



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND



National Memorandum of Understanding

between

The Scottish Ambulance Service

and

Association of Chief Police Officers in Scotland (ACPOS)

Management of People in the Community who are Drunk And Incapable

Version 1.0
2011

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Document Information

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The effectiveness and ongoing relevance of this document will be subject to review by the ACPOS business area(s) detailed above.

The next review of this document is due by (insert date); however, it will be updated according to significant legislative and policy changes and re-released earlier, if required.

Version Control

Version	Date	Authorisation	Information
v1.0	31 January 2011	Chief Inspector M J McMillan	Original version – approved by DCC George Graham, ACPOS Operational Policing Business Area

[Version numbering convention – Minor changes to the document should be numbered v1.1, v1.2 etc. when a new version with minor changes is approved and published; Where there are significant changes; for example, new chapters, change of policy etc. the new version should be numbered v2.0, v3.0 etc once the new document is approved and published]

[Tracking of draft versions is the responsibility of the business area]

Version Distribution

Version	Date	Information
v1.0	31 January 2011	The Scottish Ambulance Service and Operational Policing Business Areas

Important Note

For the effective implementation of this Memorandum of Understanding, there requires to be additional local multi-agency awareness, planning and supporting action, involving agencies such as the Alcohol and Drug Partnerships, Local Authority, Health Board, Crown Office Procurator Fiscal Service, First Aid Organisations and Third Sector.

1. Introduction and Policy Environment

- 1.1 On 2 March 2009, the Scottish Government published *Changing Scotland's Relationship with Alcohol: A Framework for Action*. Alcohol misuse is widely recognised by health experts as one of Scotland's most pressing public health concerns and the Framework addresses issues around reducing alcohol consumption, tackling the damaging impact alcohol misuse has on our families and communities, encouraging positive attitudes and positive choices and improving the support and treatment available to tackle alcohol misuse. The Framework for Action recognised that alcohol misuse is much more prevalent across Scottish society than previously recognised. As a result, the Framework adopts a whole population approach, as well as recognising that some vulnerable groups require a more targeted approach.
- 1.2 There had been considerable debate over the proper handling of drunk and incapable people who come into contact with the Emergency Services, and limited data had been available on the scale of the problem.
- 1.3 The Framework for Action highlighted research had been commissioned to identify different models of support in managing people who are drunk and incapable, and looked in detail at how the needs of this population were being addressed.
- 1.4 The findings from this research were published on 10 November 2009, this was followed by a Chief Executive Letter (CEL 44/2009), signed jointly by the Chief Executive of NHS Scotland and by ACPOS, published on 17 November 2009.
- 1.5 A dissemination event on this issue was held in November 2008, and attended by a broad range of stakeholders, who highlighted a number of ways that the needs of this population can be effectively met through a range of provisions. It also clearly demonstrated the need for effective partnership working to meet the needs of this population, as highlighted by the research report.
- 1.6 Ministers have advised that it is for local strategic partners to work with service providers, using needs assessment data to determine and resource the appropriate services to meet local need. The research findings support this and recommend that there should be a strategic and partnership approach at local level to planning and funding services to meet the care needs of drunk and incapable people. This approach is further underpinned by the National Framework for Alcohol and Drug Partnerships launched in April 2009.
- 1.7 Alcohol and Drug Partnerships have been asked to ensure there are clear and effective partnership-based strategies in place in their areas to manage the needs of this vulnerable population and mitigate the impact they have on their communities. All local stakeholders (from public, private, and voluntary sectors) should be involved in undertaking a local needs assessment, and in planning and developing these strategies.
- 1.8 This MOU addresses the interactions between the Scottish Ambulance Service (SAS) and the Police Service in Scotland, who work in the frontline

in dealing with people who are drunk and incapable. It attempts to put in place a national framework and referral flowchart that set out core principles and arrangements that will be further refined to meet local needs and resources.

- 1.9 Our arrangements must be multi-agency, involving Health Boards, Third Sector and Local Authorities et al, and aim to provide a safe, but appropriate service, to people who are drunk and incapable.
- 1.10 As will be seen from the objectives and principles of the agreement below, the ultimate intention is to effectively manage the needs and care of drunk and incapable people.

2. Statement of Common Purpose and Generic Principles

2.1 Common Purpose

- 1) To preserve life and reduce further harm;
- 2) To provide a safe, secure environment for the rescue, examination, treatment, monitoring and, where necessary, transport of persons to an appropriate place of safety;
- 3) To ensure that all relevant information is consistently gathered, preserved, analysed and exchanged appropriately;
- 4) To work in partnership with other agencies to achieve the above.

2.2 Common Principles

- 1) Avoid inappropriate referral to the NHS Scotland (SAS or Hospital A&E Department) and the police;
- 2) Improve and protect the local environment, community and personal wellbeing;
- 3) Taking cognisance of relevant legislation and clinical standards, enable for the purposes of health surveillance and the prevention and detection of crime, appropriate and timely information to be shared;
- 4) Provide a local police and Ambulance liaison forum for consulting, modifying and updating the local arrangements through application, review and training;
- 5) Engage in the development of local plans and initiatives with other agencies, volunteers/Third Sector and share information regarding such activity with police partners;
- 6) Fully evaluate risk;
- 7) Exchange relevant findings and information with the police, if a person is examined by SAS staff and subsequently taken into custody;

- 8) Monitor and continuously improve the quality of the service with the information gathered from all relevant agencies.

3. Review

- 3.1 The signatories to this agreement will ensure that this document is reviewed annually. Any necessary changes will be recommended for endorsement by both organisations and local partners. Similarly, it is recommended that local plans and, particularly, action plans are reviewed on a regular basis.

4. Training, Best Practice and Adverse Events

- 4.1 The Scottish Ambulance Service and Police Service will routinely and regularly review and undertake any necessary training/awareness sessions at national or local level, to ensure the objectives of this agreement are met.
- 4.2 Currently, both Services undertake appropriate training for new entrants and on refresher courses.
- 4.3 Best practice and adverse events should be identified to the named representatives and shared appropriately across all Services and supporting agencies.

5. Funding

- 5.1 The MOU is intended to support the smooth delivery of current services. Any future joint initiatives should be carefully costed and considered before wide scale or permanent introduction. Unique funding opportunities should be examined, for example, Scottish Government, Local Authority (Alcohol and Drug Partnerships), etc.

6. Organisational Responsibilities

- 6.1 The SAS will continue to report criminality to the police as per existing guidance. Although the criminal offence of Drunk and Incapable remains on the statute, assistance from the police under this heading would only normally take place where there is evidence or suspicion of:
 - Person in need of clinical care, or threatening suicide, but refusing SAS assistance;
 - Person not co-operating and remaining vulnerable;
 - A risk to someone or something (including the Ambulance crew);
 - A repeat or bogus user of the '999' system.
- 6.2 The role of the Scottish Ambulance Service is to ensure the safety and treatment of patients. The Service will appropriately triage, prioritise and respond to emergency and police calls for drunk and incapable people and ensure that any care, transfer or discharge is safe and appropriate to the clinical condition of the person. The service will not assess a drunk and

incapable person in police custody solely for the purpose of certifying fitness for detention and is not routinely responsible for the operation or management of any refuge or place of safety.

- 6.3 The police will continue to respond to calls for assistance from the SAS.
- 6.4 The police will respond to the directions of the Crown Office and Procurator Fiscal Service, who reserve the right to prosecute cases for the crime of 'Drunk and Incapable', where prosecution is in the public interest.

7. Key Success Factors

- 7.1 The following factors have been identified as key to the success of this agreement:
 - 1) Suitable local alternatives (to Hospital, Ambulance or police cells) for the appropriate referral of people who are drunk and incapable;
 - 2) The involvement and assistance of NHS, Local Authorities and Third Sector;
 - 3) This MOU is seen as part of other joint initiatives to manage intoxicated individuals in communities;
 - 4) Local/Regional plans are agreed, implemented and monitored by all relevant parties.

8. Contacts

- 8.1 If you require any information or advice about the contents of this document or have any comments, please contact either of the individuals below:

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9. Signatories

Signed on behalf of ACPOS:

Date: _____

Deputy Chief Constable George Graham, ACPOS Operational Policing Business Area

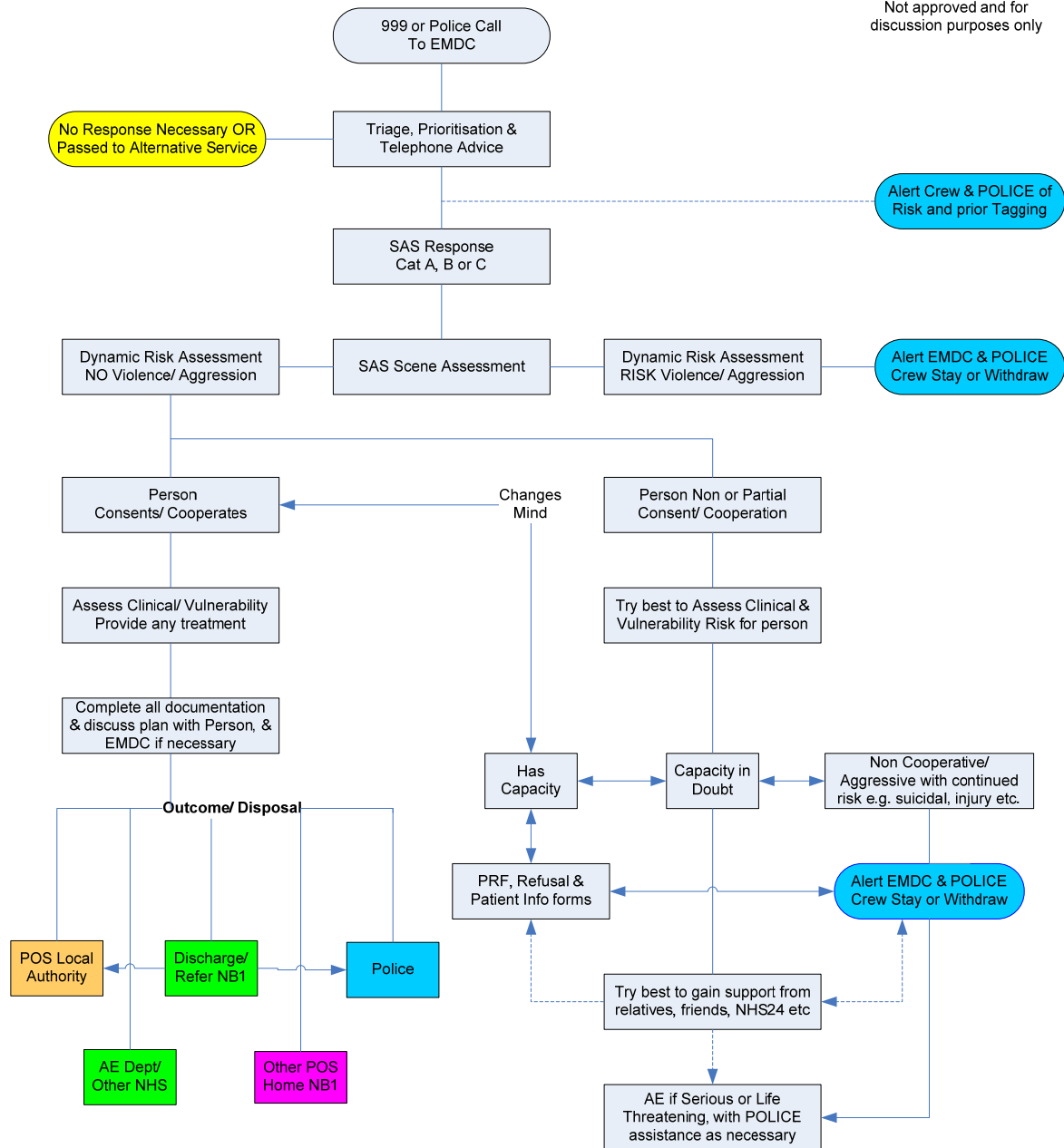
Signed on behalf of SAS:

Date: _____

Pauline Howie, Chief Executive Officer

Appendix

SAS Draft Jan 2010
Not approved and for discussion purposes only



NB 1 – To other competent people who are able to care/ get the person to a POS (including temporary e.g. city centre special arrangements), OR Self care where safe to do so.

NB 2 – Blue = Police; Green = NHS/ SAS; Amber = Local Authority; Pink = mixed responsibility or alternative agency – First Aid, Charity etc.

NB 3 – Outcome/ Disposal – where required, transportation may not be by ambulance

NB 4 – Police may also directly refer/ take person to AE, POS Local Authority, Other/ Home POS