

MENTAL HEALTH STRATEGY – REPORT ON PROGRESS – ACTION 32

Date of report	18 June 2019
Date of last report	11 December 2018
Project end date	Winter 2019/20
Action Number	32
Action Owner (s)	Carmen Murray
Action Link	Diane Strachan
Action Text	Use a rights-based approach in the statutory guidance on the use of mental health legislation.

Progress Update from Previous report	RAG
<p>1. Given the announcement of the review of mental health and capacity legislation, there has been a change in approach to this project which will require Ministerial approval (submission to be prepared in due course). It is now intended to (1) progress this work as quickly as possible, and therefore (2) target revisions to those which are most necessary.</p> <p>This is to ensure that the Code has as long of as shelf-life as possible, as the legislation may change substantially as a result of the review. It is also in recognition of stakeholder resources, as contributions will be sought from them over the same time period on the following: the Code, legislative review, forensic services review and the separate AWI work ongoing whilst awaiting the legislative review.</p> <p>This means that a full public consultation will no longer take place in favour of targeted consultation with key stakeholders.</p>	Amber
2. Targeted consultation / workshop with MHOs on Code of Practice completed 31 May 2019.	Green

Key Deliverables in next 6 months (include estimated date for each deliverable)	RAG
1. Policy development for revision of the code will include taking account of legislative changes since 2005 and of commitments made by the Scottish Government throughout the passage of the Mental Health (Scotland) Act 2015. In addition to this, the scoping of the best way to incorporate a rights-based approach in the Code of Practice will begin. To be completed by end summer 2019.	Green
2. Targeted stakeholder consultation / workshops to take place by Autumn 2019.	Green

What does success look like?

1. Publication of a revised Code of Practice with rights based content and up-to-date legislative references.

What data (if any) can evidence delivery?

None.

Any other comments

The interim informal guidance will be incorporated into the revised Code of Practice when it is laid in parliament.