

## **The Human Rights Act 1998 and the Mentally Disordered Offender in Private Healthcare Organisations**

This dissertation analyses the impact of The Human Rights Act 1998 on the mentally disordered offender, with particular reference to those detained in private healthcare organisations.

The prison population of The United Kingdom has increased dramatically over the last few years, with predictions that it is likely to continue to do so for the foreseeable future. The incidence of mental illness within the prison population is such that neither the Prison Service nor the National Health Service hospitals are able to effectively cope. This has led to an increase in the services provided by the private sector.

An explanation of the European Convention on Human Rights and the establishment of The Human Rights Act 1998 is given. The legal status of mentally disordered offenders is then examined. This is followed by analysis of the legal status of private mental health institutions and the applicability of the Act to them. The outcome of this being that the Human Rights Act 1998 is found to be applicable and that the private organisations do fulfill functions certain of which functions are of a public nature.

Analysis of areas of mental health practice that have been challenged, or might be challenged, under the European Convention on Human Rights then follows. Specific references to practices within private healthcare organisations are made, with comments regarding what might be required to avoid the healthcare provider from falling foul of the Human Rights Act 1998.

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