



Freedom of Information request 01/FOI/24/2421
We received your request on the 01/02/2024.

Request

You asked us:

Under the Freedom of Information Act (2000), I would like to request the following information, regarding progress in the implementation of the Mental Health Units (Use of Force Act) 2018

1. Please provide me with a copy of the British Transport Police policy on use of body cameras in regards to the act
2. Please provide me with the format/framework on monitoring on use of body cameras in regards to the act
3. Please provide me with copies of any information and/or guidance resources for officers on the act and body cameras
4. Please provide me with information on training for officers in regards to their responsibilities under the act.

We have handled your request under the Freedom of Information Act (FOIA)

Our response:

Questions 1 - 3

British Transport Police's Bodyworn Video Policy directs officers to the [College of Policing Body Worn Video Guidance](#) for information on the use of Bodyworn Video in relation to the Mental Health Use of Force Act.

The following article was published on the British Transport Police intranet on 18th August 2022.

Changes to law on how you use Body Worn Video in Mental Health Units

The Department of Health have announced that from today, Thursday 18 August 2022, section 12 of the Mental Health Units (Use of Force) Act 2018 will come into effect.

This means that:

- *If a police officer or special constable is going to a Mental Health Unit* (in England) on duty that involves assisting staff** who work in that unit, the officer must take a body worn video camera with them if reasonably practicable.*

- *A police officers or special constable on duty who is in a Mental Health Unit* in England and is assisting staff** who work in that unit must be wearing a body worn video camera that is turned on and recording at all times when reasonably practicable.*

*There may be special circumstances***, which at the time, justify not wearing the camera or not operating the camera. Whilst there is no definition of a special circumstance within the Mental Health Units (Use of Force) Act 2018, it is for the officer to identify and justify these special circumstances in line with the current College of Policing guidance (here) on the use of body worn cameras. If these special circumstances apply, officers must record their reasons for having the BWV turned off.*

If you have any legal questions about this change, then please contact the Justice Solutions team.

** A Mental Health Unit is defined as a health service hospital or independent hospital (or part thereof) in England where the purpose of which is to provide treatment to in-patients for a mental disorder. This does not include an Accident & Emergency department. An independent hospital will only count as a Mental Health Unit if at least some of that treatment is provided or intended to be provided for NHS purposes.*

'Staff' means any person who works for a relevant health organisation (NHS trust, NHS foundation trust, and any person who provides health care services for the purposes of the NHS within meaning of the Health and Social Care Act 2012) that operates a Mental Health Unit as an employee or contractor who:

- o may be authorised to use force on a patient in the unit or*
- o may authorise the use of force on a particular patient in the unit or*
- o has the function of providing general authority for the use of force in the unit*

BWV must be turned on at all times when assisting staff. Assuming you have the relevant powers, assisting staff may include (but is not exhaustive to) enabling removal of clothing which may cause someone harm, restraining someone, or handover of patients from police to mental health units etc. 'Assistance' is not defined in the Act and is not limited to use of force.

Special circumstances is defined as: Where the use of BWV can be clearly identified as having a detrimental impact on the behaviour of a person subject to police intervention, consideration could be made to deactivating it and informing the person/s involved. Where clinical advice is received that the use of BWV is escalating the behaviour of a person then this should be a consideration in deactivating the recording. Any decision to de-activate BWV must take into account guidance on the direction for use of BWV particularly in terms of a legislative requirement or transparency where use of force is anticipated. Any decision to re-activate BWV should be documented for audit purposes.

Question 4

Officers do not specifically have any inputs during their recruit training on Mental Health Units (use of force) Act 2018.

Officers are given a 3hr input on Mental Health (dealing with individuals), 3.5 hrs on Suicide Prevention and Mental Health where we cover mental capacity act and Mental health act.

Officers also undertake a table top exercise around mental health at a Hydra Suite where they deal with a MH scenario from start to finish, although BWV is often discussed, it is not a specific objective for the lesson.

Officers are given a 3hr input on BWV which covers legislation and BTP policy which includes Mental Health Use of Force Act.