

20 April 2016

**Our Ref: e18843**

**Re: Request for information under the Freedom of Information Act 2000**

Your request for information which was received on 21 March 2016 has been considered.

Please find our response below.

**Your request:**

- 1. How many Approved Mental Health Professionals (AMHP) did your local authority have warranted to make decisions under the Mental Health Act as of 1 April (or nearest available date) on each of the following years – 2012-13, 2013-14, 2014-15, 2015-16? Please list the actual number of AMHPs warranted (if it is easy to also list the FTE equivalent as well then please include this too).*
- 2. How many Mental Health Act assessments did your AMHP service carry out in each of the following years –2012-13, 2013-14, 2014-15 and 2015-16?*
- 3. Does your AMHP service record cases where lack of bed availability has impacted the service's ability to carry out its duties? If so, please provide figures for how many times this has happened in each of the following years 2012-13, 2013-14, 2014-15 and 2015-16.*
- 4. Has your local authority undertaken any analysis of whether it has sufficient AMHPs in post in 2014-15 or 2015-16? If yes, please attach a copy of this report(s).*
- 5. Please attach any correspondence your director of adult services has received during 2014-15 or 2015-16 from the Department of Health, CQC or your local police force, about AMHP availability. Please also include a copy of the reply correspondence from your director.*

**Our response:**

1) Please see as follows:

**2012-13:** Day 10 FTE 8; Out of Hours 5 FTE; 7 sessional

**2013-14:** Day 9 FTE 7; Out of Hours 7 FTE; 3 sessional

**2014-15:** Day 8 FTE 6; Out of Hours 7 FTE; 5 sessional

**2015-16:** Day 9 FTE 6; Out of Hours 6 FTE; 4 sessional

2) Please see as follows:

**2012-13**; Total figure not accessible but recorded 37 in first two months

**2013-14**, – 236

**2014-15** – 273

**2015-16** – 247

3) Not recorded in a measurable way.

4) Please see the attached PDF (18843\_2). Please note we have removed exact figures where relating to fewer than 5 individuals in order to avoid identification. Please see Appendix 1 for further details.

5) We are unable to provide any information with regards to this part of your request within the time/cost limit specified by the Freedom of Information Act. Please see Appendix 1 for details.

Kind regards

Data Protection & Information Officer

## Appendix 1

### Q4) Fewer than 5 figures

#### Section 40(2): Personal Data

Specifically in terms of the provisions of the Freedom of Information Act 2000 this information is exempt under Section 40(2) as “personal data other than that of the requestor”

The definition of personal data is set out in Section 1 of the Data Protection Act 1998 and provides:

*“Personal data” means data which relate to a living individual who can be identified—*

*(a) from those data, or*

*(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,*

*and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual;*

Richmond Council has applied the reasoning in the following Information Commissioner Decision [FS50543792](#)

Paragraphs 15 &16:

*15. The Commissioner has considered the information and the number of individuals involved and has concluded that if the Council were to disclose the exact number in each category, particularly if the numbers for any were one, it could be possible to identify the individuals concerned. By aggregating the information the Council has minimised the possibility of identification.*

*16. The Commissioner does however note that the chances of any member of the public being able to cross-reference this information to identify specific individuals is not high but given the low numbers involved there is a risk that specific individuals could be identified by a person with knowledge of special educational needs and appeals in the area. The Council has stated that the complainant in this case is an individual who has knowledge of this. In addition, the Commissioner recognises that other individuals, such as parents at schools or Council employees may be able to identify individuals. Therefore, on the balance of probabilities, the Commissioner accepts the information is personal data.*

Similarly, we consider a determined individual with other knowledge of this matter may be able to use the specific figure to attempt to identify the individuals involved. We therefore consider that this information constitutes personal data.

Further, we consider that providing the information may identify an individual’s sensitive personal data as defined by Section 2(e) of the Data Protection Act:

*In this Act “sensitive personal data” means personal data consisting of information as to—  
(e) his physical or mental health or condition,*

Schedule 3 of the Data Protection Act states that sensitive personal data can only be processed if at least one of the following conditions is met:-

Explicit consent has been received from the data subject;  
Processing is required to comply with employment legislation;  
Processing is necessary to safeguard the vital interests of the data subject or another person;  
The information has already been made public by the data subject;  
Processing is necessary in connection with legal proceedings;  
Processing is necessary for the administration of justice;  
Processing is necessary for medical reasons;  
Processing is necessary for ethnic monitoring.

I do not consider that any of the above conditions are satisfied in this case

In reaching a view I have taken account of the individuals reasonable expectations of what would happen to their personal data, whether disclosure would be incompatible with the purposes for which it was obtained and whether disclosure would cause any unnecessary or unjustified damage to the individuals.

In this instance the data subjects would not have any reasonable expectation that the details would be made public. I consider that the disclosure of this information to members of the public could cause damage or distress to the data subjects.

I have concluded overall that it is neither in accordance with the Data Protection Act 1998 principles nor in the public interest to release this specific data.

## **Q5) Costs Refusal**

### ***12 - Exemption where the cost of compliance exceeds appropriate limit***

*(1)Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit."*

The appropriate limit has been set at £450 and may include working hours of any person acting on our behalf at a rate of £25 per hour. This equates to 18 hours to locate and extract the relevant information.

Our Director receives a significant amount of correspondence from each of these sources and the way the auto-archive and filing systems work would mean we would need to search each and every email/scan document from all of these organisations in order to ascertain if it related to AMHP. We consider this would exceed the appropriate limit.

In accordance with the Freedom of Information Act 2000 this letter acts as a partial Refusal Notice.

You have the right of appeal against the decision. If you wish to appeal please set out in writing your grounds of appeal and send to:

Corporate Complaints and Access to Information Manager  
Community Engagement and Accountability Team  
Adult and Community Services  
3rd Floor Civic Centre  
44 York Street  
Twickenham  
TW1 3BZ

E-mail: [foi@richmond.gov.uk](mailto:foi@richmond.gov.uk)

If you are dissatisfied with the outcome of the internal appeal you may appeal further to the Information Commissioner's Office at:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
fax: 01625 524 510  
DX 20819  
[www.ico.org.uk](http://www.ico.org.uk)