

Scottish Mental Health Law Review

Economic Social and Cultural Rights Advisory Group
Meeting 11 August 2020

Present:

Colin McKay, Graham Morgan, Chloe Trew, Joanna Higgs, Jennifer Campbell, Kirsty McGrath, Nicola Paterson, Sophie Ryder (Secretariat)

Apologies: Wendy Halliday, Anne O' Donnell.

1. Presentation

The first part of the meeting was a presentation on Economic Social and Cultural rights from Chloe Trew.

2. Terms of Reference

The group agreed the revised terms of reference circulated earlier.

3. Mapping out Economic, Cultural and Social Rights

Colin suggested that an academic could be approached to do a piece of work mapping out the relevance of particular ESC rights for mental health. Suggested this to be done after the group has taken forward its own thoughts on these different rights.

The group was content with this suggestion in principle and more work will be done on the proposal. It was agreed that this should include looking at people's actual experiences as well as rights.

Evidence Sessions

The group then discussed the paper looking at evidence gathering based on the evidence gathering sessions for the children and young persons' advisory group.

It was explained that this was to give key stakeholders an opportunity to flesh out some of these issues in a series of short sessions.

The paper splits the discussion up into 4 themes – incorporating human rights into law; human rights priorities for mental health; particular groups and multiple disadvantage; and monitoring, accountability and redress.

This approach was agreed. The secretariat will support with planning the sessions.

There was a discussion and agreement on who should be invited to speak. It was acknowledged that this should include rural in addition to urban groups and ensure that minority groups are represented.

It was acknowledged and strongly agreed that the group should take a joined up approach with the work already done from the Independent Review on Learning Disability and Autism in the Mental Health Act.

It was also acknowledged that the needs of people with dementia should be represented, and that this may need further work.

Theme 3 includes 'intersectionality' – people who have mental health issues in addition to other issues.

There was a discussion and agreement on who should be invited to speak under this theme.

It was suggested that the group look at the 9 specific Equality Act characteristics in this regard.

Domestic abuse organisations should also be included in this category.

It was agreed this theme would need to be split up into more sessions to cover all areas mentioned. In particular, the group of people and issues clustering around homelessness, addiction, criminal justice and trauma related personality issues may raise a different set of concerns from the 'protected characteristics' in equality legislation. Also keep in mind the work just started around gambling in terms of co morbidities for future reference.

The executive team and secretariat will work on these suggestions, send round an expanded list and ask for dates from the group for availability, and ideas for questions and topics to be covered in the evidence sessions.

Secretariat to Mental Health Review
12 August 2020.