

Minute of the Executive Team Meeting

Video Conference Meeting – 7th April 2021

Present: John Scott, Colin McKay, Jill Stavert, Graham Morgan, Karen Martin, Alison Rankin

Secretariat: Kirsty McGrath, Sophie Ryder, Nicola Paterson, Sandra Macdonald, Adele Farwell

1. Adults with Incapacity Act

- The Adults with Incapacity Review are set to introduce a small bill including a short term placement orders. Kirsty will get more information on this next week when she meets with the team. The other elements of the AWI Review have been referred to our Review.
- It is important that we make public the Reviews position on deprivation of liberty which is one of the main areas of focus in the review of AWI.
- We need to be clear and specific about our position
- It was agreed that we would set up a short life working group of key stakeholders working in this field.
- It was agreed that due to the complexity of the issues involved in the AWI Review, experts would be consulted with prior to those with lived experience.
- It was agreed that feedback from people with lived experience of these issue would still be front and centre of any changes that are made.
- There are wider issues that we also need to consider along with ECHR and Capacity assessments.
- Timing is important – we need to make sure that any interim solutions we make now do not conflict with longer term recommendations we make in relation to the Review that have an impact on these areas.
- Recommendations could include endorsing what the law already allows for – this can be considered by the AWI working group
- It was agreed that we require clarity around where we stand on AWI before we can consider fusion of the legislation.

- The group should be set up prior to June but will work beyond June to come to recommendations. The workings will be publicised in the next interim report and recommendations in Autumn.
- We will co-ordinate the work of the group with the work already underway in Scottish Government.
- It was suggested that the review should acknowledge that there are other issues but not commit to solutions at this stage. We should focus on tackling underlying issues around capacity assessments and gateway to guardianships including who should fall under the term of 'mental disorder'

2. Principles of the Act

The group then went onto discuss the paper Sandra had produced on Principles. A separate note will be made available to document the discussion.

Secretariat SMHLR 8TH April 2021