

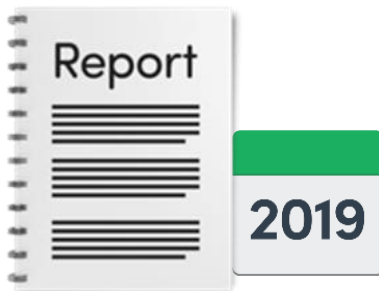
# **Scottish Government Response to the Scottish Mental Health Law Review**

**Easy Read Version**

**July 2023**

# Scottish Government Response to the Scottish Mental Health Law Review

## Easy Read Version



In 2019, the Scottish Government asked for a Review to look at 3 pieces of law to see if the Scottish Government could make them better.



These laws were:

1. Mental Health (Care and Treatment) (Scotland) Act 2003
2. Adults with Incapacity (Scotland) Act 2000
3. Adults Support and Protection (Scotland) Act 2007.



This was called the Scottish Mental Health Law Review.



The Review was led by Lord Scott KC.



The Review gave over 200 recommendations to Scottish Government about how to make things better.



The Scottish Government needs to think about these recommendations.

## What did the Review say?



Mental Health and **Incapacity** law should be updated.

**Incapacity** – when a person is not able to make decisions about their care, or their money.



So when people need help their **human rights** are respected and protected.



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



People should get the help and support they need to live a good life.



People should be given support to help them make decisions to live independently.



There will still be times when a law is needed to help a person even when that person does not want help.



This will only happen as a last resort.



Examples of these times might be

- treating a person in a hospital to help them get better
- to keep someone safe
- to keep other people safe.



The Scottish Government agree with this.

# What have people told us about the Review?



The Scottish Government have been speaking to people about what they think of the Review.



The Scottish Government wanted to hear what people thought about the recommendations.



Most people liked the recommendations about changing the law so that people's human rights are better respected and protected.



People wanted more money for support in the community to live independently and make decisions for themselves.



People agreed that people working in mental health services should listen more to unpaid carers and families about how to support people.



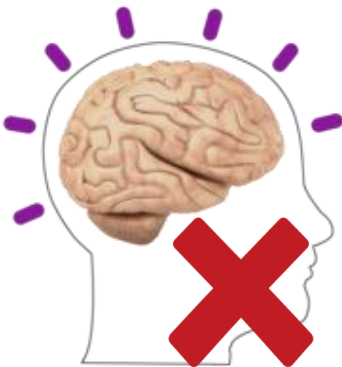
People wanted to see the Adults with Incapacity law change to make it better for people with Dementia and the people that care for and support people with Dementia.



There were some things people did not like.



People with learning disabilities, autistic people and people with other neurodivergent conditions said that mental health law should not apply to them.



This is because these conditions are not defined as a mental illness.



Some people were disappointed the Review recommended that people could still be treated without their consent or made to stay somewhere that they did not want to stay under mental health law.



They do not think this should happen.



The Scottish Government needs to do some more work about what should happen next.

What will the Scottish Government do next?



There will be a new programme of work.





This work will be called the Mental Health and Capacity Reform programme.



This work is to make our laws better so that human rights are respected and protected for people in Scotland.



The Scottish Government want to have enough support in Scotland's mental health system so that all people can live a good life.

What will the Scottish Government do first?

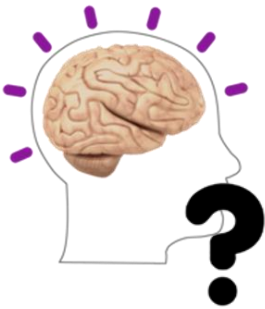


The Scottish Government want to make changes to Adults with Incapacity law.

The changes will make sure that people have their wishes and feelings respected.



The Scottish Government want to make the Mental Health Act better.



The Scottish Government will look at the definition of mental disorder and how this can be changed.



The Scottish Government will look at how this fits with the plans for:

- a new human rights law
- a new law for people with learning disability, autistic people and people with neurodivergent conditions.



The Scottish Government want to make sure that people get the support that they ask for when they need it.



The Scottish Government want to give people support to make decisions about their own lives.



This includes better support in the community.



The Scottish Government will look at how people can challenge decisions about their care or treatment if they do not agree with it.



This includes when people need help to get better, keep themselves safe or keep others safe.

Even when people do not want that help.



The Scottish Government will help to support and train people working in mental health services so that they can understand human rights better.



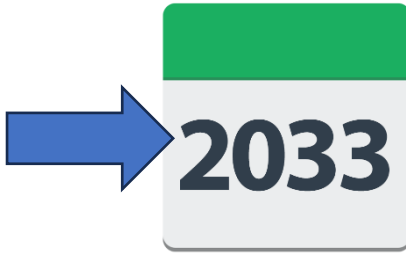
The Scottish Government will support unpaid carers and help them understand their rights.



The Scottish Government will look at what should happen when people are not getting the support they need, when they need it and how to improve this.



Some changes will be made in the next 3 years.



Some changes will take between 3 to 5 years.

Some changes will take 10 years to be made.

What happens next?



The Scottish Government will start to work now to deliver some of these changes.



The Scottish Government will plan how to make the new Mental Health and Capacity Reform Programme happen.



The Scottish Government will work with other people to do this including people with lived experience.



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