

**NOTE OF MEETING**  
**MHTS Service Users' and Carers' Group**  
**Thursday 4<sup>th</sup> March**  
**State Hospital, Carstairs**

**Attendees**

Dr Joe Morrow	President, Mental Health Tribunal for Scotland
Russell Hunter	Legal Secretary, Mental Health Tribunal for Scotland
Paul Smart	Head of Administration, Mental Health Tribunal for Scotland
Crawford Little	Member of User and Carer Involvement
Mary Weir	Chief Executive, NSF Scotland
Hilary Campbell	Chief Executive, Scottish Development Centre for Mental Health
Ann Morton	Patients' Advocacy, State Hospital
Tom Corrie	Carers Coordinator, State Hospital
Agnes Ferrie	Note Taker, Mental Health Tribunal for Scotland

**1. Welcome and introduction**

Paul Smart opened the meeting, thanked the State Hospital for their hospitality and welcomed the attendees. The attendees introduced themselves and provided some background on themselves and on the groups they represent.

**2. Apologies**

Laura McCrum	Sahelia
Frank Fallon	Voices of Experience
Alan Douglas	Bipolar Scotland
Shaben Begum	SIAA
Andrea Ridley	Edinburgh Carers Council
Nigel Henderson	Penumbra
Frances Simpson	Samaritans
Shaun McNeil	Advocacy Matters
Jan Killeen	Alzheimers Scotland.

**3. Matters Arising from minute of previous meeting**

2.1 Everyone agreed they were happy with the new format for the Notes of Meetings.

3.1 Paul Smart thanked everyone for their enthusiastic response to providing details of potential groups. This enabled MHTS to widen the net and broaden the range of interest.

5.1 Dr Morrow confirmed that three dates had been arranged for future meetings of the group. Everyone was keen on the new format although Dr Morrow was still working on the participation of solicitors. It had also been suggested that Aberdeen may be a better location than Inverness for the next meeting. Crawford Little asked if minutes could be circulated as soon as

possible. Dr Morrow agreed this would happen but people should note this was a Note of the Meeting and not actual Minutes. Paul Smart advised the group that MHTS was working on raising awareness of the meetings and different methods of doing this. Dr Morrow also confirmed that three newsletters per year were issued to Members which could be used for relaying information.

5.2 Terms of Reference document to be issued with minutes.

**Action: Agnes Ferrie**

6.1 The consultation on the **review of the Mental Health (Care and Treatment) (Scotland) Act 2003** has been published. This can be found at <http://www.scotland.gov.uk/Topics/Health/health/mental-health/mhlaw>. Paul Smart confirmed the timetable for legislation will be tight.

7. Dr Morrow confirmed that a Case Law Digest was in the course of preparation. It aims to provide a short narrative of mental health appeal cases and other relevant cases and to highlight the relevant issues.

9.2.1 Dr Morrow indicated that he had considered the responses to the recent consultation on the recording of tribunal proceedings and had taken account of relevant law, such as the Data Protection Act. He is satisfied that the appropriate course of action for the Tribunal is to continue to record proceedings before it. There was considerable support from a number of groups for the continued recording of proceedings which provides an accurate record of what was said at a hearing which provided a useful resource for the investigation of complaints and for appeal courts if thought necessary. A Note will be issued to the membership in due course. If concerns are expressed during a hearing regarding the recording of proceedings the recording equipment can be switched off at the instruction of the convenor.

9.3.1 Dr Morrow confirmed that the pilot on holding **three hearings per day** seemed to be working well although more evidence was required. Only certain areas with sufficient volumes of hearings would be able to sustain these. Paul Smart agreed to provide an update at each meeting.

**Action: Paul Smart**

9.4 Dr Morrow confirmed that all parties have to agree to **Rule 58 Hearings** – if anyone disagrees then an oral hearing will be arranged. However, steps were being taken to attempt to identify cases in which Rule 58 hearings could appropriately be held, thus benefitting patients and professionals who would then be saved attendance.

9.5.1 Dr Morrow reported that there had not been a high level of **video conferencing**. It had mainly been used when a Member was unable to attend or in isolated areas. It is simply another tool to make hearings more accessible.

9.6.1 Paul Smart confirmed that a **venue review** was going on at present. Venue providers will be advised that if venues do not meet MHTS standards

then they may have to be removed from the list. The guidelines for accommodation are also being reviewed.

#### **4. CMS Development**

Paul Smart informed the group that when MHTS was set up two pieces of software were commissioned – CMS (Case Management System) and Webroster (on-line scheduling system). MHTS would now like to improve both these systems by merging them into one system which could be used to deal with applications, schedule hearings and record decisions. It is intended that this will generate greater efficiency and speed up the process for all involved.

#### **5. On-line Applications**

MHTS would like to encourage more electronic applications and is at an early stage of looking at on line applications. This is part of a wider ongoing review by MHTS of how it communicates with various parties e.g. mail / courier, ironing out inefficiencies particularly with paperwork not received or delivered.

#### **6. Equalities**

Paul Smart advised the group of the upcoming review by the Scottish Parliament's Equal Opportunities Committee of the impact on equality of the implementation of the Mental Health (Care and Treatment) (Scotland) Act 2003. A number of organisations have been asked to give evidence to the committee including MHTS. MHTS has also prepared a written submission for the committee. MHTS is of course part of a larger system of care and support and each part of that system shares a joint responsibility for promoting equality and tackling discrimination. Dr Morrow proposed that colleagues should take a collaborative approach so that we can together improve on the promotion of equality. Further discussion followed on the impact of the legislation and equality monitoring. The committee hearing has been rescheduled for 16 and 23 March 2010.

#### **7. Recorded Matters**

Dr Morrow reported that Members training should be complete in one month's time and a Guidance Note will be placed on the Tribunal's website. The training is heightening awareness and explaining the process for Members.

#### **8. State Hospital Issues**

Tom Corrie advised the group that the State Hospital had recently completed a Carers' Survey. However, this had not encapsulated information regarding MHTS. They will look at ways of opening up the lines of communication for their next survey. Tom confirmed that patients' experiences were good although carers' experiences were varied. Carers were happy as they were now aware that they can have named person status.

9. Mary Weir commented on the **Managed Care Network** discussed at the **Forensic Mental Health Services Advisory Board Meeting**. The criteria are moving on and patients should now have meaningful activities / occupations in the community. This is labour intensive for support staff, however, and there was concern that patients may not be discharged due to limited availability of community services. Dr Morrow confirmed that he and the Sheriffs were aware of this but there was also a public protection issue. Testing was fairly significant though and the best public protection was to provide the best care and treatment. Russell Hunter stated he was impressed with the resources that were available and he would look at the categories of patients adversely affected and if this was this due to resource or stigma.

#### **10. Engagement with local groups**

Paul Smart confirmed that MHTS was looking for more ideas on engagement with local groups and would welcome thoughts from group members on this.

**Action: All**

#### **11. AOB**

Mary Weir advised the group of a number of concerns that the Mental Welfare Commission had with the Public Services Reform (Scotland) Bill. Her organisation has also been approached by the Law Society with their concerns.

**Action: Mary Weir to circulate MWC submission.**

Crawford Little advised of his concern over the name of the Service Users' and Carers' Group and asked if it should be changed to reflect the membership. Paul Smart asked if the group could wait until the end of this current series of meetings when a review will take place of the new approach to holding reference group meetings.

#### **12. Date of next meeting**

The next meeting of the Service Users and Carers' Group will be held at The Scottish Government, Victoria Quay, Edinburgh on 20<sup>th</sup> April 2010 at 10.00 am.