



Kathleen Taylor

Engagement and Participation Officer (carer)



mental welfare
commission for scotland



mental welfare
commission for scotland

Promote and protect the rights of
anyone who has a mental illness, a
learning disability, autism,
dementia or related conditions



LOCAL VISITS

**Autism and
complex care needs**

Visiting and monitoring reports

30 October 2018



THEMED VISITS



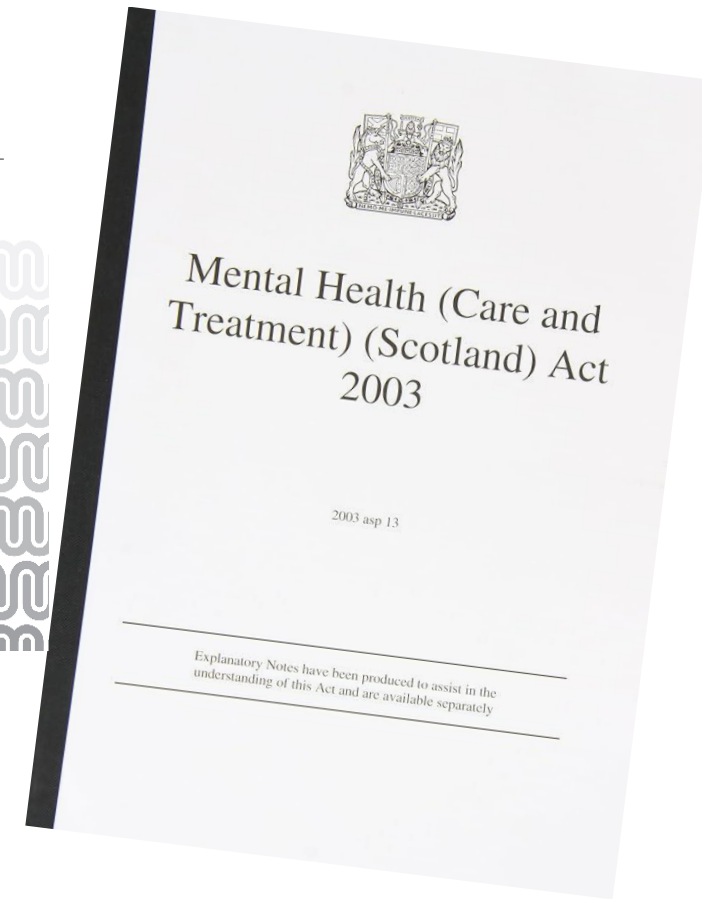
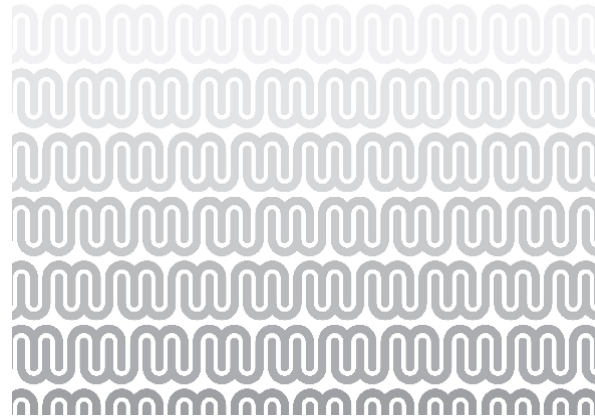
GUARDIANSHIP VISITS

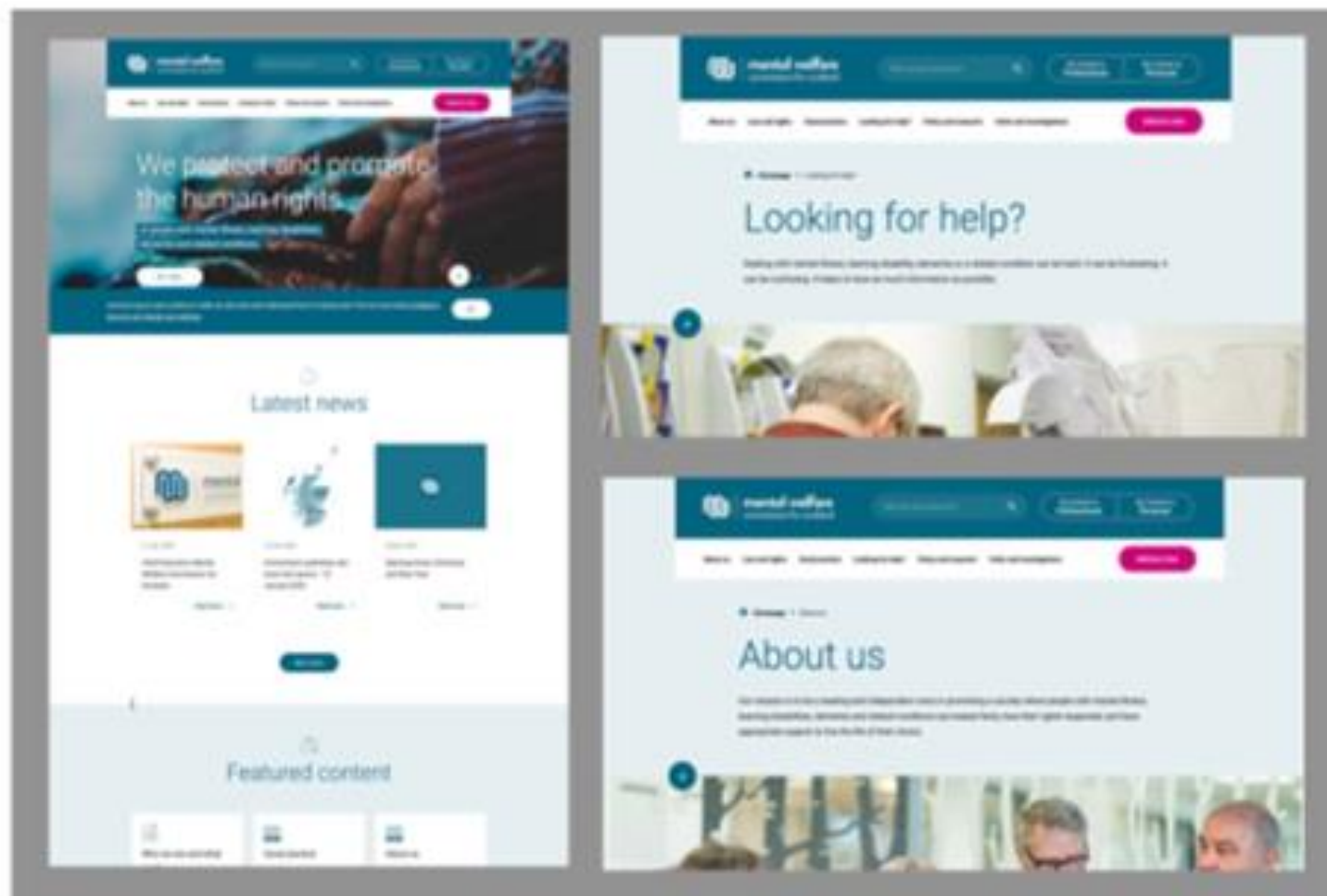


Investigation into the death of Mrs F

Investigations

May 2024





www.mwcscot.org.uk



ADVICE LINE

0800 389 6809



mental welfare
commission for scotland



mental welfare
commission for scotland





Engagement and Participation team

Lived experience of:

- Mental illness
- Neurodiversity
- Caring

Visit groups and speak with individuals across the country

- Highlight work of MWC
- Give information and advice
- Gather concerns and feed back to Commission



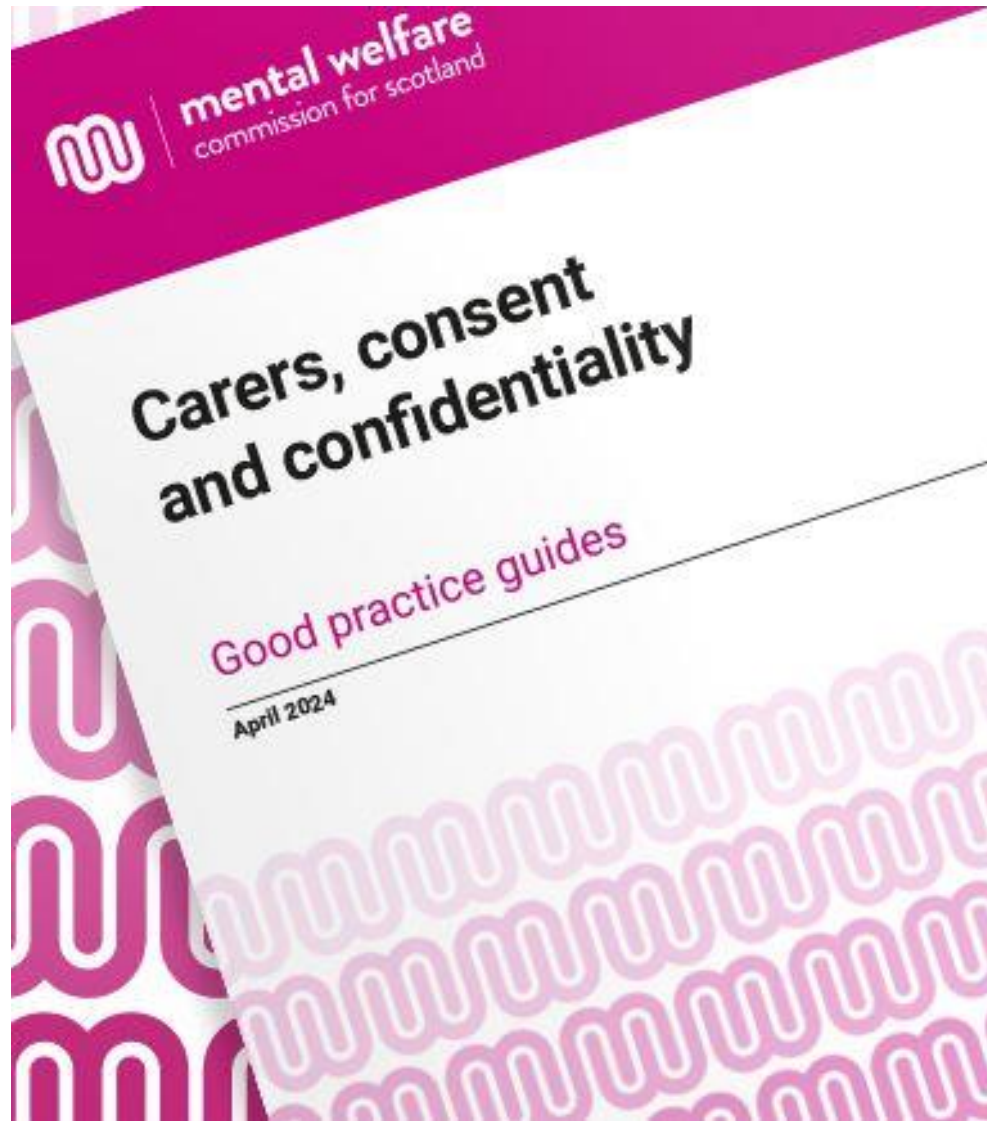
Carers rights

Legislation

Human rights



mental welfare
commission for scotland



mental welfare
commission for scotland



Mental Health (Care and Treatment) (Scotland) Act 2003

One of 10 guiding principles is

Respect for carers

Also provision for

Named person

Advance statement



Named Person

- trusted person who has been nominated by an individual
- right to be involved in decisions and to receive papers from the tribunal service
- nomination must be made in writing and witnessed to say the individual has capacity to sign
- The named person must also accept in writing again signed and witnessed
- You can decide against accepting the role or withdraw your consent



ADVANCE STATEMENT

- Written statement outlining wishes if detained under Mental Health Act
- Must be made when well and have capacity, signed and witnessed
- Anything that is overridden must be reported to the MWC



Adults with incapacity (Scotland) Act 2000

Power of Attorney

For individuals who have capacity
Continuing or welfare powers

Guardianship

For individuals who have lost capacity – court
appointed authorisation for someone to act for an
individual who has lost capacity



Consent and Capacity

In order to give consent a person needs to have capacity

Consent – must be voluntary and informed

Capacity - understand information relevant to a decision and appreciate the consequences of taking or not taking

Carers (Scotland) Act 2016

Specifically to improve support for unpaid carers in Scotland

Adult carer support Plan

Young carer statement

Undertaken by social work and unpaid carers have right to have this



Scottish Mental Health Law Review (SMHLR)

Scott Review

Recommendations include;

- Mandatory carer awareness training
- Carer advocacy



Human rights - European Convention on Human Rights

Article 8 - Respect for private, home and family life

Article 3 - Freedom from inhuman and degrading treatment

Article 14 Not to be discriminated against

Rights to an adequate standard of living, social security, health, work (ICESCR)

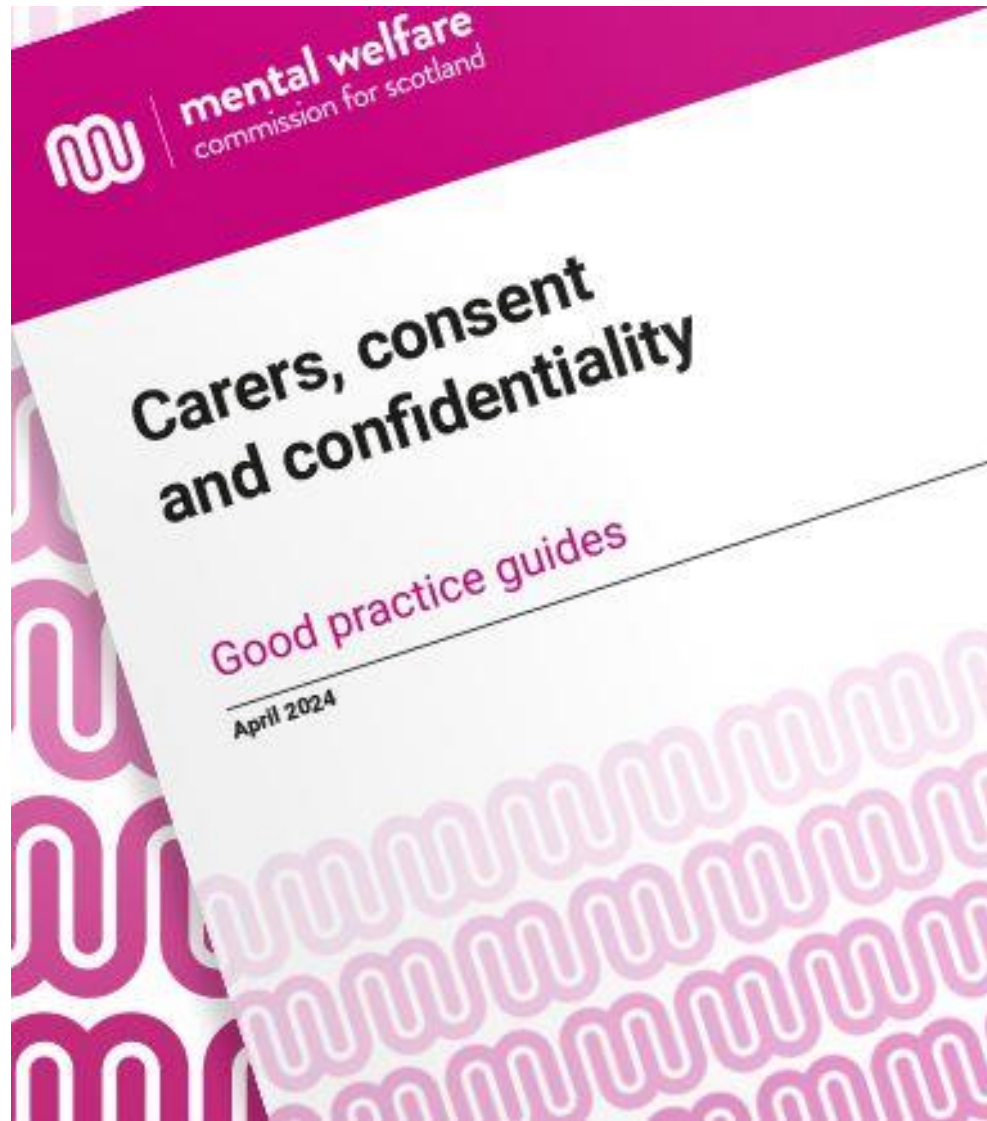


United Nations convention on the rights of persons with disabilities (UNCRPD)

Protection for the cared for person eg
supported decision making



mental welfare
commission for scotland



mental welfare
commission for scotland



Kathleen Taylor

kathleen.taylor1@nhs.scot

MWC contacts

Advice Line - 0800 389 6809

E mail - mwc.enquiries@nhs.scot

Website – www.mwcscot.org.uk