

SIAA – Delegated Powers and Law Reform Committee

Proposed Draft Police Act 1997 and Protection of Vulnerable Groups (Scotland) Act 2007 Remedial Order 2018

October 2017

2. The lack of any provision allowing the disposal of the conviction to be taken into account in determining whether an appeal to the sheriff against disclosure of a Schedule 8A conviction is appropriate:

We feel it is crucial to remind the Committee that individuals covered by Section 259 of the Mental Health Act 2003 have a legal right to independent advocacy to support them throughout the application process.

Due to the complexity of the application procedure, it is vital that potential Schedule 8A applicants (who are covered by Section 259 of the Mental Health Act) are informed of and signposted to independent advocacy services that can help them gain access to legal services and ensure that the applicant knows their rights, is aware of and understands their options and understands the application process and what will be required of them.

3. Whether there are any concerns about the sheriff appeal procedure as it currently applies to the disclosure of Schedule 8B convictions?

The process of the sheriff appeal procedure for the disclosure of schedule 8B convictions should be clear, accessible and signpost support services. As per the previous point, we would stress the importance of signposting independent advocacy services to those covered by the Mental Health Act.

The Scottish Independent Advocacy Alliance (SIAA) is Scotland's national membership body for advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland. It aims to ensure that independent advocacy is available to any person who needs it in Scotland.