



## About the review and Taking part in the review

for autistic people, people with learning disability  
and for parents and other unpaid carers

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### A. What the review is

A review is when people look at the law to see if it needs to change. This review is about a law called the Mental Health (Care and Treatment) (Scotland) Act 2003. We will call this the **Mental Health Act**.

This review is looking at whether this law needs to change for autistic people or people with learning disability. We are finding out whether the law promotes and protects people's human rights. If we find that the law needs to change to promote and protect human rights, then we will work through how the law needs to change. At the end of the review, we will make recommendations to the Minister for Mental Health in the Scottish Government.

This review is independent. This means that no organisation can decide how the review should happen or what the review should recommend.

We expect that the review will finish in December 2019.



The independent review of  
**Learning Disability  
and Autism**  
in the Mental Health Act

## **B. Why the review is important**

**It's about the law. It will affect people's lives. It's about people's human rights.**

This is a review of the law. What happens in this review could lead to changes in what the law says about how people can be given care and treatment.

This review will affect the lives of autistic people and people with learning disability across Scotland. It is looking at people's human rights and how people's rights can be promoted and protected.

It is very important that people with learning disability and autistic people are part of this review. We need to know about people's experiences so that we can decide what we think should happen.

## **C. What the Mental Health Act says**

The Mental Health Act is about care and treatment for people who have a mental disorder. Mental disorder can mean mental illness. An example of a mental illness is depression. In the Mental Health Act, mental disorder can also mean learning disability or autism.

Sometimes when a person is not well or is very distressed they cannot think very clearly. This can mean that it is very difficult for them to make decisions or look after themselves. Sometimes a person does not want to take medicine or other treatment that professionals think will make them better.

The Mental Health Act says that professionals can sometimes make a person with mental disorder take medicine or other treatment that should help the person. It also says that a person can sometimes be made to stay in hospital if professionals think they need it. The person should only be made to stay in hospital until they are well enough to go home.

If a person with a mental disorder does not agree with the professionals, they can go to a Mental Health Tribunal. This is a group of three experts who listen to the person, to the doctor and to other people. Then the Tribunal decides whether the person should be made to have care and treatment.

The Mental Health Act says that a person must be respected and listened to when they are not well. Also, a person must be able to get support from an independent advocate. This is someone who helps people to say what they want to say.

The Mental Health Act means that some people with a mental disorder who commit crimes will go to hospital for treatment instead of prison.



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## **D. Human rights and the review**

This review is finding out how well the Mental Health Act promotes and protects people's human rights.

Human rights are the rights and freedoms that belong to every person in the world, from birth until death. Everyone has rights, no matter where you are from, what you believe or how you live your life. A right is something you are allowed to do, or something that the government must do for you.

Human rights can never be taken away. They can sometimes be limited – for example if a person breaks the law. Most rights have limits. This is to protect the rights of other people. Your rights are important. But so are everyone else's. We all have to accept limits on our rights to make sure other people are treated fairly.

We are looking at human rights that are about:

- Achieving your best level of health
- Making your own decisions, and being free and safe
- Not being abused
- Standards of living
- Independent living and being part of the community
- Dignity
- Equality and non-discrimination
- Accessibility
- Implementation and monitoring of human rights

## **E. What this review will do**

There are three parts to the review (three stages).

**Stage 1** is about finding out what people's experiences are of the Mental Health Act and how the Mental Health Act affects people's human rights.

**Stage 2** is about thinking of ideas of how to make the law better – if that is needed - so that it is better at supporting people's human rights.

**Stage 3** is about telling everyone about what we found out and asking what people what they think about that.

After this we will write a report for Scottish Government about what we have found. The report will have recommendations for Scottish Government.



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## **F. Who is involved in the review**

**The Chair** of the Review is Andrew Rome. Andrew is independent. He will report to the Government at the end of the review.

**The Executive** is the group that makes all decisions about how the review will run and what the recommendations will be. The Executive is the Chair, Secretary and Project Manager.

**The Secretary** is Simon Webster. Simon is in charge of carrying out the review.

**The Project Manager** is Catherine Evans. Catherine helps Simon to carry out the review. She is in charge of communicating about the review and engaging with people who have lived experience.

**The Advisory Groups** give advice to the Executive about how to run the review. The Advisory Groups have advisors who are professionals, people with learning disability, autistic people or carers.

## **G. Who can take part in the review**

The first thing we want to do is to hear about people's experiences of the Mental Health Act. We are doing this until the end of November this year (2018)

The people who can take part **now** are people who have experience of the Mental Health Act. If you have experience of the Mental Health Act, this means that you have been kept in hospital or given medicines or other treatment for mental ill health, and you have been given this even if you didn't agree with it.

We want to hear from people with learning disability and autistic people who have experience of the Mental Health Act

We want to hear from unpaid carers or family members about their experiences of the Mental Health Act. We also want to hear from professionals who have experience of using the Mental Health Act. Later on in the review we will ask other people about their views.

At this time we only want to speak to people who have experience of the Mental Health Act.



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## H. How you can take part

You can tell us about your experiences of the Mental Health Act. You can tell us about your human rights. You may be able to take part in different ways.

- meet with us in person
- in person, we can use Talking Mats if you want to
- speak to us on the phone
- communicate with us by email
- complete an online survey

If you want to use a different way to communicate with us please tell us. **We want to do everything we can to make it easy for you to take part. If you want to take part but something is stopping you, please tell us.**

## I. Other things you might want to know before you take part

Everything you tell us will be confidential. This means we will not tell anyone what you say to us. We will not use your name or any other thing that can be linked to you. The only exception would be if we thought that you or someone else were at risk of serious harm. We are independent from every organisation. We do not work for the health service, social work or the government.

We will ask you how you want to take part and what would help you to take part and feel comfortable. You can ask someone can be with you when you take part. For example you might want to meet us with:

- your advocacy worker
- your Speech and Language Therapist
- a family member or friend

If you are in hospital we will meet you there. We will find a private space to talk to you. If you are not in hospital and you want to meet us, we will meet you somewhere you feel comfortable. We cannot come to your house but we can meet you anywhere else. If we cannot meet you, you might choose to do our survey with support from someone you know.

If you are a carer we may offer to visit you if the person you care for cannot tell us about their own experiences, or to speak by phone. If the person you care for can take part themselves, we may be able to offer to speak to you on the phone. This is because we have limited time for the review. There are online surveys for carers about the experiences of people who can't communicate their own experience; and about carers' own experiences of working with the Mental Health Act.



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0131 313 8744

For more information you can visit our website at

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