

Freedom of Information request 456-20

Request

We are making a request under the above Act for information held by you.

In particular, we request the following information, including sight of any written or electronic communication, detailing:-

1. Policy in respect of patients issued with an Emergency Detention Certificate and/or Adults With Incapacity; and
2. Policy in respect of issuing an Emergency Detention Certificate / Adults With Incapacity.

Response

1. NHS Borders have no written policy in respect of information issued with an emergency detentions certificate and or adults with incapacity. We follow the Mental Health Act (MHA) procedure and Adults with Incapacity Legislation:



MHA.pdf

<https://www.legislation.gov.uk/asp/2000/4/contents>

2. NHS Borders have no written policies in respect of issuing emergency detentions certificate / Adults with incapacity. We follow the above acts. We do follow a local procedure in admission if the patient is admitted under the MHA and this is attached below:



Huntlyburn
Admissions Checklist.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **456-20** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal

review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.