

Katie Hagmann
Convenor
Equalities, Human Rights and Civil Justice Committee
Scottish Parliament

Via EHRCJ.committee@parliament.scot

Date: 30 September 2026
Our reference: SHRC202667

Dear Ms Hagmann,

Restrictive practices in Scottish adult mental healthcare - gaps in human rights protection

The Scottish Human Rights Commission (SHRC) has identified restrictive practices in adult mental healthcare as a priority area of focus.

We have published today a briefing paper '[Restrictive practices in Scottish adult mental healthcare - gaps in human rights protection](#)' outlining our initial review of commitments, actions and outcomes relating to restrictive practices and our resulting concerns. Despite the actions currently underway, the SHRC is concerned that protections for the human rights of people in Scotland's mental healthcare settings are insufficient. We are concerned that they do not adequately protect people from inhuman and degrading treatment and, in some cases, threats to life. Further, we are not satisfied that there is sufficient data nor safeguarding infrastructure to assure us that this is not the case.

In this paper the SHRC makes the following recommendations that the Scottish Government must:

- Identify the true scope and scale of the use of restrictive practices, for example, by carrying out an investigation.

- Ensure legislation provides specific safeguards for restrictive practices including restraint and seclusion, including timeframes for mandatory review and independent review processes.
- Ensure that the Mental Welfare Commission has robust, adequately funded enforcement powers.

I trust that these recommendations will be of interest to the Committee and I look forward to discussing these matters further in the course of this Parliamentary session.

Yours sincerely,

Professor Angela O'Hagan
Chair

Enc: Briefing Paper: Restrictive practices in Scottish adult mental healthcare - gaps in human rights protection