

## **Scottish Mental Health Law Review**

### **Notes from second the compulsion working group 12 November 2020**

#### **Via Video Conference**

**Present:** John Scott, Laura Dunlop, Gordon McInnes, Michael Craggs, Elinor Dowson, Laurence Nicholson, Arun Chopra, Rodger Smyth

**In attendance:** Kirsty McGrath and Nicola Paterson

John welcomed the group and introduced Arun from the Mental Welfare Commission (MWC).

John and Laura are to arrange a meeting for January.

John is meeting with the Minister in early December.

Given where the five working groups are it is too early to provide interim recommendations in the report but we will be able show work in progress.

Laura's stats from the MHTS show a 15% increase of applications in the past 26 weeks, rather than an increase in compulsory treatment orders. The minutes from the last meeting will be amended in line with this.

Arun gave a presentation of some of the data the MWC has collected around detention and compulsory treatment and asked what can the MWC offer to the review?

Some data from Arun's slides:

Short term detention is a period of 28 days.

- 10,000 are revoked on day 28 however some are released before this.
- 15 days is the average stay for a short term detention
- Monday's are the most common day people are released and a Friday is the most common day to be detained.
- There is no data to show whether gender or ethnicity have any effect on detention.
- The older you are the more likely you will stay in hospital.
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Stats have got better. In 2006 / 2007 45% were being revoked on the last day compared to 2019 / 2020 where its dropped to 25%.

Compulsory Treatment Orders (CTO)

Hospital CTO

Non – institutional (home, care home) CTO

Last year was the first year to show that there are just as many non-institutional CTOs as there were hospital CTOs.

It seems that some jurisdictions find the non – institutional CTOs effective other jurisdictions find that sort of treatment doesn't work. This may require more investigation.

## DMP Safeguard

In only 6% of cases a DMP will go out to someone who's been on detention for 2 months and say that treatment needs to change. MWC have introduced a new process where they require the treatment plan to be available before the DMP goes out.

Last month the MWC released a report on detention of 16 / 17 year olds. The reason they choose 16 / 17 year olds was because this was the group who had the highest rate of change in the detention.

Why was it going up?

- There had been more self-harm reports compared to 10 years ago
- 80% of detention certificates were taking place in non-working hours.

What's available in working hours compared to non-working hours?

- Resources and alternatives

Inequalities –stats show that if you come from a more deprived area you are more likely to be detained compared to a more socio-economic area.

50% of data regarding ethnicity is missing so therefore makes it hard to analyse.

Questions for the group to think about

Is the DMP safeguard structured in the best way to make it most useful?

What other information provided by the MWC could be helpful to the group?

## NEXT STEPS

No further meeting has been set yet. The secretariat will be in touch about next steps.. In the meantime the group is encouraged to continue the discussion on the knowledge hub.

19 /11/ 2020