

# Glossary for the EHRC Inquiry on Preventing Deaths in Detention of Adults with Mental Health Conditions

*Definitions apply to England, Scotland and Wales, unless otherwise stated.*

<b>Absconding</b>	Any absence without leave of a person detained or liable to be detained under the Mental Health Act 1983, for example: on Section 17 leave from hospital, or held under short-term powers of Section 5, 135 or 136 in England and Wales.
<b>Absent without leave</b>	When a patient is absent from the hospital in England or Wales without being given Section 17 leave, or fails to return to the hospital at the due date and time when the leave expires, or is absent without permission from an address where they have been required to live by the conditions of their leave of absence.
<b>Adult</b>	For the purpose of the inquiry is a person aged 18 and over.
<b>Agency</b>	Any organisation delivering services on behalf of the state; for example, Hospital Trusts, Prisons, NHS England, National Offender Management Service, Her Majesty's Inspectorate of Constabulary and the Independent Police Complaints Commission.
<b>Anti-psychotic drugs</b>	A range of medications that are used for some types of mental distress or disorder and also severe anxiety or depression
<b>Articles 2 and 14 of the European Convention on Human Rights (ECHR)</b>	The Convention was made part of our domestic law by the Human Rights Act 1998. Article 2 obliges the state to protect by law everyone's right to life. This obligation includes a positive duty on the state to ensure preventative measures are taken to protect life in certain circumstances and to carry out a proper investigation into deaths for which the state might be responsible. Article 14 provides that there should be no discrimination in the enjoyment of Convention rights.
<b>Assessment, Care in Custody and Teamwork (ACCT) plans</b>	Specify how an at-risk prisoner in England and Wales will be kept safe and what support they will be provided with.

<b>Basic Command Unit</b>	A local policing area in England and Wales – may also be called Local Police Unit, Division or Area.
<b>Black Mental Health UK</b>	A human rights campaigns group established to address the over-representation of African Caribbeans within secure psychiatric care and raise awareness to address the stigma associated with mental health.
<b>Care Quality Commission (CQC)</b>	The independent regulator of all health and adult social care in England.
<b>Chatham House Rule</b>	When participants at a meeting are free to use the information received, but may not disclose the identity of participants.
<b>Chief Coroner/Office of the Chief Coroner</b>	Head of the coroner system, assuming overall responsibility and providing national leadership for coroners in England and Wales.
<b>Clinical Commissioning Groups (CCGs)</b>	Commission most of the hospital and community NHS services in the local areas for which they are responsible. Services CCGs commission include acute mental health.
<b>Commissioning</b>	Authorising external providers to deliver services on behalf of a public body.
<b>Coroner</b>	An independent judicial office holder, appointed by a local authority in England and Wales who investigate deaths that have been reported to them, including: deaths in prison, police custody or while detained under the Mental Health Act 1983.
<b>Detained patient</b>	A person who has been ‘sectioned’ or ‘detained’ in hospital under the Mental Health Act 1983 or Mental Health (Care and Treatment) (Scotland) Act 2003 (MH(C&T)(S)A 2003). They are formal patients who are not free to leave and will lose some other important rights available to informal patients.
<b>Family liaison officer</b>	Police and Prisons and Probation Ombudsman (PPO) staff who provide information to and support the bereaved family in England and Wales.
<b>Fatal Accident Inquiry</b>	A court hearing which publically inquires into the

<b>(FAI)</b>	circumstances of a death in Scotland and is presided over by a Sheriff. It cannot make any findings of fault or blame against individuals. An inquiry will normally be held if the death happened while in legal custody, for example in prison or police custody.
<b>Healthcare Improvement Scotland (HIS)</b>	The national healthcare improvement organisation for Scotland and part of NHS Scotland.
<b>Healthcare Inspectorate Wales (HIW)</b>	The independent inspectorate and regulator of all healthcare in Wales.
<b>Her Majesty's Inspectorate of Constabulary (HMIC)</b>	Independently inspects and monitors police forces in England and Wales.
<b>Her Majesty's Inspectorate of Prisons for England and Wales (HMIP)</b>	The independent inspectorate reporting on conditions for, and treatment of, those in prison, young offender institutions and police suites in England and Wales.
<b>HM Chief Inspector of Constabulary in Scotland</b>	Provides independent scrutiny of Police Scotland and inspects police custody centres to monitor the treatment and conditions for detainees.
<b>HM Chief Inspector of Prisons for Scotland (HMIPS)</b>	Inspects prison establishments throughout Scotland in order to examine the treatment of, and the conditions for, prisoners.
<b>Human Rights Act 1998</b>	The statute which makes the European Convention on Human Rights (ECHR) part of our law. It requires public authorities to act compatibly with the ECHR and allows individuals whose human rights have been infringed by a public authority to bring a case in our own courts.
<b>Human Rights Framework</b>	A framework constructed by the Commission setting out the steps that need to be taken by prisons, hospitals and the police to meet their obligations under Article 2 of the ECHR to protect everyone's right to life.
<b>Independent Advisory Panel (IAP)</b>	Provide independent advice and expertise to the Ministerial Board – consulting and engaging with stakeholders to collect, analyse and disseminate relevant information about deaths in custody and the

	lessons that can be learned from them.
<b>Independent Police Complaints Commission (IPCC)</b>	The independent body that oversees the police complaints system in England and Wales.
<b>Informal/voluntary patient</b>	A person who is receiving treatment in hospital on an informal and consensual basis and who has usually agreed to admission into hospital.
<b>Inquest or inquest hearing</b>	A fact-finding inquiry in court conducted by a coroner in England and Wales to establish who has died, and how, when and where the death occurred. It forms part of the coroner's investigation. An inquest does not establish any matter of criminal or civil liability. It does not seek to blame anyone or apportion blame between people or organisations.
<b>INQUEST</b>	A charity providing free advice to people in England and Wales bereaved by a death in custody.
<b>Legal custody</b>	In Scotland a person is in legal custody if he is detained in or subject to detention in various settings including prison establishments and police custody (section 1 (4) of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976).
<b>Liaison and Diversion schemes</b>	Mental health professionals in police stations and courts in England ensuring people who come into the criminal justice system with mental health conditions, learning disabilities and other vulnerabilities are recognised and promptly referred into health and other services to get the treatment or support they need.
<b>Mental Health (Care and Treatment) (Scotland) Act 2003 (MH(C&amp;T) (S)A)</b>	The law which sets out when a person can be admitted, detained and treated in hospital without their consent. It also covers their rights, how they can leave hospital and aftercare. The Act applies in Scotland.
<b>Mental Health Act 1983 (MHA)</b>	The law which sets out when a person can be admitted, detained and treated in hospital without their consent. It also covers their rights, how they can leave hospital and aftercare. The Act applies in England and Wales.

<b>Mental health condition</b>	A mental disorder that may justify a person being sectioned. In England and Wales a mental disorder is 'any disorder or disability of mind' (section 1 MHA) and includes any mental health condition normally diagnosed in psychiatry, and learning disabilities. For the purposes of section 1, learning disability is only considered a mental disorder if it is 'associated with abnormally aggressive or seriously irresponsible conduct'. In Scotland mental disorder is 'any mental illness; personality disorder; or learning disability, however caused or manifested' (Section 328 MH(C&T)(S)A).
<b>Mental health crisis</b>	When a person's mental or emotional state gets worse quickly.
<b>Mental Welfare Commission in Scotland (MWC)</b>	An independent body whose role includes investigating where they believe something may have gone wrong with the care and treatment of a person facing mental health challenges or incapacity.
<b>Ministerial Board on Deaths in Custody</b>	Brings together decision-makers in England and Wales responsible for policy and issues related to deaths in custody in the Ministry of Justice, Home Office and Department of Health.
<b>National Offender Management Service (NOMS)</b>	An executive agency of the Ministry of Justice responsible for the National Probation Service and HM Prison Service, managing public sector prisons and young offender institutions within England and Wales.
<b>National Preventive Mechanism (NPM)</b>	Designated by Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations regarding the prevention of ill-treatment across the UK.
<b>Non-natural death</b>	One of the following categories: self-inflicted/suicide, deaths caused by another person including homicide, other non-natural deaths including overdose and accidental deaths and deaths the cause of which is

	unknown.
<b>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)</b>	An international human rights treaty designed to strengthen the protection of people deprived of their liberty.
<b>Personal Escort Record (PER)</b>	Contains information about a prisoner’s vulnerabilities and mental health condition when transferred between prisons and within the criminal justice system in England and Wales.
<b>Place of safety</b>	Can be anywhere, but it is most commonly a designated room or suite of rooms in a mental health inpatient service, the emergency department of an acute hospital (a Health Based Place of Safety), or a police station in England and Wales. A police station should only be used in exceptional circumstances. In Scotland a police station is not a place of safety and should only be used as a last resort when no place of safety is available.
<b>Police custody</b>	In England and Wales for the purpose of this Inquiry, a person who is in the process of being arrested or taken into detention; has been arrested or been detained by police under the MHA.
<b>Police Investigations and Review Commissioner</b>	Undertakes independent investigations into the most serious incidents involving the police and provides independent scrutiny of the way police bodies operating in Scotland respond to complaints from the public.
<b>Prison establishment</b>	Any establishment which the Secretary of State in England and Wales or the Scottish Government may provide for the detention of adults sentenced to detention for an offence or remanded to custody. For the purpose of this Inquiry it includes prisons and young offender institutes.
<b>Prisons and Probation Ombudsman (PPO)</b>	Carries out independent investigations into deaths and complaints of prisoners and young people in detention

in England and Wales.

**Protected characteristics** Are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage and civil partnership is a protected characteristic, but only in relation to employment and does not apply to detention (Equality Act 2010).

**Protocols** In England and Wales agreements between police forces and other agencies e.g. health regarding dealing with mental health/physical health/intoxication

**Public authority** ‘Any person certain of whose functions are functions of a public nature’ (Section 6 HRA). This covers privately run prisons and hospitals as the company running them is exercising a public function.

**Responsible clinician** In England and Wales the mental health professional with overall responsibility for a person's care and treatment in hospital. This may be a doctor but can also be some other health professional.

**Scottish Fatalities Investigations Unit** A specialist unit responsible for investigating all sudden, suspicious, accidental and unexplained deaths.

**Section 17 leave** In England and Wales the responsible clinician may allow a detained patient to leave hospital for a limited time – usually up to a week – either accompanied or unaccompanied.

**Sections 135 and 136 of the Mental Health Act 1983** The police in England and Wales have the power to take an individual to a place of safety where he or she is in a private place (sec.135) or in a public place (sec.136) and the police think the person has a mental condition and is in need of care.

**State detention** In England and Wales ‘A person is in state detention if he or she is compulsorily detained by a public authority within the meaning of section 6 of the Human Rights Act 1998’ (section 48(2) Coroners and Justice Act 2009). For the purpose of the Inquiry this includes: prison establishments, police custody and detention in hospital under the MHA.

<b>Street triage</b>	In England and Wales schemes where mental health professionals provide on the spot advice to police officers who are dealing with people with possible mental health conditions.
<b>The Mental Health Crisis Care Concordat</b>	An agreement between services and agencies involved in the care and support of people in crisis in England. It sets out how organisations will work together better to make sure that people get the help they need when they are having a mental health crisis.
<b>UN Convention on the Rights of Persons with Disabilities (UNCRPD)</b>	An international treaty that identifies the rights of persons with disabilities as well as the obligations on states to promote, protect and ensure these rights.