 17 years old – Section 42 Criminal Justice Act 2015) is to be remanded, they be moved to Local Authority care until their appearance at court unless the custody officer certifies that it is impractical to do so (for reasons outlined in the certificate) or that, where the juvenile has reached the age of 12 years, there is no secure accommodation is available and that other forms of accommodation would not adequately protect the public from serious harm.

This obligation exists day and night so, where a juvenile is charged and remanded during the day the local authority must accommodate them unless one of the two exceptions applies. The local authority's obligation to provide accommodation is absolute (section 21(2)(b) of the Children Act 1989) and the accommodation does not need to be secure except where the police request secure accommodation as below. The impracticality to transfer relates only to the actual transport and travel arrangements. A lack of secure accommodation is only a factor where the child is aged 12 or over and there is no local authority accommodation that would adequately protect the public from serious harm PACE Code C Note 16D. Serious harm is defined in PACE section 38(6A) as "death or serious injury, whether physical or psychological". The likelihood that the juvenile will abscond is not a factor that can be used by the custody officer to request secure accommodation.

On every occasion attempts must be made, in line with local joint protocols between the police and the local authority, or other strategic agreements, for the local authority to accommodate the juvenile. There can never be an assumption that suitable accommodation is not available. Details of attempts to lodge the juvenile with the local authority (including the details of those spoken to) must be recorded on the custody record. Any failure by the Local Authority to provide accommodation should be brought to the attention of the duty inspector and steps taken to resolve the matter. Reimbursement for accommodation costs can be recouped from the Local Authority when accommodation is not provided.

It is for the local authority to determine where to place the child in accordance with their own procedures. The custody officer must provide any information that may assist in deciding what type of accommodation is appropriate including;

- Why bail has been refused and the rationale behind the decision*
- The perceived risk of absconding*
- Details of the detainee's offending history*
- Details of any mental health or medical issues*
- Details of the detainee's familial circumstances*

· And any other information that they believe will assist Where a juvenile is transferred to the local authorities care a PER Form must be provided. Where the detainee remains in police custody, a completed certificate (PACE section 38(7)) must be provided to the court.

Youth Justice Board management of Bail

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9670999 Ext 318 0888 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B.', written in a cursive style.

Electronically signed on behalf of Information Request Team

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

Your request for review must be received within 28 calendar days your response. If your request for review is not received within this time period a review will not be considered.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

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

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk

Website: <https://ico.org.uk/>