

RCPsych in Scotland

STAGE 2 BRIEFING FOR MEMBERS OF THE JUSTICE COMMITTEE ON INQUIRY INTO FATAL ACCIDENTS AND SUDDEN DEATHS etc (SCOTLAND) BILL

The Royal College of Psychiatrists is the statutory body responsible for the supervision of the training and accreditation of psychiatrists in the UK and for providing guidelines and advice regarding the treatment, care and prevention of mental and behavioural disorders. Among its principal aims are to improve the outcomes for those with mental illness and to improve the mental health of individuals, families and communities

In response to the Lord Cullen review of 2009 the RCPsych in Scotland expressed strong views that the recommendation involving mandatory FAIs for all persons who die whilst subject to Compulsory Detention by a Public Authority should not be accepted. This would of course have covered all patients detained under the Mental Health (Care & Treatment) (Scotland) Act 2003, the Adults with Incapacity Legislation, Children's Act and the Criminal Procedures Act who are cared for by our members and the services they work in. We believed that this would have been a backward step and would have done nothing to address the stigma and discrimination that people with mental health problems have to deal with. In addition the numbers of patients who would fall under the category would have imposed large numbers of elaborate, expensive and drawn-out judicial procedures on families, clinicians and services with no discernible benefit to justify it.

We were therefore very pleased that that this Bill did not include extending the categories of those who should be subject to a mandatory FAI to all those detained under mental health legislation and also those patients who are voluntary and being cared for by mental health services. It is our view that it is stigmatising to suggest mental health care and treatment should be subject to special scrutiny in relation to patient deaths, bearing in mind the commonality of mental health problems and physical illness prevalence. We would oppose any amendment seeking to change this at Stage 2 and we urge the Committee to reject any such amendments.

We believe the rest of the content in the Bill is reasonable and we have no further comments to make at this time.

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