



Scottish Mental Health Law Review

BACKGROUND

- ▶ Review is being carried out into the way mental health law is working in Scotland
- ▶ John Scott QC, chairs the review supported by an executive team:
- ▶ Karen Martin – a carer with lived experience of mental health care, and a member of the Mental Health Tribunal for Scotland
- ▶ Graham Morgan – a volunteer with lived experience of mental health
- ▶ Colin McKay- chief executive of Mental Welfare Commission
- ▶ Professor Jill Stavert – founder and director of Centre for Mental Health and Capacity law at Edinburgh Napier University.

Aims of the Review

- ▶ Aims of the review are to improve rights and protections of persons with a mental disorder and remove barriers to those caring for their health and welfare
- ▶ The review will produce an interim report in May 2020, which will identify priorities and an overall timeline for the next stage of the review, based on the evidence it has gathered in the Call for Evidence launched on 3 February.

How will we achieve this?

- ▶ Review developments in mental health law and practice since the Mental Health (Care and Treatment) (Scotland) Act 2003 came into force
- ▶ Make recommendations that give effect to the rights, will and preferences of the individual by ensuring that mental health, incapacity and adult support and protection legislation reflect people's social, economic and cultural rights, including UNCRPD and ECHR requirements
- ▶ Consider the need for convergence of incapacity, mental health and adult support and protection legislation

Stages of the Review

- ▶ Phase one – getting the thoughts and views of as wide a range of people as possible on how well mental health law is working at present
- ▶ Phase two – working with others to develop solutions to the issues raised in phase one
- ▶ Phase three – seek views on recommendations for change before preparing a final report

Early discussions have raised the following:

- ▶ Adult Support and Protection Act can be means of securing initial help for a person who may need assistance under Mental Health or Adults With Incapacity Acts in due course
- ▶ The model of joint working in ASPA is not always carried through to actions under mental health or AWI legislation- sometimes to detriment of the patient
- ▶ Sometimes use of ASPA is too limited – especially in cases where a person needs to be protected from others

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- ▶ Launched our new website - www.scottishmentalhealthlawreview.scot
 - ▶ Launched our official twitter page - [@MHLRScot](https://twitter.com/MHLRScot)
 - ▶ Very early stages of the review and will be happy to come back to speak to forum later in the year