Justice Committee
Tribunals (Scotland) Bill

Written submission from the Scottish Independent Advocacy Alliance

1. The Scottish Independent Advocacy Alliance (SIAA) is Scotland’s national membership body for advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland. It aims to ensure that independent advocacy is available to any person who needs it in Scotland. SIAA membership is drawn from advocacy organisations across Scotland.

2. Since the establishment of the Mental Health Tribunals for Scotland many people, who formerly had to attend the Sheriff Court for decisions on detention and treatment for mental disorder, now have their situation reviewed by a Mental Health Tribunal. The majority of SIAA member independent advocacy organisations have supported many individuals in Mental Health Tribunal settings and report on the consistently compassionate, caring and professional approach of Panel members. Many organisations report that this has made a substantial and positive change to the lives of individuals when facing loss of their liberty or compulsory treatment.

3. Member organisations supporting individuals in other Tribunal settings, e.g. Child Protection, have reported more mixed experiences.

4. The SIAA welcomes the Bill’s proposals which aim to provide consistency in practice and procedure. We believe that all Tribunals should aim to offer an approach similar to that of the MHTS in their work.

5. We believe that one contributory factor to this approach is the level of specialist knowledge and expertise within MHTS. We therefore feel it vital that the Tribunal is placed within a single Mental Health Chamber in the First-tier Tribunal with similar separation of Chambers across the different specialisms.

6. The MHTS plays a vital role in ensuring that an individual’s rights to liberty, freedom from inhuman or degrading treatment and autonomy are protected. This role could be compromised if the Tribunal’s current expertise and functions were to become diluted through the process of being placed in a multi jurisdiction chamber now - or in the future.

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Director
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