

NORTH LANARKSHIRE COUNCIL

REPORT

TO: Social Work Committee	Subject: Review of the Mental Health (Scotland) Act 1984
FROM: Jim Dickie Director of Social Work	
DATE OF COMMITTEE: 8th June 1999	
REPORT AUTHOR: Duncan Mackay	
REF:	

1 PURPOSE OF REPORT

- 1.1 To advise Committee of a Scottish Office review of the Mental Health (Scotland) Act 1984 and to seek approval to respond on behalf of the Council.

2 BACKGROUND

- 2.1 On 23 February 1999 the Health Minister set up a committee, under the chairmanship of Bruce Millan, to review the Mental Health (Scotland) Act. The committee has been asked to report by summer 2000.
- 2.2 Its terms of reference are to take account of issues relating to the rights of patients, their families and carers, and the public interest, having particular regard to:
- ◆ the definition of mental disorder
 - ◆ the criteria and procedures for detention in and discharge from hospital
 - ◆ leave of absence and care outwith hospital
 - ◆ the role of the Mental Welfare Commission for Scotland
- 2.3 The review will not consider how the law should deal with serious sexual and violent offenders with personality disorders as a separate committee has been set up to look into that issue.

3 THE CONSULTATION PAPER

- 3.1 The introduction to the consultation paper also asks 4 broad questions, namely:
- ◆ There is a widespread view that major reform of mental health law is needed. do you think this can be achieved within the broad framework of the Mental Health (Scotland) Act, or is a new framework needed?

- ◆ What aspects of current mental health law in Scotland do you find satisfactory, in principle or in practice?
- ◆ What do you feel are the most significant problems with current mental health law in Scotland - either in the way the legislation is worded or the ways in which it is applied?
- ◆ What are the main reforms you would like to see to mental health law in Scotland?

3.2 Much of the consultation paper issued by the Scottish Office is complex and asks over 200 further questions, many of a highly technical nature. Social Work staff are currently considering these in detail. Comments are required to be at the Scottish Office by 16 July 1999.

4 THE ROLE OF THE COUNCIL

- 4.1 Each local authority has a responsibility to appoint sufficient numbers of Mental Health Officers to carry out a range of statutory duties specified in the Act. North Lanarkshire is well placed with 28 staff currently operating as Mental Health Officers.
- 4.2 Duties include making application for compulsory admissions; providing Social Circumstances Reports on those detained; and ensuring suitable provision for after-care following a period of hospital admission.
- 4.3 Staff involved in the delivery of these responsibilities are involved in preparing a suitable response to the Scottish Office.

5 RECOMMENDATIONS

- 5.1 Committee is asked to:
- (i) remit the task of responding to the consultation paper to the Director of Social Work, in consultation with the Convener and Vice Conveners of Social Work;
 - (ii) remit the report to Housing Committee for its information; and
 - (iii) otherwise note the contents of this report



Jim Dickie
Director of Social Work
1 June 1999

For further information on this report please contact Duncan Mackay, Principal Officer (Planning & Development) (TEL: 01698 332072)