



**PUBLIC PETITION NO.**

**PE01550**

### Name of petitioner

Andrew Muir on behalf of Psychiatric Rights Scotland

### Petition title

Mental Health Act inquiry

### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to set up a public inquiry into historical cases of abuse of people detained under the Mental Health (Scotland) Act 1984 and the Mental Health (Care and Treatment) (Scotland) Act 2003

### Action taken to resolve issues of concern before submitting the petition

Many of members of Psychiatric Rights Scotland have complained to various institutions about our experiences, we have received few answers.

We have asked the Minister for Health for an inquiry and we were refused. I have asked the Mental Welfare Commission for an investigation of all these cases and they too have refused

### Petition background information

A statutory public inquiry is to be held to examine historical cases of abuse of children in care in Scotland.

An inquiry was also made into the country's worst *Clostridium difficile* (C. diff) outbreak. The probe, led by Lord MacLean, looked into care at Dunbartonshire's Vale of Leven Hospital between 2007 and 2008.

However there has been no proper investigation into people who have been abused whilst being detained under mental health legislation.

In the submissions to PE01494 by Hunter Watson, and in the submissions to the Mental Health (Scotland) Bill it is clear that many people have been abused under this legislation.

s315 of the Mental Health (Care and Treatment) (Scotland) Act 2003 states:

315 Ill-treatment and wilful neglect of mentally disordered person

(1) This section applies to a person (a "relevant person") who—

(a) is an individual employed in, or contracted to provide services in or to, a hospital;

(b) not being the Scottish Ministers, is a manager of a hospital;

(c) provides care services; or

(d) is an individual who, otherwise than—

- (i) by virtue of a contract of employment or other contract with any person; or
- (ii) as a volunteer for a voluntary organisation, provides care or treatment. (2) A relevant person who
  - (a) whether under this Act or otherwise
    - (i) is providing care or treatment; or
    - (ii) purports to provide care or treatment, to a patient; and
  - (b) ill-treats, or wilfully neglects, that patient, shall be guilty of an offence.

s318 of the Mental Health (Care and Treatment) (Scotland) Act 2003 states:  
318 False statements

- (1) A person who
  - (a) knowingly makes, in a relevant document, an entry or statement which is false in a material particular; or
  - (b) with intent to deceive, makes use of any such entry or statement knowing it to be false, shall be guilty of an offence.

No-one has ever been convicted of an offence under s315 or s318 of the above Act despite many allegations by patients and their families.

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01550>

#### Related information for petition

<http://www.accountabilityscotland.org/index.php/petitions-3/42-petition-1494-hunter-watson-on-having-mental-health-act-aligned-with-human-rights-act>

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/81287.aspx>

#### Do you wish your petition to be hosted on the Parliament's website to collect signatures online?

YES

#### How many signatures have you collected so far?

0

#### Closing date for collecting signatures online

31 / 01 / 2015

#### Comments to stimulate online discussion

Many people have complained about their experiences of the Mental Health Act over many years but their complaints are nearly always ignored.