

SMHLR

Minute of the Executive Team Meeting

Video Conference Meeting – 28th September 2021

Present: Jill Stavert, Colin McKay, Graham Morgan, Alison Rankin

Secretariat: Kirsty McGrath, Sophie Ryder, Simon Webster, Isla Jack, Sandra McDonald, Karen Colvin

Apologies received from: John Scott, Karen Martin

1. Follow up to meeting with Michelle Funk (20/9/21)

Positive and constructive meeting, a few issues raised for thought. Criminal Forensics, very enlightening. Paper being prepared on this which will be a starting point.

The opportunity is there and where JS was steering the discussion we can present Scotland as being the vanguard of the kind of human rights based approach without doing anything unworkable.

There is potentially a gain to be had, both in terms of getting the government behind this and international support.

2. Key issues, dependencies and engagement for each work strand on the targeted consultation plan

The secretariat will work up an engagement plan and will then work on revised project plan for remainder of review, and share it with you at next meeting on 12th Oct.

CYP

2 strands between now and December:

1. To take stock of everything we have got including the outputs from the college event. Transfer that into that potential recommendations around the act of CYP. Complete paper drawing on SW's work as well, then discuss next week at group meeting.

2. Wider discussion on should there be some new legal frame work or tribunal on children generally, bring together initial support needs and hearings, mental health aspects. Meeting to be arranged with Sheriff Mackie. Towards the end of next period, have a look at what other workstrands are doing, thinking about is there anything different for children?

AWI act, an adult is classed as 16 years old and over. Regarding the mental health act, what age is an individual defined as an adult? With a Fusion legislation route, the transition between which a person moves from children to adult services, should they be reconciled?

Flag up during consultation and look at it further via responses.

Assessment Framework

Talk to reference groups in October for their agenda, about the assessment framework proposed. So that framework will take in the 3 strands on work programme; capacity,

assessment and supported decision making. Then be able to refine everything for wider consultation in January.

A graphic around that so that the narrative attached to it for people to have clearer view of where we are at.

Conscious of overlay with Fusion, pending on how the AF is received, if it works as set out, will lead to one level of fusion debate.

Fusion

If the ET can think about what ultimately asking for, where will things end up, is fusion the ultimate aim?

Intention is to draft a starter paper, views on approach to assessment, paper will be based on discussion at August ET meeting.

Coercion

Papers to be seen by the ET team and advisory group.

Seeking evidence; changes in practice that would lead to a reduction in coercion and restraint and seclusion, and changes to culture that would do the same. Meeting people from a wide international background.

Accountability/ESC Rights

Specific workstrand on ESC?

Different takes on work. Important issues to pin down are around, what duties public bodies have, and what remedies people have.

Discussion took place which connected to accountability.

Paper being drafted, first section about understanding the requirements to be to implement the right to health and relevant rights that are pertinent to this area. There may be a lot of questions that are worth addressing by the review to decide if we will do anything in these areas. For example:

- Will the review directly address or potentially make recommendation on the social deterrents of mental health?
- Should duty be framed in terms of human rights standards?
- What's the position of what we are incorporating the ESC and other conventions that have the right to relevant health rights.

There are possibly specific questions that could be addressed in relation to areas in particular relevance such as duties and accessibilities, standard of living, independent living. How should mental disability law connect with law in those areas? A lot about accountability, perhaps an area of overlap that could be potentially address in either workstrand. Progressive realisation.

Carried out an earlier consultation with people who had mental health problems and mental illness on social economic cultural rights, specifically asking around areas where people were discriminated to a great level than other people, where it became a specific mental health issue of discrimination. Will aim to complete draft within 4 weeks to contribute.

Further discussion to take place following the meeting. Will work out a plan on who is doing what.

Critical to include the social deterrents to mental health, if we omit them then in danger of just focusing on the mental health or incapacity of various people. Any manner on mental health issues, AWI, carers, they live in the environment that can adversely affect or promote wellbeing. Certain effectors that can create significant illness, by addressing social culture rights, you are taking a more holistic view of the individual.

Formidable obligations and service standards – more understanding of what government are planning around service specifications and what the wider sector take from that.

Duties to Individuals – links into compulsion work about what are your additional responsibilities if they haven't agreed to be treated in that way.

Tribunals - There should be a strategy in the overall plan on how to include the mental health tribunals specifically, there are so many workstrands that will begin to fall into the tribunal forum over the next few months.

Look at known issues, such as barriers, being the right to remedy in doing the job it does, but what that tribunal might be asked to do by all the other workstrands may be very different. Needs to be something pulled together. Maybe a separate strategy? Something to consider.

Safeguards, in terms of people planning to meet with in Involuntary Care and Treatment (Compulsion). Does include a lot about restraint and chemical restraint, a range of other approaches.

ESC Rights, within the current plan 3-4 months, there is a specific stream, do we want to keep that separate?

Deprivation of Liberty / Substitute Decision Making

Follow up after meeting. Devising a model for the next AWI meeting.

3. Agree format of Executive Team Meetings going forward including standing agenda items – what is required of the Exec team in preparation for meetings

Project plan must be to the forefront of meetings. Meetings will be fortnightly, 1 hour each, in October, taking into consideration the engagement meetings that will also be happening.

Exec planning meeting to be held in person on the morning of the 9th Dec.

4. Approve assessment framework and proposals for consultation

Sets out the HR framework generally, what we aspire to. Criticisms of the current system and thoughts how to move forward, and a number of options.

Providing examples of Human Rights assessment, and at what stage does this happen?

For diagram, perhaps the old format should be shown against the new format suggestion.

'Collective Responsibility', for example where cabinet will publically agree to a document being issued by the government, even if some members may disagree with certain elements.

First stage of consultation with more experienced key stakeholders, discussion paper first, then questions put to them about what we would like their views on, how it would work in practice and ask them to provide examples of when it would and wouldn't work. We can refine the proposal based on the feedback from the consultation and, then go out to broader more generalised consultation in spring putting in more examples so people can see it.

5. AOB

Following a meeting with the RcPsych, they mentioned the possibility of having a bigger event that wasn't just limited to discussion on CYP, will this be factored in or around any of the workstrands?

Probably needs to be factored into Communications and Engagement work, probably looking at January for it. It maybe we could engage with their Law group in the meantime as well.

Secretariat - SMHLR
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