



Mental Health Tribunal for Scotland

Members' Newsletter

September 2019

INSIDE

Dr Joe Morrow CBE QC
President of the Mental Health Tribunal for Scotland

Full Findings and Reasons

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Message from Dr Joe Morrow CBE QC

The publication of this newsletter will coincide with my retirement as President of the Mental Health Tribunal for Scotland. My last day in office will be Friday, 11 October 2019 and, should you be in the Hamilton area on that day, you are all most welcome to drop in to the President's Office between 1pm and 3pm for some refreshments. I realise that our membership of around 350 members is dispersed throughout the whole of Scotland, however the invitation is open to all to come and say goodbye in person.

My involvement with the Tribunal since 2005 has been one of the most significant parts of my working life. The intervention by the State in terms of the lawful detention and forcible treatment of a person with a mental disorder demands the utmost understanding of what it means to be a civilised society. Compulsory detention and treatment of an individual is at the highest end of State intervention and, as such, necessitates the greatest degree of ethics and understanding. I have never made, nor will I ever make, any apology for maintaining this approach despite all the ups and downs of legislative processes, budgetary restraints and cross-agency pressures.

My thanks go to each one of you who, in your own way, have played such an important part in that process. I have rarely come across a member who did not strive to place the patient at the centre of all that the Tribunal does and to uphold the significance of that approach during the discharge of our duties under the 2003 Act. It has been a privilege to work with you all, and I wish the Tribunal and its successor organisation well in the future. Over the years I have got to know a number of members in a variety of settings, and I am sure that many of our paths will cross, even if only socially.

The commitment of MHTS staff has been exemplary, and I would wish to put on record that without a staff who are dedicated and committed to the principles of the 2003 Act we would not be where we are in terms of discharging our duties. My thanks go to all the staff of MHTS for the contributions they have made over the years. Staff members come and go, and it is pleasing to note that many of our staff have been able to move on to promoted positions within the public sector and beyond, which is rewarding not only for the staff concerned, but also for the Tribunal as an organisation.

Turning to other matters, members may wish to know that we have recruited 11 new medical members, appointed by the Scottish Ministers as of October 2019. Their induction training will take place on 7 and 8 October, and this will be one of my last tasks as President.

You will be aware that the member review scheme has been launched in a new format, which brings it into line with review provisions in the chambers of the First-tier Tribunal for Scotland. The review scheme will play an important part in the assessment of each member's performance and training needs, and it is important that members participate fully in the process.

This brings me to the First-tier Tribunal for Scotland. I have tried to keep you informed, and you will be aware that no date has yet been fixed for the transfer of the Tribunal into the First-tier Tribunal. The earliest possible date which has been floated with me is January 2020. Due to the complexities of the law around the 2003 Act and related regulations, consideration will require to be made as to how the 2003 Act will be implemented through the Tribunals (Scotland) Act 2014 – which is no revelation to those of us who have experience of both these Acts. In essence, most of the requirements are in place and I am sure that, once appointed, my successor will bring all the necessary skills for the transition.

Finally, I hope that most of you have already signed up for the Members' Conference on 20 November 2019 in Glasgow. We have engaged some significant key speakers, including the Lord President, the Cabinet Secretary for Justice and Jonny Benjamin MBE. Members have also been given a choice of five workshops which will offer additional support to members in a variety of areas of Tribunal work. **If you have not already signed up, please do so now.** It is *your* Conference. We would wish it to provide the best possible experience, but we require your cooperation to facilitate the allocation of groups etc.

As I step down on 11 October, I will not be with you at the Conference, but it will provide an opportunity for the newly appointed President, who I am assured will be in post by then, to introduce themselves to the Tribunal members.

Again, let me put on record my thanks and appreciation for all the support that you have given me for more than a decade as President of the Tribunal, and previously in different roles.

With best wishes,

Dr Joe Morrow CBE QC
President



Scheduling update

New venues

MHTS has secured the use of the Balmoral Road Centre in Kilmarnock. This will be exclusive to the Tribunal on Fridays.

Further afield, Kirkwall & St Ola Community Centre will be used for any patients in Orkney. We are always looking for members who would be willing to travel to Scotland's islands for us, so please let the Scheduling Team know if this is something that would interest you.

Spam Email

Please keep an eye on your spam/junk inboxes. Some email communications have been missed recently as Scheduling Team messages have been wrongly deemed as spam/junk.



Retirement tea for Dr Morrow 1pm to 3pm, Friday 11 October

Dr Morrow will retire as President of the Mental Health Tribunal for Scotland on Friday, 11 October. He has been with the Tribunal since the beginning and President for most of that time. Many members have asked if we are planning anything to mark his retirement and, although Dr Morrow doesn't want a fuss, there will be an open reception on Friday 11 October between 1pm and 3pm in the President's Office to give Tribunal members and staff the opportunity to say goodbye personally over a cup of tea.

Members have been asking if there is a collection in order to purchase a gift for Dr Morrow. I know he intends to create a small woodland next to his home, therefore a monetary contribution towards the woodland would be appreciated. I hope in time, and once established, that whenever he looks towards this area of his garden he will reflect on his years at the Tribunal and all the people he came in contact with.

If you wish to make a contribution to this retirement gift please send a cheque made out to "Fiona Queen" and post to MHTS, 2nd floor, Hamilton House, Hamilton Business Park, Hamilton, ML3 0QA, or contact me directly if you wish to make the payment via BACS. Please also send a personal message that can be clipped onto his leaving card (letter or email).

Fiona Queen
PA to the President and Member Liaison Officer

MHTS Members' Retirement Dinner

➤ **Tuesday 19th November 2019, at 7.30pm**

➤ **Doubletree by Hilton Hotel, Glasgow**

To mark the retirement of a cohort of long-serving members of the Tribunal and to mark the retirement of Dr Morrow as President of the Tribunal, a dinner will take place on Tuesday 19th November 2019, the evening before the MHTS Conference. It will take place in the same venue as the Conference, the Doubletree by Hilton Hotel, Glasgow.

Dinner will be a set 2-course dinner at a cost of £18 per person with vegetarian/vegan choices available as required. Water will be provided, but all other refreshments will require to be purchased at members' own cost.

Members wishing to attend should please contact Fiona Queen by email (fqueen@scotcourttribunals.gov.uk) advising of any specific dietary requirements.

In order to confirm numbers with the hotel, **booking and payment is required by Friday, 1 November 2019.**

For those who wish to send a cheque, please send to the Association's Treasurer, Lesley Ward (please contact Fiona Queen for address).

Should any further information be required in regard to the dinner, please contact Fiona Queen on the above email or at 01698 390033.

Kenneth Campbell QC
MHTS Members' Association

MHTS Members' Conference Wednesday 20 November 2019

The Tribunal looks forward to seeing members and sheriffs at the forthcoming members' conference being held at the Doubletree by Hilton Hotel Glasgow Central.

The planning aspect of the conference is progressing well with the majority of members now having signed up for their preferred workshop. Fiona Queen will be confirming workshops to members in early October.

Further information can be found on the members' area of the website at:

https://www.mhtscotland.gov.uk/mhts/Members_Area/Conference_2019





The independent review of
**Learning Disability
and Autism**
in the Mental Health Act



Tell us what you think of our ideas about mental health law for autistic people and people with learning disability in Scotland

September 2019 – October 2019

Contact us:

 www.irmha.scot  0131 313 8744  irmha.scot@nhs.net  [@irmha.scot](https://twitter.com/irmha.scot)

Articles

Dr Joe J. Morrow CBE QC President of the Mental Health Tribunal for Scotland

The Scottish Ministers appointed Dr Joe Morrow President of the Mental Health Tribunal for Scotland in October 2008. In October 2019 Dr Morrow retires from that office.

During those eleven years the Tribunal has made strides forward in terms of managing its budget effectively, streamlining its processes, improving its efficiency, engaging with mental health professionals and, perhaps most importantly, engaging with service users, carers and organisations representing their interests.

Those improvements have been achieved by working closely with Tribunal members and with members of the Tribunal's administration at all levels, and engaging positively with a whole series of bodies from the Scottish Government to the Mental Welfare Commission, the Royal College of Psychiatrists, the Scottish Prison Service, Police Scotland and with service users and carers, advocacy workers and mental health professionals through the Tribunal's Service Users and Carers Reference Group, RMO and MHO Reference Group and the Advocacy Worker Reference Group.

The Reference Groups, which take place in different locations around Scotland approximately three times each year, have allowed the Tribunal and its administration to meet service users, carers, groups representing their interests, advocacy workers, MHOs, RMOs and others in their own part of Scotland, hear their concerns, answer their questions and explain why the Tribunal does what it does in the way that it does. The feedback received goes on the agenda of the regular President's Office meetings, chaired by the President and attended by the Legal Secretary, an In-house Convener, the Tribunal Liaison Officer and President's Office administrative staff for detailed consideration and, where necessary, action.

Doubling up hearings, reducing the number of adjournments, providing regular programmes of high quality training for members, engaging positively with the Scottish Government to enhance its programme of legislative change in the mental health arena and to implement its programme of tribunal reform (still a work in progress) – among a host of other matters that affect, or have the potential to affect, the Tribunal and all those who appear before it – are not things that happen by themselves. They require strategic vision, clarity as to the outcome to be achieved, an eye to the present and an eye to the future, careful thought, powers of persuasion, collaborative working, constant monitoring and evaluation and changing tack where necessary to achieve the intended outcome. In short, leadership.

I trust that all of you will join with me in thanking Dr Morrow for his leadership of the Mental Health Tribunal for Scotland these eleven years and offering him our warm good wishes for the future.

**Russell Hunter
Lyon Clerk and Keeper of the Records
Former Legal Secretary to the MHTS**

Oor Joe

I first met our President shortly after his call to the Scottish Bar in the year 2000. I cannot remember the precise circumstances of our meeting and he may simply have been acting as my opponent in some matter or other. What I do remember was a total lack of pomposity, something that was very much *de rigueur* for the upwardly mobile advocate at the time. How refreshing, but how on earth was he going to get on in a place like this? Well the rest is history, as they say.

In 2005 the first training sessions began for the new members of the Mental Health Tribunal for Scotland. Having served as one of Her Majesty's Commissioners for Mental Welfare in Scotland for 8 years, it was no surprise to find Joe in our midst. We were all in uncharted waters and those members who were in at the beginning will recall the hard work involved as we strove to develop new skills. Joe already had an impressive CV in 2005 but he certainly did not wear it on his sleeve. He was down to earth and friendly. He left you with the impression that you had known him for years. I did not think about it too deeply at the time but I did eventually realise that this was a man who had people skills in bucket loads, something that would serve him well in his time at the Tribunal. Skills, I am sure, well worth emulating in pursuit of better tribunal craft.

As a convener I have always been very nosey about what my fellow conveners were up to. It seems we are all very different. I think the standard is generally high thanks to our training programme but a few are well out in front as perceived by fellow members, clerks, venue assistants, and professionals appearing at the tribunal. The evidence is very much anecdotal but I think there is more to this than simply having a well honed skill set and the ability to produce an FFR at lightning speed. The extra skill is having the ability to put everyone at their ease – fellow members, tribunal staff, professionals, patient and family. Joe was always out in front in this regard – even after he became President. I am not sure if he originally coined the phrase, but it did become his catchphrase over the years – therapeutic jurisprudence.

Joe's interests and abilities know no bounds. Sometime around October 2009 the two of us were chatting about our hens. I mentioned that I had a black Silkie chick which was turning into a handsome cockerel with a very loud voice. As I lived in the city he needed to be re-homed as a matter of urgency. The conversation that followed was a little odd. Joe informed me, with a perfectly straight face, that he had just dispatched his garden hens' cockerel as his house cow had stood on his foot and yes he would be delighted to take my Silkie as a replacement. From memory I think his stated intention for the future was to cross the Silkie with a White Sussex in order to produce a near perfect brooder – way above my pay grade I am bound to say.

Delivery of the Silkie was arranged to take place half way between Edinburgh and Joe's farm. Conveniently, Joe was preaching at All Saints Episcopal Church, Glencarse on the second Sunday in November. It was arranged that I would meet him outside immediately following the end of the service. At around 1130 am the doors of the church opened and the congregation emerged. After around 5 minutes Joe also emerged in full clerical dress. We exchanged pleasantries, I handed him the cockerel and that was that – straight out of a Thomas Hardy novel. If I had only known I would have dressed up for the part.

Joe was a great supporter of the formation of the Mental Health Tribunal Members Association and continues to be a supporter. At a training day in early 2018 I was given the opportunity to promote the association to the attendees. Joe was standing opposite me when I listed the aims and purposes of the association and included “winding up the President”. He participated in the repartee by returning a thunderous look.

Joe assumed the duties of President in November 2007 and was appointed President the following year. During his time as President, Joe has promoted the concept of advocacy for persons with mental disorder by stressing the significance and impact of advocacy on the empowerment of mental health service users – their level of choice, influence and control – in dealings with the State or local authorities over a variety of issues. In this regard he regularly engages with advocacy workers and services, for example in the Tribunal’s biannual advocacy group meetings, and addresses local advocacy groups and takes account of their stories, which he transmits back to the authorities.

Our President is more formally Dr Joseph Morrow CBE QC LLD but he has earned the affectionate soubriquet “Oor Joe” or in the west “Wur Joe” because he is so approachable. I have no doubt we are all going to miss him. That said he is a great role model for his successor to follow.

**Leonard Wallace
Legal Member**

Full findings and Reasons

The past 12 months have seen a rise in the number of MHTS decisions which have been subject to appeal. There is no obvious reason for this, but one trend we are seeing is an increase in appeals by party litigants, who appear without legal representation. Sheriffs Principal are reluctant to refuse a hearing when an unrepresented patient appeals a decision of the tribunal, meaning that such cases are likely to proceed to a hearing. Usually, there is no difficulty. In the main, the FFRs are well drafted and can be defended on their merits. However, from time to time I receive an appeal against a decision which cannot be defended. Not because the decision itself was wrong, but because the FFR is lacking in a critical component or is not drafted in a way which would convince the court that the panel discharged its statutory functions at the hearing. I will do my best, but generally there is very little I can put to the court beyond what is in that document, so the appeal will succeed or fail on the quality of the FFR every single time.

As well as the FFRs I've scrutinised when they have been appealed, casework teams have recently brought some FFRs to the attention of the President's Office. They have done this because they contained omissions or errors to the extent that they could not have been defended in court. Had they been appealed, there would have been no option but to concede the appeals. When an FFR can't be used as the basis of a response to an appeal, the Tribunal is forced to concede what is likely to be a perfectly good and correct decision, just because it is one which is not fully or adequately recorded. The result is that the patient will have another hearing of the application, before a differently constituted panel. As the decision is not generally substantively incorrect, it's likely that the new panel will reach the same conclusions. So, the patient goes through the stress (and raised expectations) and arguably unnecessary hearing of the same application.

Please be assured that the vast majority of FFRs do exactly what they are supposed to do. All conveners have the necessary skills to draft the FFRs and all medical and general members know what they should contain. If you would like support, informal training or feedback, please get in touch with the President's Office – we are here to assist you.

To that end, when you are drafting or signing off on an FFR, I would be grateful if you could have reference to the quick check list at the end of this article. It will make my job easier when I am defending decisions in court, but more importantly, it will mean that patients won't have unnecessary additional hearings.

Finally, when patients receive a full explanation for the tribunal's decision, appeals are less likely. There is no need to narrate every piece of evidence, or to draft lengthy explanations, the FFR just needs to be enough to record how you have discharged your statutory responsibilities at the hearing.

As you are aware, there are only four grounds on which an appeal can be brought, either to the Sheriff Principal, or in CORO cases, to the Court of Session. Whilst the purpose of FFRs isn't to prevent appeals, it may limit the number of appeals brought if decision makers have these grounds in mind when drafting.

Section 324(2) of the 2003 Act sets out the grounds:

- (a) that the Tribunal's decision was based on an error of law;
- (b) that there has been a procedural impropriety in the conduct of any hearing by the Tribunal on the application;
- (c) that the Tribunal has acted unreasonably in the exercise of its discretion;
- (d) that the Tribunal's decision was not supported by the facts found to be established by the Tribunal.

With these grounds of appeal in mind, here is a checklist to help ensure that the FFR does all that it is required to do:

- Have we addressed the relevant legal tests, adequately?
- Have we shown that evidence was properly considered and explained why we have preferred some evidence over others (if applicable)?
- Have we shown that we used the evidence to make clear findings in fact?
- Are these findings in fact adequately narrated?
- Does the evidence that we have accepted or preferred actually support the conclusion we have reached, and have we explained how it does this?
- Have we explained any unusual procedure or events?
- If we haven't reached a final decision and the hearing is adjourned, have we set out why, and on what basis?

Jennifer Whyte
Legal Secretary

Paul McGrillen 10 Year Anniversary Walk



Ten years ago, on 29th July 2009, I lost my husband Paul to suicide. Paul was a father, son, brother, uncle, friend and teammate just like so many other young men whom are taken by this terrible illness.

In March of this year, as a family we decided that we wanted to mark the 10 year anniversary of Paul's loss in some meaningful way. Our objectives were, firstly, to remember Paul and celebrate his life and, secondly, to raise funds and more importantly awareness of mental health issues and suicide in Scotland.

We decided to organise the **Paul McGrillen 10 Year Anniversary Walk** at Tinto Hill near Biggar, Lanarkshire to be held on 3rd August 2019.

We chose Tinto Hill as we felt that it was an attainable walk for people of all ages and fitness levels. In the months and weeks leading up to the walk, myself, my children Joshua and Chloe, my husband Stuart and all of the members of Paul's family, including his Dad, Peter, and brothers, Alan and Mark, tried to spread the word by starting Facebook, Eventbrite and Just Giving pages.

Interest built and as we went into the last week of July, we were excited that via the extended contacts of family, friends, workmates and colleagues we had created enough interest in the event to have at least 100 proposed attendees and had raised almost £2500 on the Just Giving page.

Little were we to know what was to follow.....

Early in the preparations, we had approached all of Paul's former football clubs and asked them to add a little notification about the event in their social media output. Many did just that and we are so grateful to all of them. Motherwell FC who, as a real community football club, already had various ties with mental health charities decided that they would like to do a 10-minute piece which was to be professionally created by its media team and aired on the Motherwell FC twitter account. The idea was to shoot some footage of myself, Joshua and Chloe speaking a little bit about our memories of Paul and to intersperse this with some footage of Paul's Motherwell football career.

If I'm honest, I was a little reluctant. The upcoming event had already brought some very painful and very difficult memories back into focus. Things that I had tried to put to the back of my mind were once again at the forefront of my thoughts. Joshua and Chloe both initially didn't want to appear on camera talking about their Dad. Eventually, we decided to look at the bigger picture and think about the reasons that we were doing the walk, the importance of raising awareness and what the interview might do to assist this. To their eternal credit, Joshua and Chloe found the courage to put themselves way out of their comfort zones and take part in the interview.

To cut a long story short, Motherwell FC produced an excellent, hard-hitting but uplifting interview which they put online on Monday 29th July, the 10th anniversary of Paul's death.

The response was absolutely amazing! If I ever had any doubts about the power of social media then those were dismissed immediately. Within 48 hours the video had been viewed by 750,000 people (it finally reached over 1m views). Popular Twitter users such as Gary Lineker had commented and re-tweeted the piece. Gary even made a very generous donation to the Just Giving page.

It was so emotional and uplifting for myself, Joshua, Chloe and all of Paul's family to see the hundreds of kind, positive personal messages and responses to the tweet from so many people Paul had known and even from those who only knew Paul as football supporters from all over the UK and from all football clubs. The donations to the Just Giving page soared to almost £7,500 in a matter of days.

The ongoing activity almost overwhelmed me. In the following days, I appeared with Kaye Adams on Radio Scotland and Joshua and Paul's brother Alan appeared on Rock Sport Radio.

With the publicity for the event soaring, I then started stressing about whether or not there would be enough room at Tinto Hill for everyone to get parked!!

Fittingly, the sun shone for us and despite weather forecasts to the contrary, it stayed dry. It really was a celebration. So many old friends and colleagues turned up on the day. Strangers and fans from Paul's many clubs who had never met Paul introduced themselves to me and told me some fantastic anecdotes about how Paul had made them laugh and cry in equal measure with his playing antics.

Unlike the dummy run that I undertook two weeks before the event when it took Stuart and myself just an hour to get to the summit, it took me almost two hours to walk to the top as I stopped and chatted to so many well-wishers, family and friends as I walked. I even got interviewed by the BBC's David Cowan on the way up. His poor cameraman had to carry the camera all the way to the top!

Once at the top everyone gathered and we opened a bottle (or two) of champagne and toasted the memory of Paul's life. It was a surreal and beautiful moment that myself and everyone who was there will always remember. To be atop that Hill with over 150 family and friends, each with their own personal memories of Paul and their own friends and family who had been affected by suicide and mental illness was very special.

To see so many of my colleagues from MHTS make the effort to be there on our special day was overwhelming and my thanks go out to them all.



Looking back, I think that we achieved our aims and then some.

As I write this, the total amount donated to SAMH is approaching £15,000, a massive amount! I'm sure that SAMH can put those funds to great use. With social media views, TV and radio interviews and articles I think we achieved almost 1.5m views in one form or another which I believe may have done our bit to raise awareness.

I know that we certainly remembered Paul and I know that my children, Joshua and Chloe, Paul's father, Peter, and brothers, Mark and Alan, have cherished our Walk for Paul.

I'd like to express my undying gratitude to everyone who helped in any way, big or small, who donated funds, no matter how much and who gave so much love and support to us all.

Please remember the fight against suicide and mental health issues goes on and continue to show your support to groups such as SAMH who do a great deal towards improving the lives of a lot of people in Scotland by helping to create positive change where it is needed.

Michelle McGrillen
Casework Team Leader

International Congress on Law and Mental Health 2019, Rome

As Legal Secretary, I was fortunate enough to be able to represent the Tribunal at this event along with Morag Jack, In-house Convener, in July this year. There was a huge range of material presented throughout the week, by speakers from a wide variety of disciplines, nationalities and professional backgrounds. Each day was split into four sessions, with a range of lectures, discussions and presentations to choose from in each session. The theme of therapeutic jurisprudence was prominent across the material presented throughout the week, including some of the input from MHTS, the Commission for Mental Health, and Napier University.

Other themes included ethics of treatment, and in particular of treatment without consent by the individual, including that which requires the deprivation of liberty. One session considered ethics of treatment from a different angle – the provision of an irreversible surgical treatment to address aspects of mental disorder. In contrast, in a session later in the week, a panel who described themselves as survivors of psychiatric treatment spoke about the ethical concerns of defining mental disorder and providing any treatment, with or without consent. The concept of bioethics and diversity was explored across several sessions, and I attended two lectures and a discussion on the historical development of philosophy and medical ethics in the field of mental disorder in a public law context which were profoundly thought-provoking. The speakers challenged my own perspective of care and treatment and of necessity in that context.

The theme of conflict and war was brought by speakers from geographical areas where recent conflict has resulted in particular needs and pressures on mainstream psychiatric service provision for both military and civilian populations. Other sessions looked at a further aspect of conflict, considering the aspects of terrorism and extreme political views which may be related to mental disorder. This included the treatment of 'enemy aliens' both historically and in the context of terrorism and its impact on mental health in the western world.

Improvement was a significant theme throughout many of the sessions delivered. Improvement of diagnosis and identification of mental disorders was discussed, including presentations on developments in cognitive neuroscience and better, more definitive diagnostic tools in some areas. This, alongside discussion and presentation on improvements to treatment, care approaches and of course mental health jurisprudence, gave a sense of transition: to a better understanding of mental disorders and to changes in approaches to treatment. Developments in jurisdictions around the world are progressing at different paces, but many countries appear to be in a period of transition, with a shifting consensus on the appropriate balance between the rights and freedoms of the individual, and the need for forms of compulsory care and treatment of those with mental disorders.

Jennifer Whyte
Legal Secretary

Useful Information

Legal Update

❖ The 2003 Act and amendments

Members can access the *Mental Health (Care and Treatment) (Scotland) Act 2003* and links to amending legislation (including the *Mental Health (Scotland) Act 2015*) on the Tribunal's website under "**Legislation and Caselaw**".

The "[Latest available \(Revised\)](#)" version of the 2003 Act which is published on the www.legislation.gov.uk website now incorporates all changes to the 2003 Act to date. Any section of the 2003 Act containing future outstanding changes which still have to be incorporated will be highlighted in red with a reference to the relevant legislation effecting the change. The original version of the Act as enacted can also be viewed on the UK legislation website by clicking on "[Original \(As enacted\)](#)".

❖ The Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005

Westlaw has kindly given its permission for the MHTS to share the following consolidated version of the Tribunal's Rules with members:

[SSI 2005/519](#) Law in force as at 20 March 2019 (Westlaw)

Members may download and print a copy **for internal use only** (not for circulation).

❖ Statutory Instruments

Over 90 statutory instruments have been made since the 2003 Act was passed. A comprehensive list of all statutory instruments affecting our jurisdiction can be found on the Tribunal's website under "[Legislation and Caselaw](#)" – listed chronologically, alphabetically and by subject matter.

Members may wish to note that Tribunal Clerks have been issued with electronic copies of all statutory instruments, for ease of access by members to this secondary legislation at venues which have no internet connection.



President's Practice Guidance

All practice directions and guidance which have been issued by the President to Tribunal Members and to the Administration are available in the Judicial Members' area of the Tribunal's website at:

https://www.mhtscotland.gov.uk/mhts/Members_Area/President_s_Guidance_and_Directions

Informative publications

- ❖ Scottish Government: Scotland's Wellbeing – Measuring the National Outcomes for Disabled People, published July 2019

<https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/07/scotlands-wellbeing-measuring-national-outcomes-disabled-people/documents/scotlands-wellbeing-measuring-national-outcomes-disabled-people/scotlands-wellbeing-measuring-national-outcomes-disabled-people/govscot%3Adocument/scotlands-wellbeing-measuring-national-outcomes-disabled-people.pdf>

- ❖ Consultation paper: Incorporating the UN Convention on the Rights of the Child into Scots Law

<https://www.gov.scot/publications/childrens-rights-consultation-incorporating-uncrc-rights-child-domestic-law-scotland/>

- ❖ Children and Young People's Mental Health Task Force: Recommendations to Scottish Government and COSLA, published 4 July 2019

<https://www.gov.scot/publications/children-young-peoples-mental-health-task-force-recommendations/pages/1/>

- ❖ Stage 1 Report of the Independent Review of Learning Disability and Autism in the 2003 Act – May 2019

<https://www.irmha.scot/wp-content/uploads/2019/05/independent-review-stage-1-report.pdf>

Mental Welfare Commission Publications

- ❖ Person centred care plans – Good practice guide, published 20 August 2019

https://www.mwscot.org.uk/sites/default/files/2019-08/PersonCentredCarePlans_GoodPracticeGuide_August2019.pdf

The Newsletter is also available on the Tribunal's website under "[News](#)" in the public area and within the Judicial Members' area.

The online version has useful hyperlinks.

www.mhtscotland.gov.uk

Newsletter Contributions

The Tribunal welcomes contributions to the Newsletter from all members.

Members who wish to contribute to the Newsletter should contact Yvonne Bastian at MHTSPresidentsOffice@scotcourtribunals.gov.uk

Contributions must be typed in Arial, font size 12, with justified margins, and with necessary references set out as footnotes.

The following timescales will apply for contributions*:

April edition: contributions by the end of February

August edition: contributions by the end of June

December edition: contributions by the end of October

***Contributions may require to be edited**

Useful Contacts

Scheduling Team

(including re-setting Webroster and Website passwords)

schedulingmhts@scotcourttribunals.gov.uk

❖ Telephone: 01698 390073

e-Expenses Helpdesk

webrosterexpenses@scotcourttribunals.gov.uk

❖ Telephone: 01698 390090

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