

## Review in Focus

### Update on Advisory Groups

The Advisory groups for the newly established workstreams have now met and agreed an approach going forward.

### What's New?

#### Responses to the Consultation

The summary of the responses to the consultation was published on 03 July. This is now available to view on our website and can be accessed via this [link](#).

In addition to this we have published those responses to the consultation where permission has been given to do so. If you would like to read the individual responses to the consultation you can access these on Citizen Space [here](#).



Click on the links below to read an overview of the discussion from each meeting and an outline of the issues for consideration.

[Children and Young Persons](#)

[Economic Social and Cultural](#)

[Capacity and Supported Decision Making](#)

Each group will meet every 3-4 weeks and support the Executive Team in making recommendations on changes and potentially implementation of the law.

## Mental Health and Rights

Throughout the review and going forward we will be taking a Human Rights Approach. We often hear about the European Convention on Human Rights but sometimes it's difficult to understand how these rights link to our care and treatment in relation to Mental Health.

It is critical that any changes we make to the law or implementation of new law adheres to the European Convention on Human Rights in addition to the Convention on the Rights of Persons with Disabilities. On this basis we will be carrying out a series of mini consultations on more specific issues which have emerged from the initial consultation and asking people how we can improve the law or application of the law in a way which affords or provides protection of these rights. In preparation for this we have pulled together some materials which are useful guides to aid understanding in this area. Graham from the Executive Team has also given a talk as part of his work for the Mental Welfare Commission.

[Mental Health and Rights—Everyone's Business](#) by Graham Morgan

[Mental Health Foundation— Human Rights and Mental Health](#)

[Scottish Independent Advocacy Alliance—Advocating for Human Rights](#)

[Human Rights Framework from the Independent Review of Learning Disability and Autism in the Mental Health Act](#)



## In the Headlines

Despite the Coronavirus pandemic, the work of the review continues. Members of the Secretariat who were drafted back into Scottish Government roles relating to the pandemic, have started to return.

We have now published our Interim Report as well as a report containing analysis of the 264 responses received to our Call for Evidence and other evidence received in meetings (physical and Zoom), phone calls and other direct submissions.

Our Interim Report acknowledged that our focus so far has been primarily on the Mental Health (Care and Treatment) (Scotland) Act 2003. We also referred to other important work, concluded and ongoing, in relation to Adults with Incapacity and Adult Support and Protection legislation, as well as the Independent Review of Learning Disability and Autism in the Mental Health Act (*“the Rome Review”*).

Ours is the overarching review which is intended to pull together all the strands of this other work, to meet our principal aim – “to improve the rights and protections of persons who may be subject to the existing provisions of mental health, incapacity or adult support and protection legislation as a consequence of having a mental disorder, and remove barriers to those caring for their health and welfare.”

In relation to the work of the Rome Review, we await the response of the Scottish Government which, in turn, will inform our work in relation to learning disability and autism. In particular, a significant factor will be the Government’s approach to the key recommendation to remove learning disability and autism from the definition of mental disorder in the Mental Health Act.

In the next phase of our overarching review, we will need to make our own assessment of the work done in these other areas, determine what remains to be done, and then consider how best to test the idea of convergence of the respective Acts.

It is intended that the Advisory groups already established, and others yet to be established, will look at key subjects and report into the Executive Team to assist in our progress towards recommendations about changes in the law and where appropriate, implementation of the law.

In phase 2, we will continue with our approach of engaging and listening, always ready to adapt to the new methods of working and communicating being adopted by individuals and groups, lived experience and others.

Having a further interim report in 6 months will allow a further opportunity to check progress against the Terms of Reference. We look forward to further constructive engagement with all those who have an interest in the subject-matter of the review.

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## What’s next...

The Review Team will be concentrating on the newly established workstreams, working collaboratively with the communications and engagement advisory group to look at how we can resolve some of the issues identified with improved communication.