

Date 04/05/2026
Your Ref
Our Ref 11114

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Dear

FREEDOM OF INFORMATION – EMERGENCY DETENTION CERTIFICATES

I write in response to your request for information in relation to Emergency Detention Certificates.

Question:

1. The number of Emergency Detention Certificates (EDCs) granted in NHS Lothian, since January 2021, broken down by clinical specialism of the registered medical practitioner who granted the EDC

Answer:

I am advised that we do not specifically record this, however

- i. We do have some data on the location at detention. This shows that out of approximately 600 EDCS done in the last 12 months
 1. 25% were not on hospital premises (but we cannot extract data on whether this was a GP or a Psychiatrist or another Doctor)
 2. Of those done on hospital premises, half were on other types of ward such as medical or surgical wards
- ii. Going forward we will be noting if the EDC is done by a GP or an AMP (Senior Psychiatrist) or neither of these, but do not have that data yet.

Question:

2. The number of Emergency Detention Certificates (EDCs) granted in NHS Lothian without Mental Health Officer (MHO) consent, since January 2021, broken down by clinical specialism of the registered medical practitioner who granted the EDC

Answer:

We do not collect this data. However, the MHC do and should be able to provide.

Question:

3. Any (a) data, (b) correspondence and (c) analysis held by NHS Lothian since January 2021 demonstrating how the Board met obligations under Section 36 of the Mental Health (Care and Treatment) (Scotland) Act 2023 which requires that medical practitioners consult and receive consent from a Mental Health Officer (MHO) before granting an Emergency Detention Certificate (EDC).

Question:

4. Any (a) data, (b) correspondence and (c) analysis held by NHS Lothian since January 2021 regarding the reasons that medical practitioners have been unable to gain MHO consent before granting an Emergency Detention Certificate (EDC) aggregated or categorised as appropriate to prevent the identification of individuals.

Question:

5. Any information held since January 2021, including (a) minutes and (b) meeting papers covering the topic of Mental Health Officer (MHO) consent for Emergency Detention Certificates (EDCs) arising from end of year meetings between NHS Lothian and the Mental Welfare Commission (MWC). These meetings are referenced in the MWC annual Mental Health Act Monitoring reports (For example: [MHA monitoring report 2024-25](#) page 15).

Answer:

We do not hold anything in a centrally extractable format.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to Emergency Detentions over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

Question:

6. Copies of all audits undertaken since January 2021 by NHS Lothian on the reasons for failure to include MHO consent in Emergency Detention Certificates (EDCs). The audits are referred to in the MWC annual Mental Health Act Monitoring reports (For example: [MHA monitoring report 2024-25](#) page 15).

Answer:

We are not aware of any such audits

Question:

7. Any (a) training, (b) guidance or (c) policies provided or utilised by NHS Lothian, since January 2021, to support registered medical practitioners in their decision-making when considering granting an (EDC) rather than applying for a Short-term Detention Certificate (STDC).

Answer:

- a. All Resident Doctors working in mental health are shown in detail how to do an EDC including the importance of getting MHO input and when STDC should be done instead.

- a. All NHS Lothian Resident Doctors are recommended to a dedicated mental health resource on the right decision system, which contains a section on doing an EDC including the points just mentioned. It is available via this link - [Detaining a patient under an Emergency Detention Certificate \(EDC\) | Right Decisions](#)

I am sorry I cannot help further with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive