

Investigating deaths occurring during compulsory care and treatment under mental health legislation in Scotland

Section 2: Summary of revised process proposed by the Commission

Q1. Q1: Do you agree that the Commission should be responsible for initiating, directing and quality assuring the process of investigating deaths during compulsory treatment in all cases?

Yes

Q2. Q1a: Do you foresee any difficulties with this arrangement?

NHS may put up blockers.

Q3. Q1b: How could such difficulties be addressed?

Legally binding protocols.

Section 2: Summary of the revised process proposed by the Commission

Q4. Q2: Do you agree that the Commission should be responsible for producing and disseminating an annual report on the results of the investigations as described in paragraph 30 of the consultation document?

Yes

Q5. Q2a: Do you foresee any difficulties with this arrangement?

no

Q6. Q2b: How could such difficulties be addressed?

No Response

Section 2: Summary of revised process proposed by the Commission

Q7. Q3: Do you agree that the Commission should develop guidance and standards for use by local services when undertaking investigations into deaths during compulsory treatment?

Yes

Q8. Q3a: Do you foresee any difficulties with this arrangement?

no

Q9. Q3b: How could such difficulties be addressed?

No Response

Section 2: Summary of the revised process proposed by the Commission

Q10. Q4: Do you have any comments on the revised process as set out in Section 2, paragraphs 34 to 43, of the consultation document?

Police should be involved also to determine if a criminal act contributed to the death?

Q11. Q4a: Do you foresee any difficulties with this process?

If there is medical or social work negligence there may be difficulties with some members of the review group.

Q12. Q4b: How could such difficulties be addressed?

Chair of the group would have to be responsible for addressing this.

Section 3: Involving families and carers

Q13. Q5: Do you think that the role of the Commission Liaison Officer will help to improve the involvement of, and communication with, families and carers during investigations of deaths?

Yes

Q14. Q5a: Do you have any concerns about this type of arrangement?

That would only be a good thing as communication at the moment is not fit for purpose.

Q15. Q5b: How could your concerns be addressed?

No Response

Section 4: Other matters for consideration

Q16. Q6: Do you agree that the revised process, described in Section 2 of the consultation document, will meet the values and principles set out in paragraph 50?

No

Q17. Q6a: Please explain your answer.

should also include signposting families to legal representation should there be negligence as a contributing factor to the death

Section 4: Other matters for consideration

Q18. Q7: Do you have any comments on the potential impacts of the revised process on those with protected characteristics?

it should provide them with more protection

Q19. Q7a: Please explain what you think could be done to minimise any negative impacts on people with protected characteristics.

No Response

Q20. Q8: Do you have any comments on the potential impacts of the revised process on children and young people?

should protect them more than they are at the moment

Q21. Q8a: Please explain what you think could be done to minimise any negative impacts on children and young people.

No Response

Section 4: Other matters for consideration

Q22. Q9: Do you agree that the revised process for investigating deaths during compulsory treatment (as described in Section 2 of the consultation document) is human rights compliant?

Yes

Q23. Q9a: Please explain what you think could be done to ensure that the new process fully complies with human rights standards.

No Response

Section 4: Other matters for consideration

Q24. Q10: Do you have concerns in relation to any financial or administrative impacts the revised process may have, especially for local services?

none, financial or administrative costs are expected and necessary

Q25. Q10a: Please explain what you think could be done to minimise any negative financial or administrative impacts.

No Response

Section 4: Other matters for consideration

Q26. Q11: Do you have any other comments or concerns in relation to the revised process?

the document does not go into any detail about what happens if negligence is found to be a causal or contributing factor in the death, this has to be covered - learning opportunities are all well and good but the process cannot bury its head in the sand about negligence.

Respondent Information Form

Q27. Name of person submitting the response

██████████

Q28. Email address of person submitting the response

████████████████████

Q29. Are you responding as an individual, or on behalf of an organisation?

I am responding as an individual

Respondent Information Form - individual responses

Q30. Are you a family member or carer of a person who has died whilst being treated under mental health legislation in Scotland?

Yes

Q31. Do you wish your response to be published?

Yes, publish response without name