# Deaths in Detention Reviews

Following a wider government review[[1]](#footnote-1), the Scottish Ministers asked us to

*…develop a system for investigating* ***all deaths of patients*** *who, at the time of death, were* ***subject to an order*** *under either the Mental Health (Care and Treatment) (Scotland) Act 2003 or part VI of the Criminal Procedure (Scotland) Act 1995 (whether* ***in hospital or in the community****, including those who had their detention suspended).*

### Listening to the personal experience of families and friends

A vital part of the project will be listening to the personal experience of families and friends.

If someone you know has died in recent years who was detained under the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedures (Scotland) Act 1995 at the time of death we would really like to hear about **your experience with NHS or other public bodies following their death.**

You can participate and share your views in a range of ways. We can speak with you on the phone or meet one-to-one (COVID safety guidelines permitting). If you are interested in this opportunity to help us towards developing a system for reviews of deaths in detention then please complete the contact form and indicate how you might like to be involved.

At any meeting you are welcome to have someone with you to support you if you wish (e.g. a family member or friend).

We would like to encourage people from a variety of geographical areas and diverse cultural backgrounds to be in contact with us.

# Background

When legislative changes were being made through the Mental Health Act 2015, concerns were raised with Ministers that there was not a consistent approach across Scotland to decisions or procedures on whether to review, and how to review, deaths of people who were being detained for care and treatment under these Acts.

While these decisions will always be taken on an individual basis, depending on the circumstances of a person’s death, Ministers wish all Scottish authorities to work to the same system.

### The current system

We will focus on how the process works now, current systems and practices, and the experience of families and carers. We will clarify how information on **all** deaths of people who have been detained for the care and treatment of their mental health are currently being recorded and reported. We will examine data from the last five years about all such deaths in detention. We will work closely with Healthcare Improvement Scotland, the Scottish Government’s section 37 review group and the National Suicide Prevention Leadership Group. We will hear from a range of organisations, including Health Boards, the Crown Office and the Procurator Fiscal Service (COPFS).

### Working towards a new system

We aim to share draft proposals for the new system by spring 2021. We will discuss the draft proposals with professional organisations and families and carers.

### Proposals to Scottish Government

#### May 2021 – June 2021

We aim to produce a proposed revised system, and deliver a business case and a plan for implementing that system across Scotland to Ministers.

The new system, once approved by Ministers, will be adopted by all of Scotland’s NHS Health Boards, Healthcare Improvement Scotland and the Mental Welfare Commission.

**Deaths in Detention Reviews - Contact Form**

|  |  |
| --- | --- |
| **Your Personal Details** | |
| First Name: |  |
| Last Name: |  |
| Title (Mr, Mrs, Ms, Miss, Other) |  |
| Home address: |  |
| Postcode: |  |
| Email: |  |
| Telephone number(s) |  |

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| --- | --- |
| **It would be helpful to have some information about the person who died** | |
| First Name: |  |
| Last Name: |  |
| Title (Mr, Mrs, Ms, Miss, Other) |  |
| Date of Birth / Age |  |
| Date of death: |  |
| Where they died:  (health board, hospital, ward, community) |  |

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| --- |
| **What relationship did you have with the person who died?** |
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| **Did you contribute to the original s37 Review?** | |
| 🞏 Completed the survey | 🞏 Took part in an interview |
| 🞏 Took part in a group meeting | 🞏 No |

|  |  |
| --- | --- |
| **Please tell us how you would like us to contact you** | |
| 🞏 Telephone | 🞏 Meet in our Edinburgh office\* |
| 🞏 Meet somewhere else\* | 🞏 Email |
| \*any face-to-face meeting would need to meet COVID safety guidelines. Where possible, we would speak with you by phone or video call to ensure everyone’s safety.  Please let us know what dates and times are best for you and we will do our best to speak with you then. | |
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| **By completing your name below and emailing the contact form, this will be accepted as your signature.** | | | |
| Print name: |  | Date: |  |

### Please complete this form by:

If you want to contribute or find out more before deciding, please get in touch using the details below:

**Email**: [mwc.review@nhs.scot](mailto:mwc.review@nhs.scot)

**Telephone:** 0131 313 8777 (ask for the Deaths in Detention Reviews team)

You can complete this form and send it to us by email. We will then get in touch with you to find out when would be a good time to talk to us. Alternatively, we can arrange a suitable time to complete the form with you over the phone. After you have completed the form we can arrange a further conversation. [Please read our privacy statement](https://www.mwcscot.org.uk/node/1485)

**Data Protection Statement**

The Mental Welfare Commission for Scotland will use the information you provide in this contact form to inform you about the engagement activity related to Death in Detention Reviews. We will not share your contact details with any other body or institution without your informed and express consent, all the information will be stored securely and will not be retained for longer than necessary.

If you change your mind about taking part in engagement events and want your data to be deleted, please let us know by sending us an email to the following secure address [mwc.review@nhs.scot](mailto:mwc.review@nhs.scot) marked “For the attention of the Information Governance Manager”.

The final proposal to the Scottish Government (and any other report prepared during Deaths in Detention Review) may be illustrated with anonymised personal experiences and data extracted from them. We will remove any personal details that would allow any individuals to be identified.

1. The Scottish Government (Dec 2018) *Review of the arrangements for investigating the deaths of patients being treated for mental disorder*. <https://www.gov.scot/publications/review-arrangements-investigating-deaths-patients-being-treated-mental-disorder/pages/4/> [↑](#footnote-ref-1)