



mental welfare  
commission for scotland

**Easy read**

# **MHA monitoring 2023-24**





## The Law

There is a law in Scotland called the Mental Health (Care and Treatment) (Scotland) Act 2003 (Mental Health Act).



This law says how people can be treated if they have a mental disorder.

'Mental disorder' are the words used in the law to describe someone who has a:

- mental illness
- learning disability
- personality disorder.



The law says:

- when someone can be given treatment even if they do not want it
- when someone can be taken into hospital even if they do not want to
- what their rights are
- how their rights are protected.



If someone becomes ill and does not agree to treatment, they can be put under 'compulsory measures'.



This means they can be:

- kept in hospital and have treatment for no more than three days (emergency detention)
- given treatment even if they do not want it (compulsory treatment)
- kept in hospital and given treatment for up to 28 days (short-term detention)



When using compulsory measures, it is important for professionals to follow the law.



To keep someone in hospital, a doctor needs an emergency detention certificate (EDC) or a short-term detention certificate (STDC).



The doctor should ask a mental health officer (MHO) to consent to an EDC or STDC.



A mental health officer (MHO) is a social worker who has specialist training in mental health.



## **What we do**

We work to make sure that people who are protected by the Mental Health Act are being looked after properly.



One way we do this is by writing a report every year. This report is called a 'monitoring report'.



We write the report by gathering data from paperwork that is sent to us.



The report looks at the number of detentions and the use of compulsory measures.



It is important to remember that each of the numbers in the report, relate to a time of difficulty for someone.



This report shows what happened during 2023-24. It also shows what has happened over the last year and compares it to the years before.



### **What we found this year**

The report shows that the number of detentions has gone up over the years.



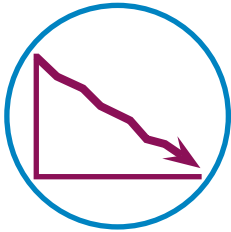
A total of 7,109 detentions began in 2023-24.

This is the highest level recorded.



## **MHO consent**

Consent of a mental health officer should happen every time a person is detained using the Act.



MHO consent for emergency detention is at the lowest level of the past 10 years.



Young people (under 25) have fewer MHOs' consent for emergency detention than other age groups.

This means they are detained in hospital without MHO consent.



There are lots of reasons why MHO consent is low, but this should still not be happening.



## **Deprivation**

In the report, we also look at the link between detentions and where people live.



Detentions are much more common in the most deprived areas.



Most 'deprived' areas are places where there might be lower wages, fewer jobs, less access to services and housing.





### **What happens next**

We send the report to the Scottish Government, and health boards and councils in Scotland.



We have talk with local managers and leaders of health and care services.



We will carry on working with Government and services, to help plan and get the right support in place for people.



## **What does the Mental Welfare Commission do?**

It is the Mental Welfare Commission's job to make sure that the law is used properly to look after people.

**We make sure people's rights are protected.**

The Commission is independent.

This means it does not work for another organisation.



We give advice to the Scottish Parliament about making things better for people with mental health problems, learning disabilities, dementia and other related conditions.



We visit people in hospitals, care homes and at home to make sure their rights are being respected and they are getting proper care and treatment.



If we think someone is not getting the right care and treatment we can look into it. Most of the time we do this by talking or writing to people.



Sometimes if things have gone badly wrong we look into it to make sure things change and to stop it happening again.



We use what we learn to help services and government policies to change and be better.



We give advice on the laws that affect people with mental health problems, learning disabilities, dementia and other related conditions.



We check how services use the laws.

We tell people what is working well.

We have guidance to help professionals, people who use services, families and carers.



## Get in touch with us

You can talk to us confidentially.

This means we will not tell anyone what you have said:

- unless we are worried about your safety or the safety of other people.
- unless we have asked you.



Call Freephone:

0800 389 6809

email:

[mwc.enquiries@nhs.scot](mailto:mwc.enquiries@nhs.scot)



Write to:

Mental Welfare Commission  
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Thistle House,  
91 Haymarket Terrace,  
Edinburgh EH12 5HE



Do you use British Sign  
Language?

You can use the  
ContactScotland online  
interpreting service.



You can find out more  
about the Mental Welfare  
Commission and our work at:  
[www.mwcscot.org.uk](http://www.mwcscot.org.uk)