

Charlotte Emmett Associate Professor of Law Email:  
CHARLOTTE.EMMETT@NORTHUMBRIA.AC.UK

## Research interests

Charlotte has researched and published in mental health and mental capacity law for over 20 years. Much of her socio-legal research is interdisciplinary and focuses on mental capacity and decision making under the Mental Capacity Act 2005 (MCA) in dementia care. Her research was presented to the Northern Ireland Assembly Ad Hoc Joint Committee considering the Mental Capacity Bill and informed the NICE Guideline [NG108] Mental Capacity and Decision Making.

## Qualifications

Law, LLB (Hons), LLB (Hons) with French

1 Sept 1986 → 1 Sept 1989

Award Date: 1 Sept 1989

French Law, PGDip

30 Jun 1990 → 1 Sept 1991

Award Date: 30 Jun 1990

Law, PGCHE

30 Sept 1995 → 1 Sept 1996

Award Date: 30 Jun 1996

Solicitor of the Supreme Court of England and Wales

Senior Fellow (SFHEA), Higher Education Academy (HEA)

## Employment

Law Society of England and Wales

## Research outputs

### **Malingered Mental Health: Legal Review and Clinical Challenges in English and Welsh Law**

Beazley, P. & Emmett, C., 27 Apr 2022, In: International Journal of Mental Health and Capacity Law. 28, p. 10-53 44 p.

### **Legal Issues in Life-Limiting Illness: Can Cross-Agency, Interprofessional Education Support Integration of Care?**

Hawkins, C., Rothwell, C., Close, H., Emmett, C. & Hesselgreaves, H., Dec 2021, In: Journal of law and medicine. 28, 4, p. 1082-1091

### **Data-Driven Responses to COVID-19: Lessons Learned: OMDDAC Research Compendium**

Allsopp, R., Bessant, C., Dawda, S., Ditcham, K., Emmett, C., Higgs, M., Janjeva, A., Li, G., Sutton, S., Warner, M. & Oswald, M., 12 Oct 2021, London: OMDDAC. 45 p.

### **OMDDAC Practitioner Guidelines**

Allsopp, R., Bessant, C., Dawda, S., Ditcham, K., Emmett, C., Higgs, M., Janjeva, A., Li, G., Sutton, S., Warner, M. & Oswald, M., 12 Oct 2021, London: OMDDAC. 8 p.

### **OMDDAC Snapshot Report 1: Data-driven Public Policy**

Allsopp, R., Bessant, C., Dawda, S., Emmett, C., Higgs, M., Janjeva, A., Li, G., Oswald, M., Sutton, S. & Warner, M., 18 May 2021, London: OMDDAC. 22 p.

### **OMDDAC Snapshot Report 2: Tech-driven approaches to Public Health**

Dawda, S., Allsopp, R., Bessant, C., Emmett, C., Higgs, M., Janjeva, A., Oswald, M., Li, G., Sutton, S. & Warner, M., 18 May 2021, London: OMDDAC. 22 p.

### **OMDDAC Snapshot Report 3: Policing and Public Safety**

Janjeva, A., Allsopp, R., Bessant, C., Dawda, S., Emmett, C., Higgs, M., Li, G., Oswald, M., Sutton, S. & Warner, M., 18 May 2021, London: OMDDAC. 19 p.

**Dementia, Law and Ethics: A Practical Guide for Nurses and Other**

Hughes, J. C., Beatty, A. & Emmett, C., 21 Dec 2020, 1 ed. Jessica Kingsley Publishers. 224 p.

**Oxford Textbook of Old Age Psychiatry: Chapter 52: Mental capacity and decision making**

Emmett, C. & Hughes, J. C., 26 Nov 2020, *Oxford University Press*. Denning, T., Thomas, A., Stewart, R. & Taylor, J-P. (eds.). 3rd ed. Oxford, p. 823 - 840 17 p. (Oxford Textbooks in Psychiatry).

**Mental Health Laws from all UK Jurisdictions**

Burrell, C. & Emmett, C., 1 Sept 2020, *Clinical Topics in Old Age Psychiatry*. Hughes, J. C. & Linford, P. (eds.). Cambridge: Cambridge University Press, p. 279-292 14 p. (Clinical Topics in).

**Residence Capacity: its nature and assessment**

Hughes, J. C., Poole, M., Louw, S., Greener, H. & Emmett, C., 1 Sept 2020, *Clinical Topics in Old Age Psychiatry*. 1 ed. Cambridge: Cambridge University Press, Vol. 1. p. 305-316 11 p. (Clinical Topics in...).

**Best Interests**

Emmett, C. & Hughes, J. C., 27 Jun 2019, *Mental Capacity Legislation: Principles and Practice*. Jacob, R., Gunn, M. & Holland, A. (eds.). 2 ed. Cambridge: Cambridge University Press, p. 34-55 21 p. (Royal College of Psychiatrists Practitioner Series).

**Dementia, Religion and Spirituality**

Emmett, C., 11 Jun 2019.

**Resuscitation decisions at the end of life: medical views and the juridification of practice**

Maccormick, F. MA., Emmett, C., Paes, P. & Hughes, J. C., 9 Mar 2018, In: *Journal of Medical Ethics*. 44, p. 376-383 104608.

**The Montgomery ruling, individual values and shared decision-making in psychiatry**

Hughes, J. C., Crepaz-keay, D., Emmett, C. & Fulford, K. W. M., 1 Mar 2018, In: *BJ Psych Advances*. 24, 2, p. 93-100 8 p.

**The Rights and Wrongs of Article 5 in Dementia and End of Life Care**

Emmett, C. & Burrell, C., 12 Jul 2017.

**Care Home Placement and Human Rights**

Emmett, C. & Gration, J., 1 Jan 2016, In: *British Journal of General Practice*. 66, 646, p. 15-15

**Residence capacity: Its nature and assessment**

Hughes, J., Poole, M., Louw, S., Greener, H. & Emmett, C., 1 Sept 2015, In: *BJ Psych Advances*. 21, 5, p. 307-312

**Two important legal events that may radically shape the future delivery of dementia care in England and Wales**

Jackman, L. & Emmett, C., 14 Dec 2014, In: *International Journal of Geriatric Psychiatry*. 30, 1, p. 105

**Ethical dilemmas faced by people with dementia and their carers: vignette commentary**

Emmett, C. & Jackman, L., Dec 2014, Luxembourg: *Alzheimer Europe*. 60 p.

**Legal implications of restrictive physical interventions in people with dementia**

Jackman, L., Emmett, C., Sharp, T. & Marshall, J., 28 Nov 2014, In: *Nursing older people*. 26, 10, p. 24-29

**A Relative Safeguard? The Informal Roles that Families and Carers Play when Patients with Dementia are discharged from Hospital into Care in England and Wales**

Emmett, C., Poole, M., Bond, J. & Hughes, J., 31 Oct 2014, In: *International Journal of Law, Policy and Family*. 28, 3, p. 302-320

**Safeguarding dementia patients on discharge from general hospital: the role of relatives under the Mental Capacity Act 2005**

Emmett, C., 29 Oct 2014.

**Moral and Legal Issues of Forced Care**

Jackman, L. & Emmett, C., 22 Oct 2014.

**Advance Decisions to Refuse Treatment under the Mental Capacity Act 2005 (England & Wales): Do the Provisions Serve to Strengthen Patient Autonomy or Enable its Vulnerability In Law to Be Maintained?**

Mohandas, A. & Emmett, C., 14 Sept 2014.

**Should care staff be taught how to use physical restraint techniques with people living with dementia?**

Jackman, L., Emmett, C., Sells, D., Corrigan, J., Cross, J. & Woodhead, H., Sept 2014, In: Journal of Dementia Care. 22, 5, p. 1-2

**Going home? An ethnographic study of assessment of capacity and best interests in people with dementia being discharged from hospital**

Poole, M., Bond, J., Emmett, C., Hughes, J., Greener, H., Louw, S. & Robinson, L., 23 Apr 2014, In: BMC Geriatrics. 14, p. 56

**Making best interest decisions for dementia patients on discharge from general hospital: Do family and friends fulfil an effective safeguarding function under English law?**

Emmett, C. & Poole, M., 15 Jul 2013.

**Residence capacity: complexity and confusion**

Emmett, C., Poole, M., Bond, J. & Hughes, J., Jun 2013, In: Elder Law Journal. 3, 1, p. 159-166

**Homeward bound or bound for a home? Assessing the capacity of dementia patients to make decisions about hospital discharge: Comparing practice with legal standards**

Emmett, C., Poole, M., Bond, J. & Hughes, J., Jan 2013, In: International Journal of Law and Psychiatry. 36, 1, p. 73-82

**Planning for tomorrow whilst living for today: the views of people with dementia and their families on Advance Care Planning**

Dickinson, C., Bamford, C., Exley, C., Emmett, C., Hughes, J. & Robinson, L., 2013, In: International Psychogeriatrics. 25, 12, p. 2011-2021

**The significance of capacity assessments for care and residence decisions**

Emmett, C., 22 Dec 2012, The Small Places : Lucy Series.

**Value judgements and conceptual tensions: decision-making in relation to hospital discharge for people with dementia**

Greener, H., Poole, M., Emmett, C., Bond, J. & Hughes, J., Dec 2012, In: Clinical Ethics. 7, 4, p. 166-174

**Assessing the capacity of dementia patients to make decisions about where to live on discharge from hospital: comparing practice with legal standards**

Emmett, C. & Poole, M., Apr 2012.

**Patient preferences for future care - how can Advance Care Planning become embedded into dementia care: a study protocol**

Robinson, L., Bamford, C., Beyer, F., Clark, A., Dickinson, C., Emmett, C., Exley, C., Hughes, J., Robson, L. & Rousseau, N., 12 Jan 2010, In: BMC Geriatrics. 10, 2

**The Mental Capacity Act 2005 and its impact on dental practice**

Emmett, C., 10 Nov 2007, In: British Dental Journal. 203, p. 515-521

**Treating incapable adults under the Mental Capacity Act 2005: Implications for chiropody**  
Emmett, C., Jul 2007, In: *Chiropody Review*. 64, 4, p. 4-5

**Capacity and Incapacity, Psychiatry, Law and Philosophy: Mental Health Law reform and the Draft Mental Capacity Bill**  
Emmett, C., 2003.

**Johnson v UK: The Rights of Conditionally Discharged Patients**  
Emmett, C., 1998, In: *Journal of Civil Liberties*. 3, 1