

Minutes
Service Users' and Carers' Group
21st May
Tribunal Suite, Crichton Royal

In attendance

Joe Morrow – President, Mental Health Tribunal for Scotland (MHTS) – JM
Adrian Martin – Deputy Head of administration, MHTS – AM
John Robertson – User & Carer Involvement (UCI) – JR
Crawford Little – Carer and Member of UCI – CL
Alan Douglas – Bipolar Fellowship Scotland – AD
Karen McLaughlan – MHTS (minutes) – KMcL

Apologies

Mary Weir
Chris Evans
Francis Fallan

AM opened the meeting, welcomed attendees and acknowledged apologies and all attendees introduced themselves. CL confirmed that he was attending solely in the capacity of individual carer, who had also written named person's guides for both UCI and the Scottish Government, and was not to be considered as a representative of UCI. AM asked the group to agree the previous minutes and explained the format for the meetings to the representatives from the User & Carer Involvement group. JM added his thanks to all attendees for coming to the meeting and explained that it is his aim to take the meetings around the country to gain insight into local issues at local level.

AM moved on to discuss the action points from the previous minutes. JM explained the new procedures for appointment of Curators and confirmed that there have been no developments in relation to communications between himself and the Faculty in Aberdeen regarding the number of Curator's in that geographical area. He confirmed that Dumfries and Galloway have a full compliment of Curator's and the situation has generally improved across the country. In response to AM who asked if there were any issues, the group confirmed that there remains some confusion around the role of the Curator. JM explained the role of the Curator and the group discussed involvement of others such as advocacy, named persons, the patient, and the cross over between advocacy and Curator. JM added that it is important to remember that the patient remains at the core of everything we do.

AM moved on to the second action point and JM confirmed that he is not yet fully comfortable with publishing guidance. He must first ensure compliance with guidance before considering how to release the information to a wider audience. He has concerns regarding some representatives using guidance at hearings and trying to use the information to influence the panel, which is not appropriate. The group discussed possible ways to make the information available and in response to JR and CL, JM and AM confirmed that guidance is available on the website, but only to Members' through a password-protected area of the site. AM said that it would be useful to know of groups who would be interested in using the website and/or

attending group meetings and asked JR and CL if they were aware of any such groups. The group discussed the usefulness of local groups feeding in local issues and JR agreed to look into this area and feedback to the Tribunal. Both JM and AM agreed that the Highland User Group (HUG) had provided excellent input when the Tribunal went there in November 08. The meeting had given the entire group the chance to look at local issues at the local level, which the Tribunal might not necessarily have known about had we not gone to the local area. JM confirmed that he came away from that meeting with a clearer view of their issues and which areas to investigate and the meeting led JM to contact the faculty in relation to the number of Curators in Aberdeen. The group discusses involving local and diverse groups.

ACTION: JR to provide details of local groups to KMcL

AM and JM confirmed that there had been no developments in relation to action points two and three on the agenda. KMcL confirmed that she had issued reminders in relation to all outstanding action points in advance of the meeting of the group.

ACTION: KMcL to send further reminders

AM moved on to explain the planned progress and new structure of meetings. JM added that the date for the next meeting of the group was set some time ago and will take place in August. The plan is to hold quarterly meetings in the central belt with one full day meeting taking place out-with the central belt once per year. Standing members' will be invited to each group meeting with invitations extended to local groups. JM confirmed that there are plans to take the next meeting out early in the spring and the group welcomed the change. AM said that it is important that people know we are receptive to questions and suggestions and JM added that we are one small part of the mental health services, what the Tribunal does is important but we do our work quietly and the group meetings allow us to improve the way we interact with people with mental health issues. JM explained how crucial the inclusion of 'Care and Treatment' really is within the name of the 2003 Act in that to detain someone and take away their liberty, their care and treatment must remain paramount and the Tribunal keeps this central to everything we do. The Tribunal provides a protection for patients at a time when they need it most. It allows us to keep patients involved and, despite lack of insight, it ensures patients receive the care and treatment they need when unwell. JM added that the level of protection for the patient remains core and outlined the protections as -

- Consideration of both MHO and RMO evidence
- Appointment of a Curator is a judicial decision
- Legal professional person appointed
- Evidence heard before a full Tribunal
- The involvement of the named person

AD acknowledged the Tribunal is part of the care and treatment and the group were happy with JM's explanation.

JM moved on to discuss the upcoming Members' training event and confirmed that plans are well underway. Shona Robison (Health Minister) will be speaking in the morning with JM closing the event at the end of the day. There will be a series of workshops aimed at sharing ideas, which will be facilitated by nine large break off areas encouraging Members' interaction. There will be approximately 20 stalls available at nil cost to groups who wish to come along to the event and JM is keen to have a limited number of non-Members attend and asked that anyone had ideas on who should be present contact his Personal Assistant¹, or KMCL. JM added that he also hopes to be able to provide a more refined view on the review of the Act at the event.

JM moved on to explain the Tribunal's recent move to the Justice directorate and that the move has not had a significant impact on the functions of the Tribunal or administration. The main change is the ceasing of the Tribunal administration to be an Executive Agency, but as the President continues to delegate tasks to the Tribunal administration, there has been no practical change in the functioning of the administration. JM added that he hopes for a new framework document to be drafted explaining the relationship between the Health and Justice Directorate of the Scottish Government and the Tribunal and specifying the functions devolved to the Tribunal's administration by the President.

AM moved on to explain the new arrangements for reference group meetings and explained the new structure in more detail. The Tribunal is now looking to hold the meetings of both Reference groups on the same day and in the same location and expanding the possible attendees of the meetings. AM explained to the group that the meetings are likely to take the form of a full day event, with the Service Users' and Carers' Group meeting in the morning, the Professional Reference Group meeting in the afternoon and adding a further early evening meeting for Professionals (Lawyers, Senior Health Board and Local Authority representatives for example). The group agreed that opening up the meetings would ensure all disciplines would be represented and 'local' issues could be addressed consequently.

JM noted that in order to improve communications with stakeholder groups, such as the Service Users' and Carers' group, it would be useful if we could be provided with details of groups and a points of contact to enable us to invite others and local groups to future meetings. JR and CL confirmed that there may well be local groups who would be willing to attend and agreed JR agreed to take the idea back to Carolyn Little at UCI (previously noted as 'Carla' in error in the previous minutes). JM noted that he is happy for groups to receive information and invitations, even if they chose not to attend meetings. JR noted that although email is a very useful way of giving information to a wide audience, where the information provided as a 40 page document with only one paragraph being relevant to a recipient, it might be more useful if the document could be highlighted to show which areas might be relevant to which recipient. JM confirmed that his is happy to look at information

¹ Anne Kippen, PA to the President
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sharing and how best to do so. AD confirmed that there is a mental health association in Dumfries and JR added that he knew of more people who may have liked to attend the meeting with JM adding that we are also interested in addressing grievances and that local meetings may be a good way to take any negative impact on local groups on board also. AM added that if we receive feedback, including complaints, it allows us the opportunity to respond. Being able explain the tight timescales and inability to take account of everyone's availability when arranging a hearing was useful for example and has resulted in people being more accepting of the timescales and constraints we have to operate within. The group discussed the usefulness of receiving negative feedback and/or complaints and how local groups can feed back on more specific and local issues. The group largely felt that, due to the potential for large numbers and stakeholder involvement, it might be useful to come back to Dumfries and Galloway for the 1st of the new programme of meetings with JM reminding the group that the next meeting will be taking place in or around Glasgow in August.

In response to AD, JM confirmed that he would not have a problem with a newsletter being sent out via the website. The group continued to discuss issues around information sharing and how best to achieve this with AM adding that we can provide statistics if people are interested in any particular areas (such as the number of Short Term Detentions in any geographical area compared to another for example). CL added that he is aware of psychiatrists being concerned about the number of interims and AM explained that the number of interims is often caused by late applications, attendance issues or representing solicitors not having enough time to prepare (including obtaining independent medical reports). The new Curator appointment system is effecting change in the number of overall interims per case. Where before there may have been up to three interims, in many cases now Curator's are coming to hearings fully prepared and, although there may be an interim for non-attendance or other issues, it is now often the case that there is no delay for appointment of Curator's or obtaining medical reports. The group discussed the use of interims in general with AM noting that recovery can also be a factor where, for example, a patient recovers enough to no longer require compulsory measures, the interim order would be revoked before the next hearing.

The group moved on to discuss the proposed guide for named persons. The group largely felt that there were enough guides already written and acknowledged the two guides written by CL for both the Scottish Government (SG) and UCI as being extremely useful. JM and AM added that should the Tribunal produce a further guide it would be too legalistic and would not be possible to write a quick and easy read guide. Both JR and CL confirmed that the UCI guide is available when request, with a fee payable for multiple copies. The group discussed the usefulness of the various guides and concluded that it would be more suitable for the Tribunal to drop the planned guide altogether. Some members of the group felt that it might be more useful to write a guide for panel Members' on the role of the named person. The group also noted that there may well be a need for a re-write of all guides following the review of the Act and CL suggested that it might be appropriate to write a supplementary guide. AM asked if it would be possible to add the UCI guide to our website and JR agreed to talk to Carolyn Little and feed back to the group. CL added that it might be useful to add case law to the website, JM agreed that case

law now exists and that it would be possible to do so and that he is considering this area at the moment.

ACTIONS: JR to speak with Carolyn and provide feedback to the group
JM to give an update on publishing case law

There was no other business raised other than to note Francis Fallan's late apology for the last meeting of the group and both AM and JM thanked all attendees. AM closed the meeting.

NEXT MEETING: 26th August 2009, Venue in Glasgow to be confirmed