

The Mental Health Tribunal for Scotland



Report about People's Experiences



Easy Read



What is the Mental Health Tribunal for Scotland?



The Mental Health Tribunal for Scotland was set up in 2005.

A mental health tribunal is a team of people who meet to decide when someone has to get help with their mental health.



It was set up to look after the **human rights** of people who are being told that they:

- have to stay in hospital
- have treatment

because of their mental health.



Human rights are the basic rights and freedoms that belong to everyone in the world.

Why this project is important



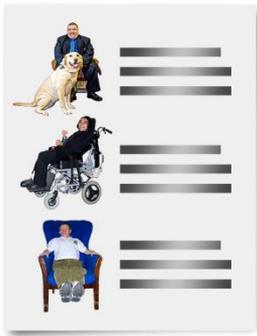
Lots of countries are worried about how well mental health tribunals look after patients human rights.



It is a good time now to hear about people’s experiences of the Mental Health Tribunal for Scotland.



This project’s 3 aims were:



1. To find out about the different work that the Mental Health Tribunal for Scotland does.

2. To ask:

- people who have been to the Mental Health Tribunal for Scotland
- people who work for the Mental Health Tribunal for Scotland



about:

- their experiences
- what they think



3. To find out how well the Mental Health Tribunal for Scotland looks after human rights.

How we found out the information we needed



We looked at the Mental Health Tribunal for Scotland data.

We spoke to 1 hundred and 10 people.

They were:



- Mental Health Tribunal for Scotland panel members
- Health and Social Care staff
- solicitors
- medical bosses
- mental health officers
- patients
- named persons



We looked at paperwork from different areas around Scotland.

What we found out



We found out that the Mental Health Tribunal for Scotland panel members work very hard to give patients their human rights.



But we also found out that people didn't think that the human rights standards shared by lots of countries are always happening in Scotland when they should.



Sometimes there wasn't enough support for groups like:

- people with hearing loss
- people with other disabilities
- people who don't speak English well
- people who find it hard to communicate



Some panel members did not have a good understanding of:

- black and Asian patients
- patients from ethnic minority groups
- different religious practices
- genders



There are international human rights rules about:

- how patients choices should be respected
- how mental health patients should not be forced to do things if at all possible
- how mental health patients should not have parts of their bodies – like their arms – held still, if at all possible
- how a local area must give services if someone has to have treatment



These international human rights rules were seen to be important.

But there were things that stopped them happening.



Some patients said medicines and hospital stays did not help them.



Staff often said that there was not enough money for community mental health care and treatment.



Patients took part in **hearings**.

A **hearing** is a special meeting to decide what happens next for someone who is getting mental health treatment.

But there were problems at some hearings with:



- patients not really being a full part of their hearing
- hearings being too formal
- hearings using too many long and difficult words
- hearings being upsetting for patients and their families



Mental Health Tribunal for Scotland's panel members said that sometimes essential treatments and services were very hard to make happen.

This was often because there was not enough money, staff or equipment.



Patients and **named persons** had both good and bad things to say about **independent advocacy**.



A **named person** is someone who is usually chosen by the patient to give them support.



An **independent advocate** is someone who speaks up and tells other people and services what the patient wants and needs.



Most people agreed that there wasn't enough money or people to make sure that there are enough independent advocates.



Some patients said that the Mental Health Tribunal for Scotland's work was not done fairly.

Lots of patients and some named persons said that medical staff - like doctors and consultants - had too much power.



Things that the Mental Health Tribunal for Scotland should do



1. Make sure the choices of patients are listened to more.



2. Make things fairer for patients who feel that medical staff have too much power.



3. See what stops patients taking part in their hearings and make it easier for this to happen.



4. Make sure that named persons get the chance to use independent advocacy and support.

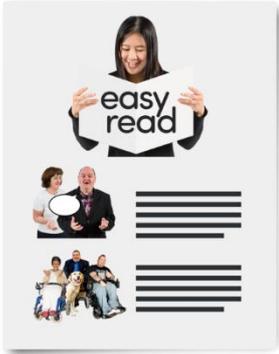
This will help them understand what happens at the tribunal.



5. Make sure that named persons get a chance to talk or have their writing shared at hearings.



6. Make sure that what patients and their named person says is carefully written down in reports.



7. Make sure that patients and their named person can get all the information about their hearing, and about what happens next.



8. Make sure that care plans and services are looked at carefully so that local areas can take part.



9. Make sure that the rights of people who have **protected characteristics** are a part of the Mental Health Tribunal for Scotland's work.



A characteristic is how you see yourself or a group that you feel part of.

A **protected characteristic** is one that is covered by the Equality Act.



The 9 protected characteristics are:

- age
- disability
- gender reassignment – this means you do not identify as the gender on your birth certificate
- marriage and partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation – what kinds of people you have romantic feelings about



10. Give panel members training to help make sure that these people take more part in the plans:

- patients
- their families
- their named person

Other things that should be done



11. Make sure that disabled people's rights are better put into law.



12. Make NHS Boards and local councils give the services that the Mental Health Tribunal for Scotland tells them to give.



13. Make a clear way that other things can be written down and shared.



14. Look at how well patients and named persons can take part.



15. Look at how easily named persons can get supported by lawyers



16. Look at how well patients are supported if they have a law specialist – called a curator ad litem.



17. Make clinical teams look at other ways to treat a patient as well as forced care and treatment.

Things that the Scottish Government should do



18. Make sure that communities have enough money and staff so that community services can help patients with their mental health.

19. Make easy-to-get information about:

- the Mental Health Act
- the Mental Health Tribunal for Scotland's ways of working

for:

- patients
- named persons
- families



20. Give more money to get more independent advocacy.



21. Look at how the Mental Health Tribunal for Scotland's ways of working seem to:

- young people
- children
- people with dementia

22. Work with the Law Society to train solicitors about:

- working with people who have mental health conditions
- care and treatment in hospital
- care and treatment in communities
- human rights
- disabled people's rights



This is the end of the report.