

SIAA Response

Review of homicides by people with recent contact with NHSScotland mental health and learning disability services

November 2017

1. The proposal defines recent contact as those who have had contact with mental health or learning disability services within the last 12 months. Do you think that this definition of recent contact is satisfactory for the purposes of this process?

Yes/No/**Unsure**

1a. Do you foresee any difficulties with using this definition?

We believe that 12 months is too short a period to be satisfactory.

1b. How could such difficulties be addressed?

2. Do you think that the proposed process adequately involves the family of the victim?

Yes/**No**/Unsure

2a. If not, how could it be improved?

We believe that the definition of 'family' should be extended to include significant others as victims may have not been in touch with blood relatives but instead had close relationships with friends or other networks.

The process needs to clearly outline the extent of family involvement, their required input and the support that will be provided to them.

3. Do you think that the proposal will help to provide families with meaningful information on the case?

Yes/No/**Unsure**

3a. What sort of information should be provided to families?

The information needs to be 'meaningful' in the sense that it is relevant to the situation, appropriate and maintains the confidentiality of the perpetrator.

4. Does the proposal go far enough in ensuring that the rights of the family of the victim to information are balanced with the right to privacy of the perpetrator?

Yes/**No**/Unsure

4a. What safeguards will there need to be to ensure that confidential health information is protected?

The information that is released should be minimal, relevant and safeguard the privacy and confidentiality of the perpetrator.

5. Do you think that the proposal adequately provides for independent investigation to be carried out where necessary?

Yes/**No**/Unsure

5a. If not, how could this be improved?

The process for independent investigation needs to be clearly defined and understood by all relevant bodies to ensure that there is no misunderstanding. We would like the framework to model the robustness, transparency and thoroughness of NHS England. It is vital that the final report is clear, accessible and outlines any subsequent actions.

6. The scope of the proposal is confined to looking at the care provided to the accused person by relevant NHS boards. Do you think this is the right focus? If not, which other services should be covered by these reviews?
Local authorities, integrated joint boards, health and social care partnerships and voluntary sector organisations (including independent advocacy organisations and others that may provide other services and support) should be covered by these reviews.
7. Do you have any views on the proposal's potential impact on those persons with protected characteristics? Please include in your response what you think could be done to minimise any negative impacts.
We believe that it is essential for equality impact assessments to be conducted on the proposal to monitor the impact on persons with protected characteristics.
We also believe that it is essential that if anyone in the process is covered by Section 259 of the Mental Health Act then they have a legal right to independent advocacy. This includes the perpetrator as well as the significant others of the victim.
8. In addition to any issues you may have highlighted in response to questions 4 and 4a, do you think there are any impacts on personal privacy as a result of information being shared during the proposed homicide review process? Again, please include your views on how these impacts could be minimised.
The rights of different people (the individual needs of the victim's significant others, the perpetrator, the individual needs of the perpetrator's significant others) need to be balanced and therefore we believe that the proposal needs to be very clear on what information will be shared, the process by which it will be shared, who exactly it will be shared with and the reasons for information sharing.
9. Do you have any concerns about any financial or administrative burden as a result of this process? For example, costs that may be incurred by NHS boards or justice organisations.
It is vital that organisations and boards that will be involved in this process are appropriately funded.
10. Do you have any comments on the impact of the process on children and young people? Please include in your response what you think could be done to minimise any negative impacts.
Specific steps need to be taken to clearly ascertain the needs of children and young people involved and these needs should be addressed appropriately by qualified professionals and frameworks. It is really important to safeguard the needs of children and young people and to recognise their rights as family members or significant others. It is also important to recognise that individual children and young persons will have differing support and information needs and it is vital that these are addressed appropriately.

11. Do you have any comments on how the proposed process will impact on the human rights of the family of the victim and of the perpetrator, particularly with regard to Articles 8 of the ECHR?

It is important that the privacy of the perpetrator is safeguarded (and that of their family or significant others). It is equally important that the rights of the victim's family or significant others are maintained appropriately, sensitivity and are minimally disrupted.

This document assumes that perpetrators and victims are mutually exclusive whereas an individual could be a perpetrator and a victim and we believe that this document does not account for that. Also both perpetrators and victims may have mental health issues and/or learning disabilities but this document assumes that only one individual in these situation has mental health issues and/or learning disabilities and we believe that consideration needs to be given to when both parties have mental health issues and/or learning disabilities.