

The Scottish Mental Health Law Review

Amendment to Communication Policy

It has been, and continues to be, a privilege to chair the Scottish Mental Health Law Review. My work on the Review has allowed me to hear from many whose lives have been touched by times of distress and the response of our health systems to that distress. I have heard from individuals who have been subject to compulsory hospital admission, from unpaid carers, practitioners and many more. The range of views, even within the different groups, is wide. I need to hear the widest range of views in order to inform our work and eventual recommendations.

I am acutely aware that views, whether positive, negative or mixed, will be shaped by experience.

I know well from my own job as a lawyer for over 30 years that bad experiences with the State can have such a damaging impact that individuals express themselves in ways that can be difficult to listen to. I have tried to make allowances for this, reaching beyond sometimes confrontational language to listen to evidence of the experience which informs the views.

There are other matters to consider as well, however. I am referring to the health and wellbeing of those involved in the work of the Review, whether in sharing their stories, carrying out work on our behalf, assisting on Advisory Groups or working on the Executive Team and Secretariat. I have a duty of care towards them and take it very seriously. Especially given the subject-matter of the Review, any other approach would be quite wrong.

I have said repeatedly that I want to hear all views. No single view or views will be allowed to dominate our work. What cannot be tolerated is communications which lack respect for others. The Review is aware of, and has received, communications which are frankly abusive and potentially defamatory of some who are working with me. These have caused upset, annoyance and distress. It is wholly unnecessary and unacceptable to make abusive or derogatory comments directed at individuals when seeking to share experience and evidence.

Those involved have been told that it cannot continue and yet it does.

Our policy has been to acknowledge every item of correspondence and it will all be read within the Review. I am now giving notice that there will be an amendment to this policy.

Communications which are abusive and lacking in respect, **either generally or directly in relation to a particular person or persons,** will no longer be acknowledged. If they fall into that category, they will not be read or taken into account in our work. If necessary, further action will be taken to address such communications. In addition, the individuals and groups mentioned in, or on the receiving end of, such communications will, of course, be entitled to take such further action as they consider appropriate.

When previous warnings have been issued, apologies have sometimes followed and some involved in email threads have disassociated themselves from the abuse. How people conduct themselves is, of course, a matter for them. How we respond, however, is a matter for us.

I am sorry to have to write in these terms as it is behaviour persisted in by only a very small number of people. Nonetheless, it reflects the articulation of a necessary policy on the part of the Review.

John Scott QC Solicitor Advocate

11 February 2021