



Mental Health Tribunal for Scotland

Members' Newsletter

May 2025

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Message from Laura J Dunlop KC



Dear Members,

In a return of the photo competition, I am offering a prize to anyone who can correctly identify the vehicles in the image above (they are all the same make and model). If only one person responds, they will win a bottle of wine (or chosen soft drink) irrespective of their answer. If more than one person does, the closest answer wins. Replies to the PO by close of business on Friday 6 June please.

The last few months have seen our new conveners begin sitting. They are a very welcome addition to our membership. We are already seeing them represented in the decisions published on our website. I hope they are as pleased to be part of MHTS as we are to have them. For those of you who have not met them all, our training events in the Autumn will offer an opportunity for more mingling. News of those is coming soon. Getting together for training events chimes with the theme for Mental Health Awareness Week 2025, which was 'Community'. The week ran from 12 to 18 May, and more information about its focus is available at [Mental Health Awareness Week | Mental Health Foundation](#).

In the PO, we are in the middle of our stakeholder forums, with the Service Users, Carers and Advocacy Workers Forum having taken place on 28 April and the RMO/MHO Forum having happened on 12 May. A link to the notes of these meetings is on page 6. On 19 June, we will have a Forum for Solicitors and Curators, this being the third year in which we have run that particular event. As well as providing an opportunity for stakeholders to feed back to us and to pose questions, these are useful for us to pass on practical information and news of what is coming.

On that note, members will be interested to know that the project to replace the current website has begun, with a contractor in place and a team from within the Courts and Tribunals Service taking matters forward. The website has served us well for 20

years, but it is time for a new one. It will still be the vehicle for members to receive papers, so is a project of major importance for us.

Mention of the 20 year period takes me to the actual anniversary, which is in October. At that point, the Tribunal will have been adjudicating all applications in relation to compulsory care and treatment for mental ill-health in Scotland since October 2005. We will mark that significant anniversary both in the President's Office and among our operations colleagues. But members are also likely to have recollections of the early years and observations on the events of the whole period. Please do get in touch with your memories and your reflections – we would be delighted to have them and may include some in the September issue of this newsletter.

In this edition, on page 9, there is the annual reminder of important data protection principles and points of good practice. Thanks go to Scott Blythe for having prepared this. We are also grateful to one of our conveners, Rosemary Yule, for providing an alternative and informative guide to three of our venues; this appears on page 11. Some of you may have such tips in relation to other venues and we would be interested to hear them.

**Best wishes,
Laura J Dunlop KC
President**

News

A new civil casework team

Before moving into the new reporting year, Senior Management at MHTS looked to identify better practices within our Operations Team to ensure that we continue to provide the highest possible service to our Stakeholders.

With a continual rise in the volume of applications being submitted to MHTS it was identified that there was a need to move from three to four civil casework teams, resulting in each team dealing with a smaller number of cases. This would allow us to continue to focus on the quality of service we provide.

Each team deals with applications in relation to certain hospitals. Working alongside the President's Office, and using statistical information from the previous reporting year, the split of the hospitals between the teams was reconfigured to try and ensure as even a split as possible. This is shown in the table below. Correspondence was then sent to our Stakeholders to make them aware of these changes and the new contact details.

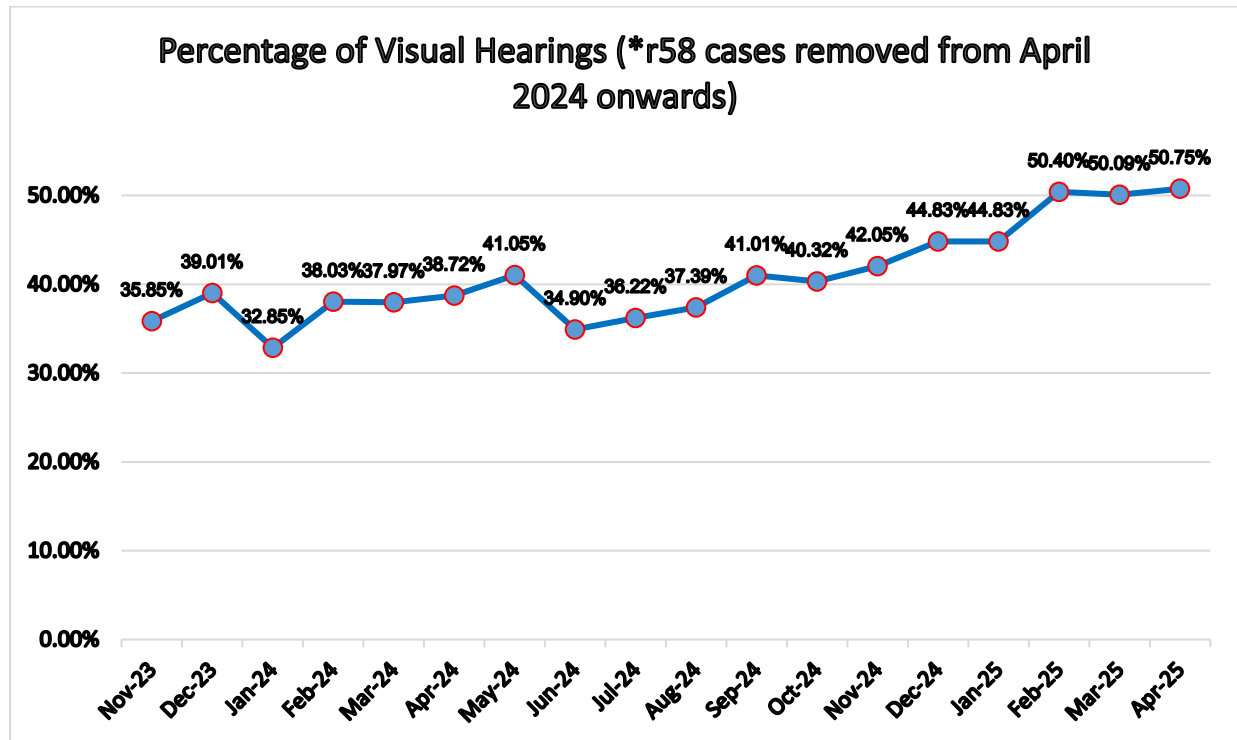
It is hoped that by creating the fourth civil casework team MHTS will continue to provide the highest possible level of service. One other impact of the change is that the team leaders of each team should now have additional time to develop and train their staff which will be of benefit to not only the staff but to MHTS as a whole.

Casework Team	Team 1	Team 2	Team 3	Team 4
Hospitals covered	Gartnavel Royal, Gartnavel General, Glasgow Royal Infirmary, Langhill Clinic, Mid Argyll Community Hospital, Queen Elizabeth University Hospital, Rowanbank Clinic, Royal Hospital for Children, Skye House, Stobhill Hospital, Surehaven Hospital, The Priory	Aberdeen Royal Infirmary, Arbroath Infirmary, Bellsdyke Hospital, Caithness General, Carseview Centre, Dr Grays, Dudhope YPU, Forth Valley, Kingsway Care Centre, Lochview Hospital, Murray Royal, New Craigs, Rohallion Unit, Royal Cornhill Hospital, Seafield Hospital, Stracathro Hospital, Strathmartine, Wallace Hospital, Western Isles Hospital, Whitehills	East Lothian Community Hospital, Edinburgh Royal Infirmary, Ellens Glen House, Lynebank Hospital, Midlothian Community Hospital, Queen Margaret Hospital, Royal Edinburgh Hospital, Stratheden Hospital, St John's Hospital, The Orchard Clinic, Whytemans Brae	Ailsa Hospital, Ayr Clinic, Ayr Hospital, Beckford Lodge, Blythswood House, Crosshouse Hospital, Dumfries & Galloway Royal Infirmary, Dykebar Hospital, Hairmyres Hospital, Kirklands Hospital, Leverndale, Midpark Hospital, Monklands Hospital, Royal Alexandra Hospital, Udston Hospital, Vale of Leven, Wishaw General, Woodland View

Visual hearings

This is the latest version of the graph showing the number of visual hearings (either video conference or in-person) since November 2023.

As you will see, in April 2025, the Tribunal held the highest number of visual hearings since the pandemic. Two more hospitals, Dykebar (Paisley) and Woodland View (Irvine), are now default in-person hearing venues.



SUCAW and RMO/MHO Forums

On 28 April and 12 May 2025 the Service Users, Carers and Advocacy Workers Forum and the RMO/MHO Forum were held. Both were well attended and a number of different issues were discussed at each, including the rights of primary carers and persons with an interest in some proceedings, documents which should be lodged with different types of applications and the return to more in-person hearings.

The notes of both these meetings are available in the Stakeholder Forums section of MHTS's website – [MHTS - Stakeholder Forums \(mhtscotland.gov.uk\)](https://mhtscotland.gov.uk).

MHTS Members' Association

Currently there is NO COST to becoming a member of MHTSMA. All it takes is an email to Peter Bennie - medical member

Firstly, thanks to all MHTSMA members who provided information in response to Peter's email.

The Committee met in March to consider this information and fed back to a members' meeting in April. This meeting focussed mainly on Pension Benefits and other employment rights. The Committee has agreed to seek further information/clarification on these issues. The Committee plans to meet in June to consider any information/clarification received and will update members accordingly.

We understand that our mailing list is up to date so if any member has not received the emails sent out last year or the email inviting you to the April meeting, please can you contact Peter.

I would also encourage members to contact Peter (or any member of the committee) if there are items they would wish MHTSMA to consider.

If any member is interested in joining MHTSMA, please can you contact Peter Bennie (secretary) by email . Peter can also send any member a link to the MHTSMA Forum on Microsoft Teams.

Ruth Buchanan

General member and chair of MHTS Members' Association



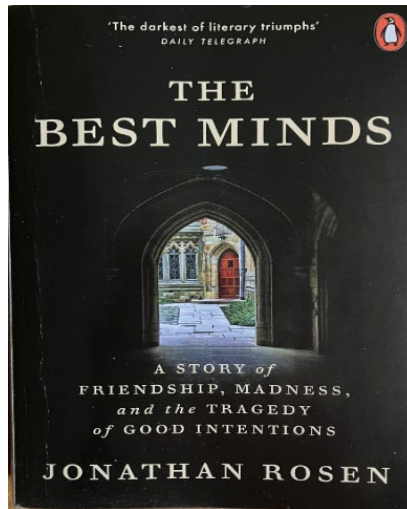
Scheduling

In order to assist the team identifying available members for hearings, please would members ensure that webroster is kept up to date with availability and any changes in conflicts of interest. **If your availability changes at any time, please add or remove available days from webroster as soon as possible.**

Please ensure when adding your availability onto webroster, that you enter the shift as 'Day'. If this isn't selected, your availability will appear as a minute and the schedulers will be unable to allocate you dates.

The Scheduling team is grateful to all those who reply to the APBs (All Points Bulletins) for members to sit at short notice. Please note only those who are available to sit should reply to these APBs. While the team appreciates the consideration of those who reply to say they are unable to sit, this is unnecessary and adds to the already large volume of emails which the team receives.

Book Review



Jonathan Rosen met Michael Laudor when both were ten and living in New Rochelle, 30 minutes by metro from Manhattan. The boys grew up together and remained friends, both studying at Yale. Michael developed schizophrenia yet graduated from Yale Law School. The stellar career that might have followed did not materialise, and a much darker course of events ensued. I am grateful to Alex Green, President of the General Regulatory Chamber, for recommending the book. It is an engrossing and thought-provoking (if melancholy) read, with reflections on the combination of mental illness and intellectual brilliance. I highly recommend it.

Articles

Data Security Awareness

It's that time of year where we provide you with an important reminder of the significance of data security when dealing with work relating to the Tribunal.

Many of you will be aware of the recent cyber-attack suffered by M&S. This provides an example that even a large organisation, with seemingly robust systems in place, can fall foul to nefarious actors. With data security it is not always simply about the systems you have in place, it is also about the practices you maintain when dealing with highly sensitive information.

When accessing your case papers from the website you should only save files to your device for as long as you require to use them. If you are printing the files, you should simply open them from the website and print them directly from there, with no need to save on your hard drive. If you require the files on your hard drive you should ensure you only retain the files for as long as is needed to complete the hearing and written decision. If you are in the practice of saving files to your device's hard drive, you should save files to the same folder/location each time as this will allow you to routinely clear out old files much more easily. This is one of the most important practices regarding data security as deleting data that is no longer needed ensures the risk is at the lowest possible level if anything untoward were to happen to your personal device.

If you use a device that belongs to your employer (such as the NHS), you must only save files to the hard drive of the device and not to a shared server. If you wish to store previous decisions that you think you may want to reference in the future, please ensure the names of patients are removed from these styles. I should also note that there is a table of previous MHTS decisions on the website [here](#); there are examples of decisions relating to different sections that may be helpful.

Another point of practice to note is that you should only ever use a device that has the appropriate level of encryption active on it when accessing papers for MHTS cases. If you are unsure about what is appropriate on any given device, please do get in touch.

On top of the encryption software that your device should have, you should ensure that your device has up to date anti-virus software, as well as making sure to keep other software on the device up to date – this includes the operating system, internet browsers and Adobe software. Ensuring all these are up to date will provide your device with a high level of protection at all times.

At the risk of sounding like your bank, we will never email you to ask for login details for any of the sites you access for MHTS work. Please see the 'phishing/nefarious emails' section on the next page for more detail about this type of thing.

One final point to note is in relation to USB memory sticks. You shouldn't have reason to have to store files on a memory stick on many occasions, maybe to transfer a draft decision every now and then, but if you do you must use an encrypted USB memory stick to do so. This will protect the data to the same level as your laptop, PC or iPad.

If you ever have any questions regarding encryption, data security or data handling please feel free to contact me by email.

Good Practice

- Do – ensure your device has the appropriate encryption
- Do – routinely check your device for saved files that are no longer required
- Do – take the appropriate level of care when in possession of confidential data in a public setting
- Do – report any losses of data immediately to headquarters in Hamilton
- Do not – store or save any confidential files on a shared server
- Do not – retain any confidential data longer than is necessary

Privacy - Reminder to everyone that when taking part in a hearing by teleconference that you should ensure you participate in hearings from a room where you are alone (and will not be overheard). More generally, we are all spending more time with laptops open, accessing sensitive personal data in our own homes. At all times, we must remain attentive to the need to protect the security of this information.

Process for finalising FFRs remotely – The convener should upload the draft to the website where it can be read by the other panel members. The members will contact the convener if they are content with the FFR or to provide any comment. When contacting the convener via an insecure method (email or text) please remember to never include any confidential details, such as the patient's name – you can say 'Regarding the FFR for the 10am hearing...' as a way of identifying the correct hearing if you have had more than one that day.

Phishing/nefarious emails – a phishing email is a fraudulent email that is sent to users in an attempt to acquire sensitive information from them, or indeed to hack into their device by getting you to click on what seems like a legitimate link. Things you should look out for include: repeated strange phrasing, grammar or spelling; legitimate looking links for you to click on, you can hover your mouse over these links (without clicking) to see the fully expanded link which is likely to look odd; have you received the email at an unusual time, through the night for instance? does the email contain a sense of urgency in asking you to act on something? Always be mindful of these points when reading through your emails on a daily or weekly basis.

Documents on the website – these should be removed from your account automatically after the hearing has taken place, failing that there is a process in place where we ask IT for a sweep to be done to remove any papers from the site that shouldn't be there. This sweep is done on a monthly basis, so files should not still be on your account more than one month after a hearing date has passed. Please get in touch with us if you have files that are still showing on your account more than a month after the hearing date.

Scott Blythe
Tribunal Liaison Officer

An alternative guide to venues

So, you're off to an in-person hearing and you find yourself with some time on your hands far from home. I thought a handy guide to where to eat and what to see around tribunal venues might help to spread a little joy. I have loads, as I like to explore. But I'll start with three.

First of all, **Leverndale**, Glasgow - Pop across to the nearby [Crookston castle](#). It's not often I say this, but best wear sturdy shoes. No one will see you, don't worry. It's free, unmanned, and the only remaining mediaeval castle in Glasgow. See if you can brave climbing up to the top (at your own risk, of course, I am a lawyer, and also you need to be back for 13.30). Then pop along to Silverburn. Not for shopping, no, no, but for a bite to eat at [Stailinn Kitchen](#), located just outside at the right of the entrance. Order light, or you'll sleep through the afternoon. Or pop back after your duties conclude and have a relaxing solo dinner while your nearest and dearest think you're still at work. No one to steal your chips, bliss. Well worth knowing about, a proper restaurant in a shopping centre, who'd have thought it? Skip the cocktails though, unless it's a bus home.

Next, **Woodland View**, in Irvine - If you've exhausted the delights of the onsite cafe, head down to the shore. Pop to [Gro](#) for coffee and cakes. Once a very important port, think of the past and ships plying their trade across the ocean, as you take a stroll along the harbour. Have an ice cream. Or, for some culture, drive to nearby Kilwinning, and wander round the [ancient abbey](#). Learn what papingo is and wow your fellow members with your newfound knowledge when you return. It's a really interesting place and doesn't take too long to look around.

Finally, **Midpark** in Dumfries - Pop across to [Crichton Central](#) in the old grounds for sustenance with a student vibe. Or take a ten-minute drive to the [Boathouse at Glencaple](#), beautiful setting in the Nith estuary. Enjoy delicious food, with some fresh air to energise you and blow the cobwebs away. Or a twelve-minute drive would take you to the unique triangular [Caerlaverock Castle](#), a Maxwell stronghold, which has a trebuchet and a moat: proper castle. No car? A stroll on foot from Midpark, by turning left and left again as you exit will lead you on a path towards Georgetown, with beautiful views all round, including towards [Criffel hill](#).

These ideas are just a start. They might help to inspire you into seeking out ways to explore a little and make the most of being out and about in our fascinating country. As well as to find tasty food along the way. Life's too short for supermarket sandwiches and hospital coffee.

If you have your own tips, please let me know. An MHTS rival to the Michelin guide awaits.



Rosemary Yule
Legal Member

Compulsion Orders – Ten top tips

These tips were first published in 2022. As requested by some members, here they are again.

A compulsion order is imposed on an individual by a criminal court. It is made following conviction of a criminal offence. It lasts for an initial period of six months, after which it can be extended, initially for a further six months and then on an annual basis. In this respect, it is the same as a compulsory treatment order. The two orders share other common features, but there are also important differences. These are explained below.

1. Compulsion orders are **not** made under the Mental Health (Care and Treatment)(Scotland) Act 2003. They are made under the Criminal Procedure (Scotland) Act 1995. The relevant section is section 57A of that Act.
2. Under section 57A, the criteria for making a compulsion order are the same as for the making of a compulsory treatment order, with the exception of SIDMA. There is no need for impairment of decision making ability before a compulsion order can be made (or extended).
3. The measures which can be included in a compulsion order are almost identical to those that can be in a CTO. They are set out in section 57A(8) of the 1995 Act. References are to 'the offender' rather than 'the patient' and a requirement to reside at a specified place (measure (e)) can only be imposed in relation to a care home service if the court is satisfied that the service provider is willing to receive the person.
4. The expiry of the first six months of a compulsion order is at the end of the same day of the month as the day on which the order was made. So an order made on the 15th of month 1 will last until midnight at the end of the 15th of month 7. Thereafter, the rules for extension will be the same as for CTOs. That means that longer lasting compulsion orders will have a renewal day which is the day **after** the day on which they were made, unlike CTOs, which have a renewal day which is the same day of the month as the day on which they were made.
5. Anyone interested in how point 4 works with asymmetrical month combinations (all of them, apart from January and July) should ask the PO.
6. A first extension of a compulsion order is made by the Tribunal (under section 149 of the 2003 Act or section 158 if variation is sought), not by the RMO. **This is a crucial difference.** It means that a compulsion order which is close to expiry will lapse if a tribunal adjourns without making an interim order.
7. Compulsion orders can be extended or varied on an **interim basis**, as provided for in sections 168 and 169 of the 2003 Act.
8. Once lapsed, a compulsion order cannot be revived.
9. At a hearing considering first extension (with or without variation, or variation alone within the first six months) of a compulsion order, there are papers which should be provided to the Tribunal. These are listed in the Mental Health

(Compulsion Orders – Documents and Reports to be Submitted to the Tribunal)
(Scotland) Regulations 2005 (SSI 2005/365) and include court-related reports.

10. It is not possible to insert a recorded matter into a compulsion order.

Laura Dunlop KC
President

Useful Information

MHTS

- **MHTS News**
[MHTS - News \(mhtscotland.gov.uk\)](https://www.mhtscotland.gov.uk/news)
- **MHTS Guidance on the Provision of documents in Tribunal applications**
(This guidance sets out the documents which will form the Tribunal papers in each type of application, review, etc, under the relevant sections of the 2003 Act)
[MHTS - Guidance \(mhtscotland.gov.uk\)](https://www.mhtscotland.gov.uk/guidance)
- **MHTS Caselaw and Decisions**
(scroll to the bottom of the page to find MHTS decisions table. The search function is helpful to find decisions under specific sections of the Act)
[https://www.mhtscotland.gov.uk/mhts/Legislation and Caselaw/Legislation and Caselaw](https://www.mhtscotland.gov.uk/mhts/Legislation_and_Caselaw/Legislation_and_Caselaw)

MWC Publications

- Treatment under section 47 of the Adults with Incapacity Act: overview and guidance, May 2025
[Treatment under section 47 of the AWI](#)
- Hospital is not home: The circumstances of people with learning disability and complex needs who have been in hospital for 10 years or more, January 2025
[Hospital is not home](#)
- Supported decision making, October 2024
[Supported decision making good practice guide 2024](#)

OTHER

- Introducing The Nook – Scotland's first ever network of walk-in mental health support hubs
samh.org.uk/about-us/news-and-blogs/samh-introduces-the-nook
- Judicial Hub
<https://www.judicialhub.com/login/index.php>
- Judiciary.scot – Judicial Ethics
[STATEMENT OF PRINCIPLES OF JUDICIAL ETHICS \(judiciary.scot\)](https://judiciary.scot/statement-of-principles-of-judicial-ethics)

***Please note that links to informative publications are included for information only. Any views expressed in these publications are those of the author(s) and not those of the MHTS.**

Clerks' Contact Details

Team 1		<p>Please email clerks on the following generic email address and not on their individual email address:</p> <p>MHTSHearingsOps@scotcourtsribunals.gov.uk</p> <p>Post hearing paperwork to be uploaded to:</p> <p style="text-align: center;">MHTS_FFR_Order</p> <p style="text-align: center;">on members' website</p> <p>Hearing Team Leaders:</p> <p>Team 1: Gordon Hope – ☎ 01698 390094</p> <p>Team 2: Sandra Devlin – ☎ 01698 390013</p> <p>Team 3: Jeanette Thomson – ☎ 07917898822</p>
Alan Swan	07386687134	
Jean Allan	07721590926	
Paul Cowie	07721590370	
Gemma Barnes	07423779555	
Tajinder Singh	07919199569	
Stuart McLagan	07584158127	
Hanaf Hussain	07919199538	
Margaret Zachary	07917898796	
Eilidh Ferguson	07386 687126	
Team 2		
Cath Hope	Hearings Support	
Jennifer Shearer	07423778698	
David Barclay	07917898806	
Ameen Rabbani	07353107938	
Mandy Miller	07385950477	
Chris Paterson	07386687161	
Stephannie Kydd	07393797845	
Martin Krumins	07393799214	
Cari Carruthers	07386687105	
Nicola Bradley	07940269252	
Team 3		
Grant Armstrong	07721592267	
Ian Bruce	07733794798	
Felicia Oyewusi	07386687125	
Elaine Ferguson	07917898813	
Ellen Paterson	07423779977	
Callum Richardson	07884655908	
Brooke Cairns	07749920413	
Margaret Higgins	07386687163	
Eileen Mitchell	07386687156	
Henry Cohn	07901101435	

Useful Contacts

Scheduling Team

(including re-setting Webroster passwords)

✉ schedulingmhts@scotcourttribunals.gov.uk

❖ Telephone ☎: 01698 390034

e-Expenses Helpdesk

✉ webrosterexpenses@scotcourttribunals.gov.uk

Finance Team

✉ opsfinancetribunals@scotcourttribunals.gov.uk

❖ Telephone ☎: 01698 390 016

President's Office

(including re-setting Website passwords)

✉ mhtspresidentsoffice@scotcourttribunals.gov.uk

Fiona Queen, Executive Assistant to President and Member Liaison Officer

❖ Telephone ☎: 01698 390033

Jenna Swan, President's Office Secretary

❖ Telephone ☎: 01698 390001

Newsletter Contributions

The Tribunal welcomes contributions to the Newsletter from all members.

Members who wish to contribute to the Newsletter should contact Jenna Swan at MHTSPresidentsOffice@scotcourttribunals.gov.uk

The following timescales will apply for contributions*:

January edition: contributions by the end of November

May edition: contributions by the end of March

September edition: contributions by the end of July

***Contributions may require to be edited**