

Brief to officers attending coroner's court

Information for forces preparing to attend inquests that relate to Right Care Right Person.

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Right Care Right Person (RCRP) is a national initiative that has been adopted by policing and partners under the [**National Partnership Agreement: Right Care, Right Person \(RCRP\)**](#). It aims to ensure that vulnerable people get the right support from the right services.

The [**RCRP toolkit**](#) provides implementation guidance to forces, along with examples of RCRP in action through 'Smarter Practice', [**Right Care Right Person – Humberside Police**](#). It applies to calls for service about:

- concern for the welfare of a person
- people who have walked out of a healthcare setting
- people who are absent without leave (AWOL) from mental health services
- medical incidents, including conveyance

This information offers guidance to forces that are preparing to attend inquests that may relate, directly or indirectly, to RCRP. You can use the following information when responding to inquests to ensure consistency in the information provided.

The focus of RCRP is to ensure vulnerable people receive care from the most appropriate agency. Often, this will not be the police. A legitimate consequence of RCRP is that it reduces demand on the police in responding to non-police-related incidents. This means police can:

- respond to the most vulnerable victims
- concentrate on the core roles of policing

There are no targets to reduce police demand aligned to RCRP. The audit and evaluation process for RCRP assesses the quality of decision making, not the outcome of the call.

RCRP is based on the legal position that the police have a responsibility to take all reasonable measures to assist where there is either:

- a real and immediate risk to life (European Convention on Human Rights (ECHR) Article 2)

- a real and immediate risk of that person being subject to serious harm or other inhumane treatment (ECHR Article 3)

Where the legal thresholds are met, the police are under a duty to respond to incidents, and in addition, to respond to incidents involving crime.

ECHR articles 2 and 3 are an obligation on the state and apply not only to the police, but also to other agencies.

Preparing for attendance at an inquest

When preparing to attend an inquest relating to RCRP, forces should consider the following.

- Continuity of attendance by identifying a specific role holder within force who responds to, and attends, all coroner's inquests relating to RCRP. If this person is unable to attend, the person attending should be well briefed.
- Legal oversight and liaison with a force legal advisor upon a coroner's request for statement and policy disclosure.
- Ensure any memorandums of understanding, service level agreements, and escalation policies that are in place regarding RCRP are readily available to the person attending the inquest.
- Ensure statements and responses are only provided where this has been specifically requested by the coroner.
- Notify the College of Policing when a Reg 28 Prevention of Future Deaths (PFD) notice is received to ensure national oversight of any learning takes place.
- Liaise with the College when sent a Reg 28 PFD notice that has also been sent to the national Police Chiefs' Council (NPCC) and/or the College, prior to submitting a response to ensure the facts of the case and recommendations are fully understood.
- Understand 'powers of entry' as this frequently arises in inquests. It's important to set out that it is not the responsibility of the police to force entry to a private premises purely on the basis that other agencies cannot gain entry. In the absence of a requirement to save life or limb, agencies should have agreements in place at a local level that may include options to work with the Fire and Rescue service and/or other services.

Attending an inquest

If you are attending an inquest that may relate to RCRP, it is important to consider the following.

- Liaising with the force's RCRP lead/subject matter expert prior to responding or attending the inquest and seeks support with preparation.
- Knowing and understanding the force's RCRP policy and how it has been applied to the specific incident the inquest relates to, as well as how RCRP applies more broadly within the force.
- Knowing which role within the force control room makes decisions around whether the police attend an incident and have knowledge of:
 - force control room tools or mechanisms that are in place to aid decision making (for example, flowcharts, policies, floor walkers and training)
 - other policies and protocols which may impact decision making, for example, missing persons incidents and incidents relating to children
- Having an awareness of the **National Partnership Agreement: Right Care, Right Person (RCRP)** and College's **RCRP toolkit**. These can be referenced in any explanation of RCRP that relates to the partnership approach agreed by the force.
- Knowledge of any signposting agreements, protocols or processes, in which the force refers calls to other agencies and of the method used to do so.
- Understanding the local processes and arrangements in place for information sharing with partners regarding safeguarding reporting (for example, vulnerable adult and child information sharing with the local authority).
- Preparing for questions about other agencies. You do not have to answer on behalf of other agencies, however you should be prepared. Answer in relation to the joint approach with partners, rather than questions about the policies and protocols of partner agencies.
- Knowing and understanding the duties arising from ECHR Articles 2 and 3, and **section 17 PACE** (powers of entry). It is likely that questions will arise that relate to what defines an immediate risk to life and when the threshold is met.
- Understanding the importance of the case law arising from **Syed v DPP** (Court of Appeal, 2010, EWHC 81 (Admin)) in relation to the powers of entry available to the police under S17(1)(e) of the **Police and Criminal Evidence Act 1984**, where it was held that 'concern for welfare is not sufficient to justify an entry' under this power.
- Preparing for hypothetical questions. Coroner's may ask the "what if" question. It is important to only provide a response when you know the answer based on your force policies. You may also be asked questions that you do not know the answer to. It is important to say that you do not know

and consider signposting to another colleague that is present who may know the answer.

Tags

Mental health Response policing