

Response to Regulation 28 Report for HM Coroner Relating to the Inquest Touching upon the Death of Ms Sophie Ann Louise Cotton

CORONER'S CONCERNS

During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths could occur unless action is taken. In the circumstances it is my statutory duty to report to you.

The **MATTERS OF CONCERN** are as follows:-

- (1) During the 16:44 call, by following the "Right Care, Right Person" procedure there was a refusal to the request that the police attend, even when a family member was expressing the view that there was a real and immediate risk to life.

Durham Constabulary Response

At the time of the 16:44 call [REDACTED] (mother) did express concerns about her daughter relaying information regarding previous incidents. The call handler asked if there had been any threats made on this occasion and was told that there had not been. Mrs Cotton states that she is probably overthinking but is worried about her daughter. There had not been any contact over the weekend and there was no new information from the previous call. Mrs Cotton confirms that her son is going to go back to the address again. It is confirmed to Mrs Cotton that on the information provided at that time that it is not considered that there is a real and immediate risk and that the police will not be attending. It is confirmed that the call will be subject to review by a supervisor as standard practice. All calls are assessed based upon the information supplied at the time of the call. All such calls received by Durham Constabulary are entered onto the Force Command and Control System (Smart Storm) and all incidents remain active until reviewed by a supervisor as only they can close

a call on the system. Durham Constabulary is committed to providing the best service possible to the public and in assessing whether any lessons can be learnt from this tragic incident.

Deputy Chief Constable [REDACTED] instructed Assistant Chief Constable [REDACTED], portfolio lead for public contact and response policing to undertake a review of the events prompting HM Coroner's concerns. As a result, [REDACTED] convened a working group to fully and properly consider the matter.

Recommendations have been made to improve the system with the aim of strengthening the policy ensuring that the needs of the public are met. More details can be found below.

Mrs Cotton has been spoken to and is being kept up to date during this review process so that she is aware that Durham Constabulary is taking this very seriously and are carrying out a full review aimed at improving the system where possible. The recommendations for improvements in the system have been discussed with the College of Policing who have confirmed that the improvements and system overall are in line with the National Toolkit for Right Care, Right Person.

- (2) During the 16:44 call the "Right Care, Right Person" advice to contact mental health services appears to have disregarded the fact that the mental health crisis team do not have the power to enter locked premises and so would require police attendance to facilitate entry to the premises.

Durham Constabulary Response

At the time of the 16:44 call the matter had been assessed as not having an immediate need or risk to life or limb, it was considered to be a concern for welfare and as such Durham Constabulary would not have a power or right of entry.

The Coroner will be aware that the police have a right of entry under Section 17 of the Police and Criminal Evidence Act, but only in certain circumstances. The appropriate part of Section 17 is:-

“Entry for purpose of

(1) Subject to the following provisions of this section, and without prejudice to any other enactment, a constable may enter and search any premises for the purpose

a)

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

The Courts have provided guidance in relation to the use of Section 17 and in particular in the case of *Syed v DPP* [2010] EWHC 81 (Admin), police officers explained to the court that they considered that a concern for welfare was sufficient to entitle the officers to enter the property through their power under s.17(e) PACE. However, the High Court explained at [12] that, contrary to the officer's understanding:

“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 police 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. Parliament having set that level, it is important that it be met in any particular case.”

Many calls for welfare concerns that the police attend, and force entry result as 'false alarms' where the person is fit and well and not in crisis and this results in distress to them, even if well intentioned.

The referral to contact the Mental Health Crisis Team would have been so that they could have made additional checks, and they may have been in possession of additional information that Durham Constabulary did not have. For example, Sophie may have been in touch with them for assistance and be receiving it. They could also make enquiries as to whether was in or had been in hospital that would have assisted.

- (3) During the 16:57 call there was no decision for police to attend, even though this was the third caller (and second professional caller) that had expressed serious concerns about the Deceased.

Durham Constabulary Response

During the call at 16:57 no decision was expressed to attend, however that matter was escalated as part of the Standard Protocol by the Control Room Supervisor to the Force Incident Manager who, based upon the cumulative effect of the calls made the decision for Policer Officers to be deployed to attend and effect entry to allow the appropriate services access to the premises. Police logs confirm this decision but unfortunately this decision to attend was not communicated to the caller or the family. It is recognised that this should have been communicated and is a point of learning. Measures have been put into place to seek to prevent such a recurrence of the failure to communicate.

- (4) Although there is a procedure in place to have a negative "Right Care, Right Person" decision reviewed by a supervisor, this causes additional delay in circumstances when attendance could be extremely time-sensitive.

Durham Constabulary Response

The working group reviewed the position with regards to when a decision not to attend is given. It is clearly not possible to attend every call in relation to welfare concerns and in most cases the police are the wrong organisation to be involved in any event, nor would they have a power of entry. Often Durham Constabulary is asked to attend premises without the support of Mental Health Services also attending and even if officers have forced entry they have limited powers as to what they can do. A person cannot be forced to for example to attend hospital as legislation supports that a home is a place of safety which can only be interfered with in limited circumstances.

Durham Constabulary recognises that there need to be safeguards within the system for speedy and timely reviews of decisions not to attend and 2 specific recommendations have been made to improve the current system. These recommendations have been approved and discussed with the College of Policing who have confirmed that they are line with the National Toolkit for Right Care, Right Person (RCRP)

These recommendations will be implemented as soon as is practicable, with a target date of mid-July 2025 for full implementation. Good progress is already being made..

Once the recommendations have been introduced every decision not to attend will result in a review of police systems for further intelligence to support or amend the decision on attendance or otherwise under RCRP principles. These initial checks will be to review previous incident logs, checks on local and national police and partner systems. These checks will be done by a member of the control room staff and most likely by a dispatcher.

In addition, if the decision under RCRP remained that no police would be attending then a review by the shift supervisor would be carried out. Such review would be a matter of routine and would be done as soon as reasonably practicable, as soon as is reasonably practicable, but in any event

expeditiously. The decision on whether to attend could change at any stage in this review process. Any change in decision would be communicated to the caller.

On a second call about the same person within a 12 hour period where the answer on the first call was for the police not to attend there will be an immediate escalation to the Supervisor who will carry out a further review as soon as possible.

If at this stage the decision remained that the police would not be attending there would be no reason to contact the called again as they will have been told that the police would not be attending by the Call Handler. If the decision changed so that the police would be attending, then the Supervisor will recontact the caller and update.

Any additional calls within the 12 hours from the first call will be subject to the same review process as detailed above.

Durham Constabulary is confident that the additional measures strengthen the policy and will meet the aims of serving the public.