

Reference: FOI.ICB-2627/207

Subject: s140 Notices or Arrangements with Bristol City Council (BCC)

I can confirm that the ICB does hold the information requested; please see responses below:

QUESTION	RESPONSE
Could BNSSG ICB provide evidence of any arrangements or notices it issued to Bristol City Council to discharge its duty under s140 of the Mental Health Act 1983 with system partners including AWP As was relevant to August 2022; Id like to see any such s140 notice in place at that time or any s140 policy or s140 operating procedures in place at that time, a) for the reception of patients in cases of special urgency; b) for the provision of accommodation or facilities designed so as to be specially suitable for patients who have not attained the age of 18 years.]	Protocol document to Enact Section 140 of the Mental Health Act - May 2022 enclosed. This also includes the standard notification wording to system partners. Please note that FOI requests and responses are publicly available and therefore personal information has been redacted. The ICB considers the names and contact details included in the enclosed document to be personal information and therefore has applied a section 40 (Personal Information) exemption to this information.

The information provided in this response is accurate as of 20 August 2026 and has been approved for release by Helena Fuller, Director of Contracts and Procurement for NHS Bristol, North Somerset and South Gloucestershire ICB.

Enacting Section 140 of the Mental Health Act

In extremely rare cases there may be a need to enact Section 140 of the Mental Health Act. This is described as the following:

MHA 1983 s140

Law

[Notification of hospitals having arrangements for special cases]^[1]

140. It shall be the duty of [every clinical commissioning group and of]^[2] [...] ^[2] every [Local Health Board]^[1] to give notice to every local social services authority for an area wholly or partly comprised within the [area of the [clinical commissioning group or]^[2] [...] ^[2] [Local Health Board]^[1]]^[3] specifying the hospital or hospitals administered by [or otherwise available]^[4] [to the [clinical commissioning group or]^[2] [...] ^[2] [Local Health Board]^[1]]^[5] in which arrangements are from time to time in force [—

(a) for the reception of patients in cases of special urgency;

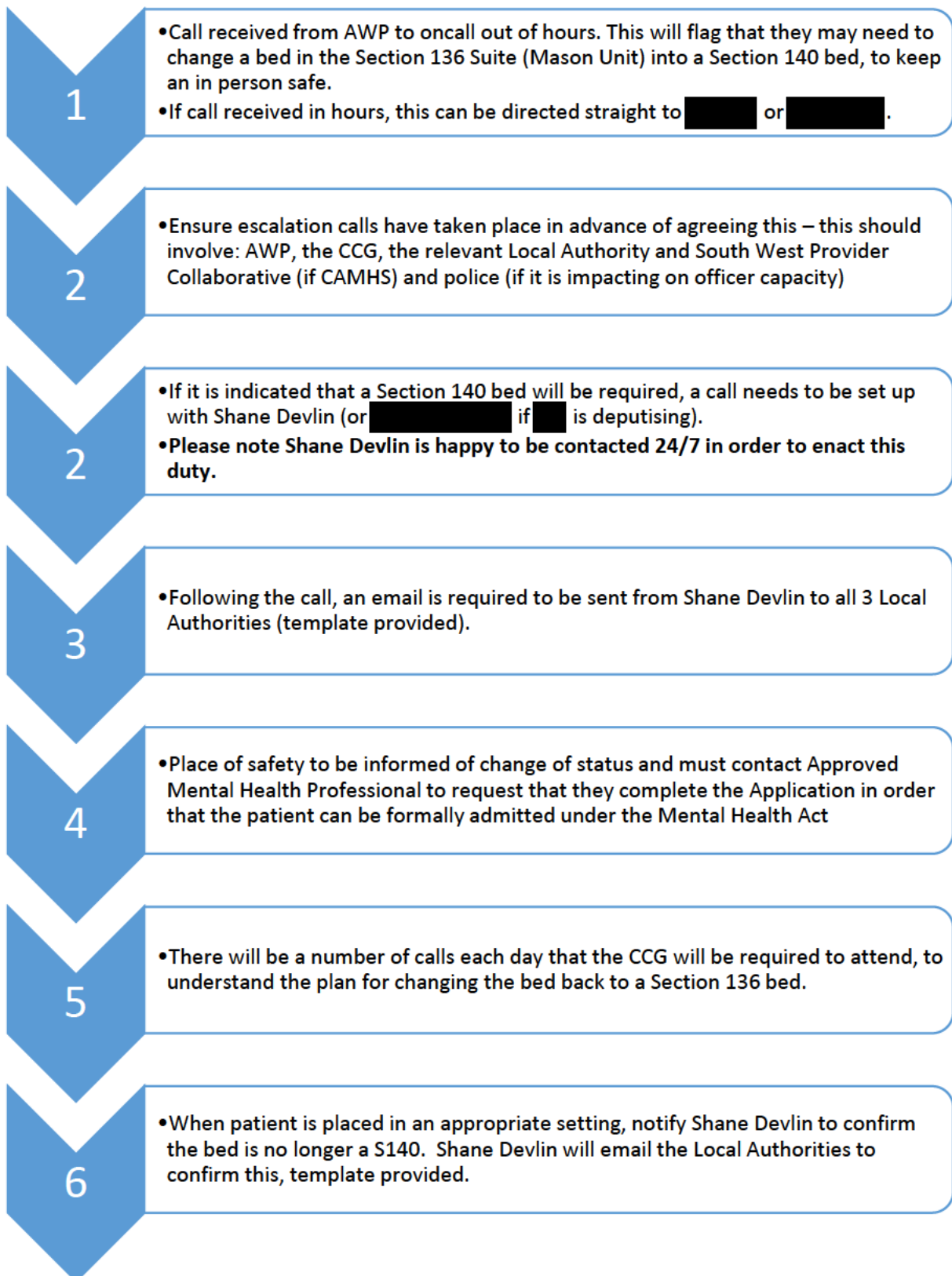
(b) for the provision of accommodation or facilities designed so as to be specially suitable for patients who have not attained the age of 18 years.]^[6]

Amendments

1. ↑ [Jump up to: 1.0 1.1 1.2 1.3](#) [References to Health Authorities Order 2007](#)
2. ↑ [Jump up to: 2.0 2.1 2.2 2.3 2.4 2.5](#) [Health and Social Care Act 2012](#) s45; [Health and Social Care Act 2012 \(Commencement No.4, Transitional, Savings and Transitory Provisions\) Order 2013/160](#) art 2 (1/4/13)
3. ↑ [NHS Reform and Health Care Professions Act 2002](#)
4. ↑ [NHS and Community Care Act 1990](#)
5. ↑ [Health Authorities Act 1995](#)
6. ↑ [Mental Health Act 2007](#) s31; [Mental Health Act 2007 \(Commencement No.7 and Transitional Provisions\) Order 2008](#) wef 3/11/08

This is not something that can be undertaken lightly as it has a significant system impact, which can last for many days.

Process to be followed:



Suggested template email from Shane Devlin to the Directors of Social Care to enact S140:

Dear colleagues

I am formally writing to notify you that we will enact Section 140 of the Mental Health Act overnight.

This action will be taken in respect of one bed on the Mason Unit (Section 136 Suite), which is on the mental health part of the Southmead site, owned and administered by Avon and Wiltshire Mental Health NHS Partnership Trust. The Mason Unit is attached to Oakwood, an acute mental health ward.

The action is required for an exceptional case relating to XXX (area) XXX(CAMHS/adult) service user. The patient was assessed under Section 136 Mental Health Act and has a recommendation for Section 2 Mental Health Act admission. They are now being deprived of their liberty without statutory authority at present as the Section 136 time has breached. Therefore the only option to care and treat these patients is now to designate beds at Mason Unit as inpatient beds, under Section 140 Mental Health Act.

This is an urgent need, as there are currently no suitable beds available to place them. We are working with NHS England and all our system partners to address this.

For any further information relating to this, please contact my colleague XXX on XXX , XXX or Dr Sarah Constantine on sarahconstantine@nhs.net 07785321312

Distribution list for email:

			(If CAMHS)
			(If CAMHS)

Suggested template email from Shane Devlin to stand down S140

Dear Colleagues

I am writing to you to follow up on the email below in relation to the use of S140 of the Mental Health Act. I can confirm that today the individual was able to XX (home/placed). I am therefore confirming that the bed is no longer a S140 bed and is once again designated as S136.

I would like to take this opportunity to thank all those of you and your teams who worked so hard to find the best possible outcome for this XX, it has been a great example of multi-agency team working.

Many thanks again.

Distribution list for email:

[illegible]