

**The Independent Review of the Mental Health (Care and Treatment) (Scotland)  
Act 2003 for people with learning disability and/or autism**

**Notes from the Law and Policy Advisory Group**

First meeting. Afternoon of 18<sup>th</sup> June 2018, Stirling

**Who was there**

<b>Review team</b>	
Chair	Andrew Rome
Secretary	Simon Webster
<b>Advisors</b>	
Autism	Leo Starrs-Cunningham
Experiences of people who do not communicate with speech	Audrey Edwards (present by phone)
Learning disability	Kerry McInnes
Human rights based approaches	Cathy Asante - unable to attend. Met with the Review team before the meeting to give advice
Scottish Mental Health Law	Jane Patrick
International human rights law	Not yet selected

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## **What the Advisors chose to talk about**

### **Session 1**

- What the 'highest attainable standard of health' means. This is part of the right to health (including mental health)
- The need to look at interactions between the Mental Health Act and other laws
- The Review's Human Rights Based Approach
- Ensuring that the Review gathers evidence from a wide range of sources, including people who may have difficulty in speaking up about issues for any reason

### **Session 2**

- How to support children, young people and parents to engage with the Review
- Transition to adulthood as an important area for evidence
- The need for the Review to make assessments and draw comparisons when interpreting the evidence
- The need for the Review to make clear to all participants that reports will be anonymised
- The need to engage across all of Scotland, and to be aware of the possibility of experiences of the Act being different in different parts of Scotland

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**Paper 1: The work of this group**

	<b>Action</b>	<b>Action for</b>	<b>By this time</b>
A	Some things that you need to know before you read this paper		
	Look for a definition of the 'highest attainable standard of mental health'	Secretariat	31 <sup>st</sup> August 2018
B	The Review's approach		
	Think about how we will measure how successful the 2003 Act is at promoting and protecting the right to mental health	Review team	31 <sup>st</sup> August 2018
	The group supported the Review's Human Rights Based Approach and the Review's model of disability		
	Work further on the Review's Human Rights Based Approach and update groups on this	Review team	31 <sup>st</sup> August 2018
C	What the Review has to do		
	No new actions		
D	The Review's governance		
	These action points will be sent out to the group soon after this meeting	Secretariat	25 <sup>th</sup> June 2018
E	Terms of reference for the Law and Policy Advisory Group		
	These were accepted by the group.		
	Papers to be bound for one advisor, for next meeting	Secretariat	2 weeks before next meeting

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**Paper 2: Plans for Stage 1**

	<b>Action</b>	<b>Action for</b>	<b>By this time</b>
A	Where the Review is at now		
	No new actions		
B	Some things that we need to think about for our evidence		
	Children: think about Education as a source of evidence, and think about working with specialist mental health inpatient services	Review team	31st August 2018
	Seek information how many CTO are made in one year for children with learning disability	Mental health law advisor	31st August 2018
	Seek groups representing women with disability, to put the Review's questions to these groups	Secretariat	31st August 2018
	Contact suggested organisations, amongst others, in planning the Review's approach to engage with carers about the people they care for	Secretariat	31st August 2018
C	Evidence for the Review		
	Seek baseline and comparison information for the Review's evidence, wherever possible	Secretariat	Ongoing
D	What we will seek evidence on at Stage 1		
	Create list of Scottish legislation, policy and guidance to help us to see where gaps are, to be owned by this group	Secretariat	30 <sup>th</sup> September 2018
E	How we will work with the evidence that we get		
	Make clear in all information for individuals that all evidence will be completely anonymised.	Secretariat	Ongoing
F	The second meeting of this groups, and the Review's timescales		
	No new actions		