

K Floor,
Argyle House
3 Lady Lawson Street
Edinburgh
EH3 9SH

Tel:0131-222 6111
Fax:0131-222 6112

enquiries@mwscot.org.uk

www.mwscot.org.uk

Our Annual Report 2005

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1. Welcome

This is a report about the work we have done this year.

You can get more information by asking us for our full report or by looking at our website www.mwcscot.org.uk

Who we are and what we do

The Mental Welfare Commission makes sure that people with learning disabilities and people with mental health problems are properly treated.

The Commission is independent. Some people who work for the Commission have used mental health and learning disability services. Some are carers.

2. Visiting people

One of the best ways to check that people are getting the care and treatment they need is to meet them and ask them what they think.



The Commission visits people
in their own homes or care homes
in day centres or in hospital
in the State Hospital (Carstairs)
in prisons and young offenders institutes

This year they visited over 2000 people.

As a result of our visits we made over 400 recommendations to people who manage services this year.



What the Commission found

Visitors from the Commission saw some very scruffy old buildings that people should not have to live in.

They found that some people do not have enough to do.

They found young people in the same hospital wards as adults.

They found that some people are stuck in hospital because they cannot get the help they need in the community.

They found people with learning disabilities who are in hospitals that are meant to be closing. There is not enough money to help the people move, but there is not enough money to run the hospitals properly, either.

They found that some people were being supported well in the community.

What the Commission thinks

When the Commission thinks things should change they tell people. They tell managers, they tell councils and they tell the NHS.

This year the Commission were so unhappy about the way things are for young people that they told the Scottish Executive

3. Checking care and treatment

The law says your treatment must be safe and legal when you get care or treatment for a mental illness or a learning disability



There are rules about how you can be given care and treatment for a mental illness or a learning disability.

The Mental Welfare Commission makes sure that everyone follows the rules. They do this when they visit people.

Detention under the Mental Health Act

Detention under the Mental Health Act means that you are sent to hospital or kept in hospital even when you do not want to be there. It is the Commission's job to check on people who are under detention.

What the Commission found this year

The Commission looked at 442 cases where people were detained under the Mental Health Act. They found that this was right for most people. They found it was wrong for 6 people. From October 2005 the new Mental Health Tribunal will look at these cases.

What we think

In the past 5 years more people with learning disabilities have been detained under the Mental Health Act. More people with learning disabilities are detained under the Mental Health Act in some parts of Scotland than others. The Commission does not understand why this happens. They think that health boards and social work departments should look into this.

From the Mental Welfare Commission's case book

The story of Ms D

Ms D has a learning disability. In 2002 the Commission found out that Ms D had been assaulted and raped by someone in her family. Her family also took money from her.

Ms D came from a family with a lot of problems. The Commission looked back at all the Social Work Department's files about Ms D and her family.

What the Commission found

In spite of the fact that social workers knew that Ms D and her family needed help, her case was closed in 1998, when she was 17. In 1999 and again in 2000 people who knew Ms D said they were worried about her, but social work did not do enough to protect her. Eventually people at the college that Ms D went to said they were worried about her. Social Work moved Ms D to a safe place.

Next steps

People at the Commission were worried because the things that had happened to Ms D had also happened to other people. They wanted to try to make sure that it did not happen again. They gave the local council some suggestions about how to do this.

The Commission will be watching to see whether the Council changes things for people with learning disabilities.

Suicides, accidents and incidents

It is the Commission's job to investigate when someone with a mental illness has a serious accident while they are being cared for. The Commission also investigates some cases when someone with a mental illness dies. The Commission thinks that relatives and carers should be involved in investigations. They also think people should be clear about why they are doing an investigation.

Sometimes health or social work services do not investigate cases because a long time has passed since the person was using a service. The Commission think they should still be able to investigate.

Carers and confidentiality

There is a new law for people with a mental illness or learning disability called the Mental Health (Care & Treatment) (Scotland) Act 2003. It says that friends or family should get help to look after you. This might mean giving your carers information about you.

The Commission thinks you should be able to have a say about what your doctor, nurse or social worker can tell your carers. They also think that doctors, nurses and social workers should listen to your carers and help them.

4. Information, guidance and advice

Information and advice from the Mental Welfare Commission is

- Independent – they are not part of any other organisation
- Confidential - they won't tell anyone what you talk to us about unless you say they can
- Free – you do not pay for any of their services

Enquiries

This year the Commission answered more than 3,300 telephone enquiries.

Better information and communication

The Commission's new Communication Manager started in September 2004. Her main job has been to make sure that people get good information about the new Mental Health Act. This includes

- new leaflets
- Mental Health Act Topic Guides
- a new website
- a video for people with a learning disability
- sponsoring the Mental Health Today Conference

They have had help to do this from service users and carers. They have had advice from the Scottish Association for Mental Health (SAMH), Highland Users Group (HUG), Scottish Consortium for Learning Disability, People First Scotland, Lanarkshire Links, NSF Scotland and Augment. They hope to do more work with these groups in the future.

Information about the Adults with Incapacity Act

The Adults with Incapacity Act is a law to help people who cannot make decisions for themselves.

This year the Commission has brought out new information about how to use the Act.

Easy read leaflets

The Commission has produced leaflets about what they do that are easy to read.

They are

- Who we are and what we do
- Monitoring your care and treatment
- Visiting people
- Welfare guardians



All of the Commission's publications can be found on their website www.mwcscot.org.uk

5. Protecting your rights

The Scottish Parliament has made a new law, the Mental Health (Care and Treatment) (Scotland) Act 2003.

The new law affects people with learning disabilities and people with mental health problems.



The Mental Welfare Commission will try to make sure that you have information about the new law.

When the Commission meets doctors and service managers they will check on how they are using the new law.

The Commission will stay in touch with organisations that can help to protect your rights.

The Mental Welfare Commission has to check that the new law works for people with a mental illness or learning disability.

There are five things that they will be checking this year, they are

- Care plans
- Compulsory treatment in the community
- Advance statements
- Emergency certificates
- Young people's care and treatment

How to contact us

Mental Welfare
Commission for Scotland
Floor K
Argyle House
3 Lady Lawson Street
Edinburgh
EH3 9SH

Service user and carer freephone 0800 389 6809

Office
0131 222 6111

Web
www.mwcscot.org.uk