

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

Notes from the Criminal Justice and Mental Health Advisory Group

First meeting. Afternoon of 25th June 2018, Stirling.

Who was there

Review team	
Chair	Andrew Rome
Secretary	Simon Webster
Advisors	
Autism	Present
Autism	John Grafton
Learning disability	Present
Nursing	Lynn Gill - unable to attend. Comments submitted in advance of meeting.
Prison	Rosemary Duffy
Psychiatry	Dr Jana De Villiers
Supporter	Present

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What the Advisors chose to talk about

Session 1

- The right to mental health and the Human Rights Based Approach
- Differences in experiences of people in prison, and experiences of people in hospital; and what to think about when seeking evidence
- The need for adjustments to make sure that care is equitable
- How we describe and define autistic people and people with learning disability as groups of people
- Undiagnosed autism in the criminal justice system
- Practice in mental health services that is not based on an understanding of autism or learning disability, and which may contribute to some autistic people going into the criminal justice system
- People being detained to reduce risk, more than to promote and protect mental health; and people being detained or being under restrictions for longer than people with other conditions
- Safeguards through the Mental Health Act, and similarities in how the Mental Health Act works for autistic people, people with learning disability, and people with other conditions
- The way that systems and services work can make things worse for autistic people and people with learning disability

Session 2

- How to engage with children and with parents
- How to identify changes that might prevent young people from developing mental illness, or might divert from criminal justice
- Secure forensic provision for women in Scotland.
- Other equality issues such as ethnicity and religious belief
- Opportunities and issues in contacting carers
- The possibility that fewer women are recognised as having autism
- Our approach to hearing from people who have had treatment
- *De facto* detention
- Principles of the Mental Health Act
- Paid carers

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Paper 1: The work of this group

	Action	Action for	By this time
A	Some things that you need to know before you read this paper		
	Bring a list of relevant laws to the next Advisory Group meeting (following comment from Law and Policy group)	Secretariat	For next meeting
	Think about how to seek evidence from women's prisons, community, long stay hospitals and carers	Review team	31 st August 2018
	Think about how to seek evidence from people with lived experience, without this being influenced by other people	Review team	31 st August 2018
	Think about how to find out who has a learning disability in prison	Review team	31 st August 2018
	Think about how to get evidence about people's experiences of leaving prison	Review team	31 st August 2018
B	The Review's approach		
	The group supported the Review's Human Rights Based Approach and the Review's model of disability		
C	What the Review has to do		
	The group supported the Review's three stage approach, and agreed that it is important to get opinions in Stage 3 about the approach which the Review may recommend		
D	The Review's governance		
	Tell Advisors when info is made public	Secretariat	Ongoing
	Give contact details for possible ad hoc advisor on Speech & Language Therapy	Psychiatry advisor	31 st August 2018

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E	Terms of reference for the Law and Policy Advisory Group		
	Correct the terms of reference to read: 'The purpose of the group'... 'This will include advising the Executive on how to seek evidence on the interaction between the Mental Health Act and the criminal justice system'	Secretary	Next meeting
	The corrected terms of reference were accepted by the group.		

Paper 2: Plans for Stage 1

	Action	Action for	By this time
A	Where the Review is at now		
	No new actions		
B	Some things that we need to think about for our evidence		
	Consider speaking with young people about their experiences in childhood	Review team	31 st August 2018
	Discuss possibility of getting data from the Mental Welfare Commission on ethnicity of people subject to orders	Secretary	28 th September 2018
	Make contact with Forensic Network carers forum	Project Manager	28 th September 2018
	Consider how to make contact with named persons: there are issues with the named person role for carers of people with learning disability	Review team	31 st August 2018
C	Evidence for the Review		
	Consider how to encourage people with lived experience, and professionals, to have confidence in sharing experiences with the Review	ongoing	

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D	What we will seek evidence on at Stage 1		
	Consider how to get a good sample that is representative of people across groups and across Scotland	Review team	31 st August 2018
E	How we will work with the evidence that we get		
	No new actions		
F	The second meeting of this groups, and the Review's timescales		
	No new actions		