



Welfare Checks

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Legal Basis

Legislation specific to the subject of this policy document

Section	Act (title and year)
17(1)(e)	Police And Criminal Evidence 1984

Other legislation, which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
Health and Safety at Work etc. Act 1974 and associated Regulations
General Data Protection Regulation (GDPR) and Data Protection Act 2018
Freedom Of Information Act 2000

Other Related Documents

- *Syed v DPP [2010]* the High Court
- Joint protocol between Norfolk & Suffolk Constabularies and Norfolk & Suffolk NHS Foundation Trust

1. Introduction

- 1.1 'Welfare checks' have become a considerable demand on policing resources across the two counties in recent years and it has become necessary to examine exactly what the role of Suffolk and Norfolk Constabularies play in cases where other agencies request we visit or 'check' on the welfare of a member of the public.
- 1.2 The term 'welfare check' has become established as common parlance across all UK police forces, applied when a request is made that police visit someone who is believed to be vulnerable, or at risk for a wide variety of reasons. However, it should be remembered that checking welfare is not solely the responsibility of the police; other agencies also have a role to play.
- 1.3 The terms 'Welfare check', 'Well-being' or 'Wellness check', are to be considered the same for the purposes of this policy. This is not to be confused with a 'Safe and well check' (debrief) following a missing episode. Additionally, this terminology is not to be confused with the East of England Ambulance Service Trust's usage of the term, whereby 'Welfare Check' relates to an outstanding incident where they intend to make verbal contact with a patient to ascertain a change in a patient's condition.
- 1.4 A 'Welfare check' occurs where officers are tasked to attend an address and speak to a named occupier to check they are alive, immediately safe, and well, i.e. to determine the 'existence of life', and report back to the requesting agency.
- 1.5 'Wellness' for the purposes of this policy is to be defined by factors including: consciousness, breathing, state of distress, state of intoxication or any other factors that might cause a person to reasonably believe there is a need for immediate intervention to prevent serious harm.
- 1.6 The police have finite resources. Requests to complete welfare checks which should be the responsibility of other agencies can increase the risk of harm to those needing police support elsewhere. Examples of welfare checks not routinely suitable for police attendance include:
- Checks on individuals who have **failed to attend routine appointments** at hospital, doctor's surgeries, mental health teams etc.
 - Those apparently **absent** from a place that they should be or are expected to be, but who are **not reported or classed as 'missing'**.
 - Requests to check whether an individual has **taken their medication**.
 - Requests for regular monitoring over a weekend period where the reporting agencies' weekend provision is lessened.
 - Requests by alarm monitoring companies, to check on a client who has **activated an alarm**.

- 1.7 In the absence of an evidenced immediate risk to life by the requesting agency, police are likely to have no role in the above scenarios.
- 1.8 It is important to note that in the context of welfare checks **Police have no general responsibility for ‘safety’ or ‘welfare’ of members of the public.** The central principle is that police will respond to requests to carry out a ‘welfare check’ ONLY when they engage the core duties of police:
- To prevent and detect crime
 - To keep the Queen’s peace, and
 - To protect life and property.
- 1.9 It remains our duty to respond to allegations of crime, and appropriately investigate them.
- 1.10 It is not part of the core duties of police to carry out general welfare checks on behalf of other non-police agencies.
- 1.11 Police will carry out a ‘welfare check’ when a request is made to police about any individual, **if it is an emergency** and there is a real concern that something serious is about to, or has already occurred to the relevant individual(s) on those premises. The police will respond because it enables a professional intervention if an individual is in **need of immediate assistance due to a health condition, injury or some other life threatening situation or immediate vulnerability.** Unless this threshold is reached, police have no duty, and therefore no power, to take any action.
- 1.12 Staff when tasked with welfare checks should make efforts to physically encounter the individual of concern, prior to finalising their enquiry using the National Decision Making Model (NDM). Past learning has revealed dangers in relying solely on remote or third party updates (e.g. telephone call reporting to be from the subject) without a physical check. Failing to have a face to face conversation with the subject increases the opportunity for them or others to misrepresent circumstances. It also increases opportunity to miss visible indicators, or to reduce opportunity to ask probing questions to maximise risk assessment information. If in doubt, you should seek the advice of a supervisor.
- 1.13 Care should be made not to rely on ethnic/religious stereotyping when determining an assessment of risk around an individual.

2. Legal Powers

- 2.1 Police have a number of powers deriving from statute that enable us to carry out our duties. Where there is no specific legislative power, courts will often imply a power that corresponds to core duties to enable police officers to lawfully fulfil those duties. Powers do not extend to facilitate officers acting in excess of those core duties.
- 2.2 Police have a positive duty to protect life under article 2 of the European Convention of Human Rights, incorporated into statute by the Human

Rights Act 1998. This obligation arises *where police know, or ought to know, about a real risk to life*. In the situation of a ‘welfare check’ being carried out by police, any article 2 duty can usually be satisfied by reliance on section 17 PACE, which provides that:

“1) Subject to the following provisions of this section....a constable may enter and search any premises for the purpose

..... (e) of saving life or limb or preventing serious damage to property.”

In this particular scenario, S17(1)(e) enables an officer to carry out their core duty to protect life and property.

- 2.3 In the case of *Syed v DPP [2010]* the High Court ruled that this provision *did not justify entry where there was a general concern for the welfare of someone within the premises* and therefore officers were not in the execution of their duty when purporting to rely on s17 to force entry against the wishes of the person who answered the door.

- 2.4 Mr Justice Collins said:

“It is plain that Parliament intended that the right of entry without any warrant should be limited to cases where there was an apprehension that something serious was otherwise likely to occur, or perhaps had occurred, within the house....Concern for welfare is not sufficient to justify an entry within the terms of section 17(1)(e). It is altogether too low a test.

I appreciate and have some sympathy with the problems that face officers in a situation such as was faced by these officers. In a sense they are damned if they do and damned if they do not, because if in fact something serious had happened, or was about to happen, and they did not do anything about it because they took the view that they had no right of entry, no doubt there would have been a degree of ex post facto criticism. But it is important to bear in mind that Parliament set the threshold at the height indicated by section 17(1)(e) because it is a serious matter for a citizen to have his house entered against his will and by force by police officers.”

- 2.5 This policy should be viewed in the context of ECHR considerations around individual’s right to life AND right to privacy.

3. Procedure

- 3.1 When requests are made for welfare checks, the request should undergo the ‘Thrive’ process, with due consideration to other policies that might be relevant (e.g. Missing and Absent Persons/Threats to Life). The immediate risk of the situation must be established, and the carrying out a dynamic risk assessment including use of intelligence checks, including (where appropriate) liaison with police SPOCs/health triage officers. Consideration should be given to using the National Decision Making Model to assist in decision making, with particular emphasis on the College of Policing’s Code of Ethics as well.

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3.2 On receipt of a request for police to conduct a welfare check, the following information should be obtained (where practicable) to determine the policing response:

- Clear explanation of why police attendance has been requested.
- Full name and address of person the check is being requested for.
- Any information about other people who may also be present with that person.
- What are the expected actions of the police if they attend the address?
- Will an ambulance be required to attend?
- Will the caller or a point of contact be accompanying police or meeting them at the address?
- Risk assessment information on the patient/subject, in particular any risk to others, history of violent behaviour, self-harm, anti-authority, previous absconding behaviours, access to weapons or firearms.
- Any information on disabilities, or reasonable adjustments that will need to be made to facilitate contact and communication with subject.
- Details of any known carers/family or persons living with the subject and any associated risk assessments.
- Consideration of any views known to have been expressed by the individual themselves.

3.3 Officers considering their power under S17 PACE must ensure that they gather as much information as practicable in the circumstances to support their grounds that entry without a warrant is required and justified. This might include, but is not restricted to:

- Speaking with occupants or nearby neighbours.
- Contacting known family members or associates.
- Checking security of premises and signs of disturbance/sounds of distress.
- Checking with local hospitals/ambulance service for recent admissions.
- Observation through apertures.
- Presence of vehicles used or owned.
- Using known telephone numbers or other means of contact.
- Checking recent use of social media.
- Checking for signs of, or lack of, activity (e.g. mail or deliveries left on display, checking of bins, signs of infestation/smells etc.).
- Checking any information on subjects' disabilities that may frustrate ability to contact and communication with subject.

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- Consideration of any views known or expressed previously by the individual themselves.
 - If the decision is to not utilise the power under Section 17, the officer should consult with their supervisor. Decisions should be documented on logs in line with NDM.
- 3.4 Additionally, 'lessons learnt' have shown that care must be taken to ensure that police incident logs (or any similar system that generates the activity) are checked by staff doing the enquiry, prior to any decision to leave without gaining entry to premises. This is to ensure that new information that is not necessarily communicated is taken in to account in the risk assessment process and staff make this decision with the most up to date and accurate understanding of the circumstances.
- 3.5 In the event that police have no special power or reason to attend the premises, then the responsibility will be passed back to the relevant agency which has raised the concern articulating clearly that police will **not** attend. The rationale for the decision should be recorded in an appropriate place (often on a CAD) that is suitable for audit and/or review purposes. The concern, and the resolution of that concern, will remain that of the requesting agency.
- 3.6 Officers should document fully their actions and findings subsequent to a welfare check. This will usually be in the form of a CAD update. The documenting of rationale for any decisions and their dynamic risk assessment will be important should the subject subsequently have been found to come to harm.
- 3.7 On conducting a welfare check and where there is suggestion of vulnerability or concern, then officers should submit an appropriate safeguarding referral and consult with a supervisor as appropriate. This referral will usually be in the form of an Athena 'protecting vulnerable people' (PVP) entry.

Alarm Monitoring Requests for Welfare Checks

- 3.8 There are a number of alarm monitoring companies that respond to care alarms installed to residential premises. These tend to involve elderly, frail, or otherwise medically vulnerable people to ensure that help comes if the resident suffers a fall or medical episode etc. Requests for welfare checks from alarm monitoring companies (e.g. a care alarm activation at a remotely monitored flat in a care home location), should normally be diverted to the ambulance service for attendance in the first instance, unless there is a specific identified need for police attendance (e.g. crime in progress).
- 3.9 Alarm monitoring companies should be asked what contact if any has been attempted by them with the resident, what arrangements they have to respond to an alarm if emergency services are unable to assist, including any next of kin, neighbour, or on site staff contacts, and any other information that will assist making contact or risk assessing the situation.

Requests for welfare checks from families in the process of separation

3.10 Often police can get reports from family members or guardians of young children with concerns for their child’s welfare as a result of a breakdown in relationships between adult parties (e.g. an ex-partner not returning a child as expected following a weekend of having responsibility for them). In these scenarios, the child’s welfare will always be paramount, however where there is no information to suggest the child is at immediate risk of injury or abuse, it will be appropriate to refer the concerns to the Multi-agency Safeguarding Hub by submission of a Child Protection Investigation (CPI) on Athena which can then be shared with Children’s Social Services.

Please Note: If there is any risk to the child or breach of imposed criminal or family court orders, action should be taken immediately.

3.11 Due regard should also be given to Force policies on safeguarding children and young people, and any breach in a legal requirement around child care arrangements that police may be able to enforce (prevent and detect crime).

3.12 Due care and consideration should be given to the manner in which we conduct welfare checks on persons subject to risk from domestic violence or honour based violence, where we may inadvertently increase risk to them. In such cases advice should be sought from supervisors, and consultation made as appropriate with specialist safeguarding units.

Requests for welfare checks from Mental Health professionals

3.13 Police have limited knowledge in relation to mental health compared to a mental health professional. They also have limited powers unless there is an immediate risk to life or harm to the individual or public, or a S135 warrant has been obtained. Therefore **the expectation will be that welfare checks will usually be carried out by those mental health professionals and not police officers.**

3.14 Should an assessment be thought necessary under the Mental Health Act, then the expectation will be that a warrant under S135 MHA will have been obtained in the first instance, or clear explanation as to why this is not appropriate or possible. A S135 warrant provides police the necessary powers to act lawfully and safely in the interest of all those involved in securing entry to private premises where the patient would not otherwise cooperate. Obtaining these warrants and coordinating a response is the responsibility of an Approved Mental Health Professional (AMHP).

3.15 The mere presence of police can sometimes have a negative impact for those who are living with mental ill health or recovering from crisis, especially when there is no other policing reason for police involvement. The Independent Commission for Mental Health and Policing examined a number of cases where suicide directly followed a ‘welfare check’ by police (IOPC ‘Deaths during or following police contact annual report’, January 2018).

3.16 When the decision is made about contacting the Police for assistance, then health staff should be clear about what assistance they are requesting from the Police and why.

3.17 When getting a request for a welfare check from a mental health professional, the following information should be obtained:

- Is there an immediate threat/risk to life?
- Why has police attendance been requested?
- What are the expected actions of the Police if they attend the address?
- What other agencies/individuals have been contacted?
- Full name and address of the person a check is being requested for.
- Risk Assessment information on the patient/subject, in particular any risk to others, history of violent behaviour, self-harm, anti-authority, previous absconding behaviour, any intelligence that there may be weapons / firearms at the address.
- Is the person detained or detainable under the Mental Health Act?
- Any information about other people who may also be present at the address or with subject and any associated risk assessments?
- Will the individual require further clinical assessment and input from the ambulance service?
- Will a mental health professional accompany the Police to the address or meet them there?
- Details of the caller and point of contact in the mental health services most appropriate for on-going contact.

3.18 An assessment will then be made by a Police Contact and Control Room (CCR) Supervisor or CCR Inspector to determine the level (if any) of police response. The decision should be recorded (usually on a CAD/police incident log that is suitable for audit and/or review) and the requesting person updated appropriately.

Joint visits

3.19 It may occasionally be considered appropriate for Police to accompany another agency to conduct such a check, but this will need to be assessed on a case by case basis. It is for the requesting agency to provide the relevant information/intelligence to support the need for the presence of the police. Where police will not attend, the requesting agency will be updated accordingly as soon as practicable. The rationale for the decision should be recorded in an appropriate place (often on a CAD).

4. Escalation Policy

- 4.1 In the event of a disagreement between the requesting agency and Police, the requesting agency in the first instance can ask to speak to the Oscar 1 or relevant supervisor. If an agreement is not reached the matter should be escalated to the on duty Cadre/Silver Commander. Contact should be made with the requesting agency, communicating the rationale.