Patricia Whalley (Individual)

Mental Health (Scotland) Bill

Firstly, it is an excellent Report and addresses most of the concerns raised since 2005.

Two main points for consideration:-
Advanced Statements: It would be helpful if there were two sections on the one form.
Perhaps, A) Dealing with Treatment
B) Named Person.

This is important when the Advance Statement is overridden for Treatment purposes but allows for Second Opinion/ Tribunal Members to understand the Patients genuine wishes when well re a Named Person. The default position being family member, friend etc is totally unacceptable and could disrupt roles, relationships and boundaries. Perhaps some patients don't consider they need or wish a "Carer" especially given the episodic nature of Mental Disorder.

I agree with the default position being legal/advocacy.
Secondly, mainly with the Implementation of CTOs. In some cases these are reinstated year after year with Tribunals every two years. I agree with a "Paper Renewal/Extension", the Patient being offered the Right of Appeal with a Tribunal but after a number of Tribunals it can be the case that the desire to get on with life out ways the wish to attend yet another Tribunal.
The Mental Welfare Commission/or Second opinion could supervise this procedure to protect vulnerable groups.

Patricia Whalley
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