

TERMS OF REFERENCE

Easy Read

Scottish Mental Health Law Review



A Review is when people look at the law and see if it needs to change.

The Scottish Mental Health Law Review is about some of the laws that affect people who have a mental disorder.



The Review is looking at 3 laws to see whether they need to change.

The Review is looking at the Mental Health Act. This Act is about care and treatment for people who have a mental disorder.



The law talks about mental disorder. Mental disorder can mean mental illness, like depression. It can also mean learning disability or autism.

It can also mean a brain injury or a stroke has affected a person's mental health.



The Review is looking at the Adults with Incapacity Act. This law was made to protect the rights of adults who cannot make decisions about their own lives. The Act calls these adults with incapacity. A person can be an adult with incapacity because of a brain injury, a mental illness, a stroke or a learning disability.



The Review is also looking at the Adult Support and Protection Act. This Act is to try and protect certain people from being harmed. Some people might find it more difficult to stop harm happening to them. The Act calls people in this situation adults at risk .

Adults at risk might include people over 16 who find it difficult to it difficult to keep themselves or their property (their home, the things they own) safe. They might be harmed by other people.

They might be more vulnerable because of a disability, illness or because of a mental disorder. They might be a person with dementia or a person with learning disabilities.

What will the Review do?

The Review will find out if the law is supporting people's human rights or not.



It is looking at people's human rights about

- Achieving your best level of health
- Making your own decisions
- Being free and safe
- Not being abused
- Standards of living
- Independent living and being part of the community
- Dignity, equality and non-discrimination
- Accessibility
- Implementation and monitoring



The Review is finding out if the law needs to change to follow the United Nations Convention on the Rights of Persons with Disabilities.

You can find out about that convention here:
https://www.equalityhumanrights.com/sites/default/files/uncrpd_guide_easyread.pdf



The Mental Health Act says that doctors can make a person with a mental disorder take medicine or other treatment to make them better even if they don't agree.



The Mental Health Act says a person can be made to stay in hospital if professionals think they need it.

The Review will find out how people feel about the way they have been treated under the Mental Health Act.

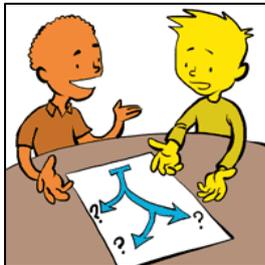


The Review is looking at why more people are being made to stay in hospital.

The Review will look at what could be done instead of making people stay in hospital.



The Review is finding out how decisions are made about people's ability to make choices for themselves. This is called assessing a person's capacity.



The Review will think about whether this needs to change.

The Review will think about how support can be provided to help people to make their own decisions.



The Review is finding out what might need to be done to make sure people with disabilities are treated equally under all 3 laws.

The Review will decide if there should continue to be 3 separate laws or if 1 new law would be better.



How will the Review carry out its work?

The Review is independent. This means no one group of people can tell the Review what to do or what decisions to make.

The chair of the Review is Mr John Scott QC



The Review is in 3 parts .

In the first part of the Review we will find out what people's experiences are of the law and how the law affects people's human rights.



In the second part of the Review we will think about ideas about how we could make the law better if this is needed so it is better at supporting people's human rights.



In the third part of the Review we will tell people what we have found out and what we think might be needed to make the law better. We will then ask people to tell us what they think about our suggestions.



After this a report will be written for the Government which will say what the review has found and what we think should happen next.



The Review has had to make a lot of changes to the way it is working because of the Coronavirus pandemic. Because of that, we can't be sure yet how long it will take to finish the Review and make recommendations to the Scottish Government. John Scott will write another report in December 2020. That report will tell everyone how long the Review will take to finish its work.

The Scottish Government is the politicians who are chosen to make decisions for Scotland, and

the people who work for those politicians. If the law changes, it will be the Scottish Parliament that changes the law. The Scottish Parliament are politicians that the people of Scotland choose.

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www.scottishmentalhealthlawreview.scot