

## **Minute of the Executive Team Meeting**

### **Video Conference Meeting – 9<sup>th</sup> March 2021**

**14:00 – 15:30**

**Present:** Colin McKay, Jill Stavert, Graham Morgan, Karen Martin

**Secretariat:** Kirsty McGrath, Sophie Ryder, Nicola Paterson, Sandra Macdonald

**Apologies:** John Scott

#### **1. Update on advisory groups and actions points from project plans**

##### *Project Plans/Actions*

An update from the project plan was provided with a view to April.

The team then reviewed pending actions.

##### Advisory Groups

- It was agreed that it would be useful for the Executive team to get an insight into what other advisory groups are working on
- It was suggested that the advisory groups work together where there are any cross-overs on specific issues
- It was highlighted that although the advisory groups are progressing, more needs to be done on looking at things core to the Mental Health Act and it was suggested that some legislation mapping be done to support this.
- It was agreed that the Executive Team need to set targets for direction of travel to determine where they are going with core issues and how they navigate getting there.
- It was agreed that this should be lead from the Exec Team and not the Secretariat
- Jill advised that she was happy to provide extra support for the Compulsion group acknowledging how closely this area is related to Capacity and SDM
- The group decided that they would like more time within Executive Team Meetings to debate core matters
- Named persons will be looked at in the accountability and safeguards workstream

#### **2. Views on use of data for the Review**

- Colin drafted a letter to Public Health Scotland outlining views on use of data

- The MWC has provided data on the use of STDC – this evidence can be used to look at compulsion.
- The question was posed whether a shortage in services causes a rise in sectioning, do austerity and culture have a part to play in this and whether we can get this evidence from the data provided by the commission.
- It was agreed that this data combined with qualitative data and anecdotal evidence would provide us with enough evidence
- It was suggested that we may not be able to ascertain all the information but it will be sufficient to get enough information to demonstrate what needs to happen for the law to be HR compliant.
- This information would support a self-regulating system which continuously evolves as more data is collected.
- The review could set out what this system might look like
- Delayed discharge is a good example of where this type of data is useful
- It was highlighted that a lot of the questions are political and it is important to realise what we are able to influence
- It was agreed that ESC will look at broader rights including the changes that are required in culture and society alongside changes in mental health law to make improvements
- Interpretation of principles could provide clarification

### **3. Reference Groups**

- It was agreed that Colin and Jill would chair the Practitioners Reference Groups
- John would try to attend all Reference Groups
- An independent facilitator will be brought in for the Lived Experience Reference Group
- Most nominations are in for the Practitioners Reference Group apart from 3 outstanding. A reminder has been sent to these organisations.
- The first meeting for the Practitioners Reference Group will take place at the beginning of April
- The deadline for the lived experience reference group was extended to 10<sup>th</sup> March so the first meeting for this group will be slightly later
- The Advisory Groups should start forming questions that will be put forward to the groups
- The TOR for the Lived Experience Reference group have been drafted by Karen – this will be modified and used for the Practitioners group

### **Discussion on Compulsion**

The executive team had a discussion around the question 'is coercion ever justified' and if so in what circumstances

Within the discussion the team looked at what compulsion is used for, what are the tests to determine when it is used, the safeguards needed, the effects of compulsion, the type of compulsory measures available and how long these measures can be used for and how it can be made non-discriminatory.

### **Next Meeting**

The next meeting will be held on 30<sup>th</sup> March