

Justice Committee

Inquiries in to Fatal Accidents and Sudden Deaths etc. (Scotland) Bill

Written submission from the Royal College of Psychiatrists in Scotland

We are very pleased to respond to the call for written evidence on this Bill. The Royal College of Psychiatrists in Scotland has considered the Bill and has also been involved with this issue for some time, responding both to the review of Fatal Accident Inquiry Legislation carried out by Lord Cullen in 2009 and to the Scottish Government Consultation on Fatal Accident Enquiries Legislation in September 2014.

In response to the Lord Cullen review of 2009 the RCPsych in Scotland expressed strong views that the recommendation involving mandatory FAIs for all persons who die whilst subject to Compulsory Detention by a Public Authority should not be accepted. This would of course have covered all patients detained under the Mental Health (Care & Treatment) (Scotland) Act 2003, the Adults with Incapacity Legislation, Children's Act and the Criminal Procedures Act who are cared for by our members and the services they work in. We believed that this would have been a backward step and would have done nothing to address the stigma and discrimination that people with mental health problems have to deal with. In addition the numbers of patients who would fall under the category would have imposed large numbers of elaborate, expensive and drawn-out judicial procedures on families, clinicians and services with no discernible benefit to justify it.

We are therefore very pleased that that this Bill does not include extending the categories of those who should be subject to a mandatory FAI to all those detained under mental health legislation.

We believe the rest of the content in the Bill is reasonable and we have no further comments to make at this time. We would be happy to be consulted again if there relevant issues pertaining to mental health raised during the passage of the Bill in the Parliament.

Dr Alastair Cook
Chair, RCPsych in Scotland
14 April 2015