CONSULTATION QUESTIONS

The Following specific consultation questions are asked:

1. Do you agree with the general policy direction set by the Bill?
2. Do you have any comments on specific proposals regarding amendments to the Mental Health (Care and Treatment) Scotland Act 2003 as set out in Part 1 of the Bill?
3. Do you have any comments on the provisions in Part 2 of the Bill on criminal cases?
4. Do you have any comments to make on Part 3 of the Bill and the introduction of a victim notification scheme for mentally disordered offenders?
5. Is there anything from the McManus Report that’s not been addressed in the Bill and that you consider merits inclusion in primary legislation? If so, please set out why.
6. Do you have any other comment to make about the Bill not already covered in your answers to the questions above?

POLICE SCOTLAND RESPONSE

1. Police Scotland notes and has no objection to the general policy direction set by the Bill.
2. Police Scotland notes the changes in Part One of the Bill. With reference to the limit of 200 days per annum introduced for home or community leave, I should be grateful if you would clarify that such leave will also be subject to the victim notification provision introduced in Part 3.
3. Police Scotland notes and has no objection to provisions in part 2 of the Bill.
4. Police Scotland supports the introduction of a Notification Scheme for victims of mentally disorder offenders similar to the arrangements in the Criminal Justice Act 2003, bringing the rights of victims of mentally disordered offenders into line with the victims of other offenders. At this stage, I do not see a direct role for Police Scotland in managing and conducting the notifications and would anticipate that the State Hospital, Scottish Prison Service and Scottish Court Service would manage such notifications in line with existing practice.
5. Notwithstanding the foregoing, we are aware that the Scottish Government is to lead a short life working group to consider arrangements for the introduction of the Notification Scheme. We anticipate that Police Scotland will be involved in the Multi Agency Public Protection Arrangements (MAPPA) for certain mentally disordered offenders for whom MAPPA arrangements will apply, and would like to be assured that the police service will receive appropriate
notifications of release, including on temporary home or community leave, using agreed protocols.

6. The review seeks to strengthen safeguards for individuals undergoing continuing Mental Health treatments and does not affect the emergency powers utilised by the police.

Police Scotland
August 2014