



Investigating deaths occurring during compulsory care and treatment under mental health legislation in Scotland – List of consultation questions

Question 1: 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 No Not sure

Question 1a: Do you foresee any difficulties with this arrangement? **No**

Question 1b: How could such difficulties be addressed?

Question 2: 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 above?

Yes No Not sure

Question 2a: Do you foresee any difficulties with this arrangement? **No**

Question 2b: How could such difficulties be addressed?

Question 3: 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 No Not sure

Question 3a: Do you foresee any difficulties with this arrangement? **If the MWC consult with local services in order to create the guidance and standards, then we do not foresee any difficulties.**

Question 3b: How could such difficulties be addressed? **If there are clear differences of opinion then extensive discussion will probably be necessary; perhaps use mediators if there is no resolution.**

Question 4: Do you have any comments on the revised process as set out above?

Question 4a: Do you foresee any difficulties with this process?

There needs to be a differentiation between expected and unexpected deaths. For example, within Forensic mental health services such as the State Hospital, we would usually have at least one expected death due to a diagnosed physical illness such as cancer each year. Whilst it is appropriate that all deaths of people under detention are subject to scrutiny this needs to be proportionate. We also need to ensure that the humane practice of giving an individual some choice in their place to live over the last period of their life remains and is not inadvertently thwarted by concerns regarding investigations.

Question 4b: How could such difficulties be addressed?

We would suggest that MWC develops a process to manage expected deaths that did not require a formal investigation but did have a routine required evidence set. If on review, MWC considered that a formal investigation by the local service was required, this should be requested. It should be possible to notify MWC in advance regarding any individual likely to come into this category.

Question 5: Do you think that the role of Commission Liaison Officer, as set out above, will help to improve the involvement of, and communication with, families and carers during investigations of deaths?

Yes No Not sure

Question 5a: Do you have any concerns about this type of arrangement? **No**

Question 5b: How could your concerns be addressed? N/A

Question 6: Do you agree that the revised process, as described in Section 2, will meet the values and principles set out in paragraph 50 above?

Yes No Not sure

Question 6a: Please explain your answer. **The values and principles that underpin the proposed action appear sound and will ensure the process is conducted properly.**

Question 7: Do you have any comments on the potential impacts of the revised process on those with protected characteristics? **No**

Question 7a: Please explain what you think could be done to minimise any negative impacts on people with protected characteristics.

Question 8: Do you have any comments on the potential impacts of the revised process on children and young people? **No**

Question 8a: Please explain what you think could be done to minimise any negative impacts on children and young people.

Question 9: Do you agree that the revised process for investigating deaths during compulsory treatment is human rights compliant?

Yes No Not sure

Question 9a: Please explain what you think could be done to ensure that the new process fully complies with human rights standards.

Question 10a: Please explain what you think could be done to minimise any negative financial or administrative impacts.

Question 11: Do you have any other comments or concerns in relation to the revised process? **No**