

PE1786/B

Petitioner submission of 5 March 2020

The following are alleged criminal offences under the Mental Health (Care and Treatment) (Scotland) Act 2003 in connection with Patient A. There have been no prosecutions to date on any of these.

1. On the Short-Term Detention Certificate the Approved Medical Practitioner falsely claimed that the MHO interviewed the patient before consenting to the granting of the certificate.
2. On the Short-Term Detention Certificate the Approved Medical Practitioner falsely claimed that they consulted the named person prior to the granting of the certificate.
3. The MHO on a confidential report greatly exaggerated an off-the-cuff remark, stating that it was said many times. This led to a material misrepresentation of the risk.
4. The patient was physically assaulted by five male members of staff leading to multiple bruises on the arms, later classified as "self-harm". The police state that they have fully investigated this but will not release details of conclusions.
5. The patient was given a dangerous overdose of medication, the simultaneous injections of intramuscular lorazepam and olanzapine. The simultaneous administration of a benzodiazepine and intramuscular olanzapine is not recommended as it can cause a protracted period of sedation.
6. The patient was sexually assaulted during a physical exam.
7. On a Compulsory Treatment Order pack, the MHO falsely claimed that they had interviewed the patient before initial detention.
8. On a Section 86 determination to extend a Compulsory Treatment Order, the RMO falsely stated that they had examined the patient as part of a mandatory review. The RMO was charged by the police for this offence but under advice from the Mental Welfare Commission, the Procurator Fiscal decided not to prosecute. No reasons were given.

Any items that the police have not investigated have been referred to the Mental Welfare Commission. However the Commission have stated that these are matters for the police.