



List of outcomes

This is a list of outcomes for Scotland's mental health law, for autistic people and people with learning disability

The next pages tell you more about the main outcomes.

	Why we are talking about 'outcomes for mental health law'	2
A	People are safe in a crisis	3
B	All decisions promote and protect the person's human rights	4
C	Medicine has a positive effect for the person	6
D	Care and treatment have positive effects for the person	7
E	Criminal justice is fair and helpful for the person	9
X	The law promotes and protects all of the person's human rights	10

These outcomes will promote and protect human rights.

Why we are talking about ‘outcomes for mental health law’

Scotland’s Mental Health Act should promote and protect the human rights of autistic people and people with learning disability.

This review is working to find out how well the Mental Health Act does this. The review might find that the law needs to change.

An outcome is a difference or an impact that is made to people.

Any change to the law should aim for more good outcomes and fewer bad outcomes for people.

Outcomes help us to look at where we should be, so that we can work out how to get there.

The review team has written a list of outcomes for Scotland’s mental health law.

We think that the law could help to achieve all of these outcomes.

These are outcomes that Scotland’s law needs to achieve to promote and protect people’s human rights.

Where the outcomes came from

Some outcomes are based what people told us about their experiences of the Mental Health Act.

Some outcomes are based on what people with lived experience or professionals have written about the Mental Health Act in Scotland, or about care, treatment or criminal justice in Scotland.

The law

In stage 2 of this review, we are asking people to think about what needs to be in the law to make these outcomes happen.

For some outcomes, the Mental Health Act may already be the best that the law can be.

For other outcomes, it may be that mental health law could be improved.

There may be some outcomes that cannot be achieved at this time.

The review is trying to think through all options, so that we can understand what outcomes can be achieved, and what the law can do to help to achieve those outcomes.

A: People are safe in a crisis

What needs to happen to achieve this outcome

A1	When people are at risk of suicide , other people recognise this and make sure the person has the support that they need.
A2	People's assessments for care, treatment and support are based on a real understanding of the person. The assessments help to prevent crisis .
A3	All people have their support co-ordinated effectively
A4	People have specialist care which is well-planned and prevents crisis.
A5	Professionals are accountable and serious incidents are investigated well.
A6	People have the support that they need when they are very stressed or very distressed
A7	People have effective support to get through a crisis , wherever they are living
A8	People feel safe where they are
A9	People can have someone they can talk to, in private, who they can trust

B: All decisions promote and protect the person's human rights

What needs to happen to achieve this outcome

B1	<p>People's rights, will and preferences are the basis for all decisions.</p> <p>Decisions are not based on other people's views about the person's best interests.</p> <p>Offenders will have some restrictions on this right. Offenders with disabilities will not have more restrictions than other offenders.</p>
B2	<p>People have fair opportunities to challenge professionals</p>
B3	<p>When a person has to be physically restrained, this is done in a way that prevents trauma, injury or death.</p>
B4	<p>Each person has the least restrictive option available to them.</p>
B5	<p>People are under compulsion in the community for the shortest possible time</p>
B6	<p>People can choose to stay in their home area and can choose to return home from other areas if they want to</p>
B7	<p>People get out of hospital when they are well</p>
B8	<p>People are not restrained or put in seclusion unless this is needed to protect the right to life. If it is necessary it is always done in a way that promotes and protects the person's human rights.</p>
B9	<p>People can choose whether to have their carers involved in decisions about their care and treatment</p>

B10	For people who cannot communicate their will and preferences, all decisions include knowledge and understanding of the person's will and preferences.
B11	People have all the support they need and want for making their own decisions
B12	People receive and understand all the information they want and need. This includes information about rights, care and treatment.
B13	When people are making decisions, or when decisions must be made for people, people have all of the input that they need from professionals
B14	When people have to be restricted in any way: The restrictions are fair and proportionate The restrictions are clearly explained . This includes explaining what has to change to reduce the restrictions. The restrictions are reviewed regularly The person is fully involved in reviewing the restrictions.

C: Medicine has a positive effect for the person

What needs to happen to achieve this outcome

C1	People are not prescribed psychotropic medication when it is not approved to be used in that way , unless it needed to protect the right to life
C2	People are not given psychotropic medication without their agreement , unless this is needed to protect the right to life
C3	People are always offered other care and treatment before psychotropic medication is given without the person's agreement
C4	People are not prescribed psychotropic medication when they have concerns about serious adverse effects from those medicines
C5	People's absolute rights are always respected when psychotropic medication is used
C6	All people who are taking psychotropic medication have regular medication reviews . They are supported to come off any medication that is not approved to be used in that way.

D: Care and treatment have positive effects for the person

What needs to happen to achieve this outcome

D1	All people feel understood and accepted by services
D2	All people can get the right care and treatment for them
D3	People have the support that they need from services when they express stress or distress
D4	People's mental health services are accessible to them in every way
D5	All people have access to good diagnosis and assessment
D6	All people have access to the rehabilitation, habilitation and employment support that they need
D7	All of the person's health, care and support needs are met, including physical health and support to stay healthy
D8	People's absolute rights are always respected in all care and treatment
D9	People have environments for their care and treatment that promote and protect all of their human rights. This includes quiet, private space for people to use when they choose to use it.
D10	People's private and family lives are promoted and protected. People are accepted by other people, and people can have visitors in hospital when they want to.

E: Criminal justice is fair and helpful for the person

What needs to happen to achieve this outcome

E1	People in the criminal justice system can be diagnosed and are supported throughout the criminal justice system
E2	All of the person's human rights are promoted and protected in rehabilitation in the community
E3	Disabled offenders are not restricted more than any other person who presents the same risk
E4	People in the criminal justice system have full access to mental health services which help to rehabilitate and which prevent harm to the person
E5	People can have trials , with the adjustments that the person needs for the trial
E6	People have legal representatives who support their needs well
E7	People can be given the full range of sentences , with adjustments made to meet people's needs
E8	People are not put in situations where they are likely to cause serious harm to other people

X The law promotes and protects all of the person's human rights

What needs to happen to achieve this outcome

X1	The law promotes dignity and equality, and protects people from discrimination.
X2	The law makes sure that Disabled Persons Organisations exist. The law makes sure that Disabled Persons Organisations have influence and can help to create, implement and monitor the systems and services that protect their human rights.
X3	People's rights, will and preferences are the basis for all decisions. Decisions are not based on other people's views about the person's best interests. Offenders will have some restrictions on this right. Offenders with disabilities will not have more restrictions than other offenders.
X4	The law makes sure that people with disabilities who are in the criminal justice system have all of their human rights promoted and protected. Offenders with disabilities will have some restrictions on their rights. Disabled offenders are not restricted more than any other person who presents the same risk
X5	The law leads to the end of people being treated or detained without their agreement because they have a disability
X6	The law prevents all care, treatment and support that is cruel, inhuman or degrading.

X7	<p>The law makes sure that all services for persons with disabilities are accountable and are monitored independently and effectively.</p> <p>The law also makes sure that professionals meet their duties and act within their authority.</p>
X8	<p>The law ensures people's right to live independently and be included in the community.</p> <p>This right is restricted for offenders with disabilities. Disabled offenders are not restricted more than any other person who presents the same risk</p>
X9	Absolute rights are always protected by law.
X10	Mental health law works well with other laws to promote and protect human rights.
X11	Mental health law has a definition of 'disability' that works with our international human rights obligations .
X12	The law promotes and protects people's mental health
X13	The law makes sure that all professionals have all the skills that they need to support people well
X14	The law makes sure that reasonable adjustments are made for people
X15	When people with disabilities have to have their rights restricted because they present a risk to other people's right to life, those people with disabilities only experience the same negative effects from the law that anyone else would experience .
X16	Professionals relate to people as equals and use their authority in a fair way
X17	The law makes sure that children with disabilities have the mental health services they need in their community
X18	The law makes sure that people of all genders have access to appropriate mental health services and criminal justice services

