

Minute from the Executive Team Meeting for the Scottish Mental Health Law Review

Date: 18 August 2020

Via Zoom

Present: John Scott QC, Colin McKay, Jill Stavert, Graham Morgan

Apologies; Karen Martin

Secretariat: Kirsty McGrath, Sophie Ryder, Nicola Paterson

1. Update on Advisory Groups

Children and Young People

- This group have held two meetings so far.
- This advisory group are currently in the process of organising evidence sessions on key themes including;
 - CAMHS
 - Mental Health in the Wider System
 - A Human Rights based approach
- This will consist of a series of virtual sessions including members of the Secretariat, Executive team and Advisory group.

Economic, Social and Cultural

- This group have also held two meetings so far.
- In the first meeting Dr Katie Boyle of Stirling University attended and the group were able to flesh out some of the issues that they needed to look at.
- In the second meeting Chloe Trew from the Scottish Human Rights Commission gave a presentation on Economic and Social Rights, the origins of these and what they meant for us now in relation to the UNCRPD and Human Rights.
- This group are also in the process of organising evidence sessions.

- Some of the key themes currently being discussed are; Human Rights; Issues around the equality act/ particular characteristics; people who fall through the net with regards to the application of current mental health law; monitoring and accountability of how the law is being applied in respect of ESC rights.
- Both groups would like to hear from Scottish Government officials working on UNCRC implementation.

Compulsion

- This group has held three meetings all before “lockdown”
- A further meeting date is in the process of being arranged.
- In the background work has been ongoing in conjunction with the Mental Welfare Commission to gather data on the increase in Short Term Detentions and Community Treatment Orders.
- It is anticipated that the work should be completed by mid-November and the group be back up and running.

Communication and Engagement

- This group has held three meetings, all before “lockdown”.
- A meeting date is in the process of being arranged for this group.
- The group are being asked to look at how we can improve communication between professions and individuals, carers subject to the mental health act.
- This work will be discussed in further detail and commenced at the next meeting on 14th September.

Capacity and Supported Decision Making

- This group have also met twice with the next meeting booked for mid-September.
- It was acknowledged that the terminology used in this area is particularly complex and time has been taken to ensure a common understanding of the terminology within the group. A glossary has been produced to reflect this.
- The group is currently looking at how well SIDMA and SDM is currently carried out.
- The group have decided not to consult in the form of evidence sessions as the group feels there is enough literature already available.
- It has been decided that there will be no separate workstream for independent advocacy as it was agreed that this area is represented throughout all of the workstreams.
- There has been discussion on where collective advocacy sits.

General

- All workstreams will be looking at how they map concerns onto international HR obligations. It is a possibility that further work may be commissioned on the detail of this once the workstreams have fleshed out the key issues of concern.
- There is a recognition that Learning Disabilities, Autism and Dementia should be considered in equal measure to mental disorders.
- John will be attending a roundtable event for the National Taskforce for HR leadership on 8th September.

2. Update from the Secretariat

The Secretariat met with leads from Scottish Government working on Adult Support and Protection legislation (ASP). They will provide case studies to illustrate the interplay between the 3 Acts.

The ASP team will share the summary report from the Bi-ennial reports which will conclude in October.

Kirsty has also met with Alex Davison who will be speaking at the virtual 5 Nations Conference. John is to meet with the convenors.

The Executive team and Secretariat are due to meet with the Royal College of Psychiatrists following this meeting to discuss issues from their perspective and identify overlaps with the legislation. It was agreed that it would be useful to ask the Royal College to produce case studies to illustrate particular scenarios that raise issues about the interplay of the legislation to get a better understanding of this.

3. UNCRPD Compliance

There was a broad discussion amongst the executive team in relation to UNCRPD and where the review stands in relation to compliance with this.

Scottish Mental Health Law Review Secretariat

21st August 2020