

## **Scottish Mental Health Law Review**

### **Notes of Children and Young Persons Advisory Group**

**Date: 1<sup>st</sup> July 2020**

#### **Via Zoom**

Attendance: The membership of the group is Colin McKay, Karen Martin, Aileen Blower, May Dunsmuir, Kathleen Taylor, Jackie McRae, Eilidh-Jane Carroll and Sam Burke. It is supported by Sophie Ryder and Nicola Paterson from the Secretariat to the Review.

#### **Aim**

The Review has been established to look at mental health law, alongside adult protection law and incapacity law. Unlike incapacity and adult protection, though, the Mental Health (Scotland) Act 2003 (MHA) applies to children as well as adults. That means it interacts with child law (for example on when a child can consent to medical treatment or admission to hospital), child protection (powers of the state to detain a child), and the UN Convention on the Rights of the Child. These interactions are complex, and can make the law difficult to apply.

The Review is not just concerned with the small number of children who are subject to compulsory treatment under the MHA. We also want to consider how mental health law can support the wider drive to improve services and ultimately the mental health of children and young people.

A large number of the actions in the Government's Mental Health Strategy concern children and young people, and there has been considerable concern that targets for access to psychological therapies have not been met.

The United Nations Convention on the Rights of the Child (UNCRC) sets out the civil, political, economic, social and cultural rights to which all children are entitled, regardless of their circumstances or background. The Scottish Government has committed to introducing legislation this year which would incorporate the UNCRC into domestic law in Scotland.

#### **Areas for Consideration**

- Early Intervention
- Accessing CAMHS and other forms of support
- Transition between CAMHS and adult services and transitions across services
- Impact of a child or young person being subject to several different legal jurisdictions
- Impact of being in the Care system

- Differing approach to those who are diagnosed with a mental illness and those with emotional difficulties
- Rights of parents and carers
- How the law can underpin wider improvement.

All agreed that this Review was an ideal opportunity to position the rights of children and young people, as set out under UNCRC, with Scotland’s mental health law and to achieve that some bold recommendations would need to be made.

### Approach

- Identify evidence already available and work already underway in relation to the areas for consideration
- Identify and consult stakeholders who can contribute to these areas of work especially the voices of children and young people. In particular it would be necessary, if possible, to hear from children and young people currently subject to the Act to find out their views.
- Mini consultations on specific areas with lived experience

### Actions

Action	People
Terms of Reference to be amended and plan of action for going forward	Colin McKay
Mapping of workstreams currently being carried out across CAMHS in Scotland	Jackie McRae and Karen Martin
Identify children and young people to involve in consultation process	Karen Martin and EJ
Questions developed to ask current children and young people currently under the Act	Karen Martin
Date of Next Meeting: Doodle poll to be sent around	Secretariat