

FOI 0282 2024 Response

Request

Dear Birmingham and Solihull Mental Health NHS Foundation Trust,

Please kindly share your policy, briefing note, processes around sharing patient information with the Police.

Response

The framework we have for supporting criminal investigations by the Police where the alleged offender is one of our service users would be the Trust's Police Interventions Policy. This policy follows the national guidance on sharing information using the following:

- NHS Confidentiality code of practice
- National guidance set out in the Crown Prosecution Service (CPS), Mental Health; Suspects and Defendants with Mental Health Conditions or Disorders (October 2019).
- The Joint Agreement on Offences Against Emergency Workers (January 2020).
- The British Medical Association (BMA) Section 6 Access to Health Records (May 2018).
- The Data Protection Act (2018).
- The Trust Confidentiality Policy

Please find attached the Trust's Police Interventions Policy and note that some of the sections have been redacted.

This is because the policy provides granular details around how the Trust and Police engage when supporting criminal investigations.

Disclosure of these sections could therefore lead to interference/ sabotage of criminal investigations, and subsequently impact the physical health, mental health or safety of patients, staff and third parties involved in investigations.

The Trust therefore rely on exemption Section 38 of the Freedom of Information Act 2000 to deny this aspect of your request.

In addition to this, please find attached the Trust's Confidentiality Policy which notes principles that must be observed by BSMHFT when sharing information in the NHS and between NHS and non-NHS organisations, including the Police.

Please be aware that the policy has been redacted, which therefore means staff members personal information such as names and signatures have been removed. This is because we do not routinely release staff members personal information for those below a band 8c role.

The Trust therefore rely on exemption Section 40 of the Freedom of Information Act 2000 to deny this aspect of your request.

Please note that the Trust also has a formal route for information request, including requests from the police which can be sent to: bsmhft.informationrequests@nhs.net.

These requests are managed by the Care Records Teams.