

## **PE1604/Q**

Scottish Government Letter of 18 January 2017

Thank you for your letter regarding petition PE1604, and the opportunity to clarify the issues raised at the meeting of the Public Petitions Committee on 8 December 2016.

The requirements of the statutory review under section 37 of the Mental Health (Scotland) Act 2015 are to look at the arrangements for investigating the deaths of patients who were detained in hospital for mental health treatment, or who were voluntarily in hospital for such treatment, at the time of their death. I accepted an addition to this ambit, recommended by the Mental Welfare Commission for Scotland, so that in carrying out the review we will include a review of arrangements for investigating the deaths of patients whose detention was suspended at the time of their death. Therefore, I agree that it is sensible to allow a further addition to include reviewing the arrangements for investigating the deaths of patients who are receiving care in the community under compulsory treatment orders. As I described in my previous correspondence, the arrangements for investigating deaths by suicide in the circumstances covered by the review will be included.

It may be useful for me to describe some of the inter-related work underway. During 2017, the Scottish Government will publish a new mental health strategy and a separate suicide prevention strategy, and the findings from this review will be taken into account in progressing the delivery of the objectives of both of those strategies.

The duty of candour will apply to over 9,500 social care organisations including care homes, fostering services, offender accommodation services and also across social work and healthcare.

The Scottish Government is currently working with a wide range of stakeholders to develop plans for implementation of the duty, including agreeing the detail of what should be set out in regulations for the duty of candour procedure; what national educational and training support will be required for implementation; and determine the most appropriate mechanisms to monitor and evaluate annual reports.

Detailed stakeholder engagement is now underway to ensure that the duty can be implemented reliably across different organisations to ensure a consistent experience for people harmed in the course of provision of a health, social work or social care service, with a focus on ensuring learning and improvement takes place. A wide range of stakeholders will be consulted on the guidance. This is expected to take place between July and September 2017.

The duty of candour is due to come in to force on 1 April 2018.

I hope this gives the Committee reassurance that the Scottish Government is sensitive to the important issues raised by the petitioner. The review will engage with and take account of the views of families to understand their experiences of how deaths have been investigated.