



The Scottish Parliament
Pàrlamaid na h-Alba

PUBLIC PETITION NO.

PE01786

Name of petitioner

Andrew Muir

Petition title

Prosecutions under the Mental Health (Care and Treatment) (Scotland) Act 2003

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to investigate why there have been no prosecution under either section 315 or section 318 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

Action taken to resolve issues of concern before submitting the petition

I have contacted Jackie Baillie MSP.

Petition background information

Section 315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 relates to the ill treatment and wilful neglect of a mentally disordered person. This section makes it an offence for a carer or a member of staff, or someone working in or managing a hospital to ill-treat or wilfully neglect a patient to whom they are providing care or treatment.

In a 2013 report by the Mental Welfare Commission for Scotland labelled Death in detention monitoring it states "In the year 2012-13, 78 deaths of individuals subject to compulsory treatment were notified to us...This paper gives an analysis of these deaths and also sets this number in context of the total number of individuals subject to the Act and the higher mortality rate among individuals known to mental health services."

One would have expected that in some of these cases, due to procedures not being followed, ill-treatment of a patient would have taken place leading to a section 315 offence.

Section 318 of the Mental Health (Care and Treatment) (Scotland) Act 2003 relates to false statements. This section makes it an offence for a person to knowingly make a false statement in a written document which is an application under the 2003 Act, one accompanying such an application or any other document which must be made, prepared or sent or given for a purpose of the Act.

The 2018-19 Annual Report from the Mental Welfare Commission for Scotland states

“The Commission is concerned at the way emergency detention takes place in some parts of the country. Detentions are supposed to take place with the consent of a specialist social worker, called a mental health officer. The rates where this happens vary greatly, with 83% compliance in Dumfries and Galloway and only 33% compliance in Greater Glasgow and Clyde.”

One would have expected that in some of these cases, due to procedures not being followed, false statements would have been made on documents leading to a section 318 offence.

I am the secretary of Psychiatric Rights Scotland. This is made up of people who have had poor treatment or have witnessed poor treatment by mental health professionals. Several of them allege that section 315 or 318 offences have occurred.

Unique web address

<https://www.parliament.scot/GettingInvolved/Petitions/PE01786>

Related information for petition

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YES

How many signatures have you collected so far?

0

Closing date for collecting signatures online

12 / 02 / 2020

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