



From the Chair of the Royal College of Psychiatrists in Scotland

Minister for Social Care, Mental Wellbeing and Sport
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

27 June 2023

Dear Maree Todd MSP

On behalf of the Royal College of Psychiatrists in Scotland, I would like to thank you for taking the time to meet with us on 19 June. I found the meeting very useful and hope that it marks the beginning of a positive working relationship.

To follow up on our discussions during this meeting, I would like to reiterate our members' specific concerns around the Scottish Mental Health Law Review and the National Care Service. Careful consideration of both is crucial.

With regard to **the Scottish Mental Health Law Review**, the Scottish Commission for People with Learning Disabilities (SCLD) recently published a briefing which raised serious concerns about the continued inclusion of learning disability within mental health legislation in Scotland.

Members of the College in Scotland believe that SCLD's concerns around inappropriate detention are justified. However, our members are concerned that unintended consequences may arise if reference to people with learning disabilities is removed from mental health legislation.

In particular, a lack of community resources often means that there are few safe alternatives to hospital admission. The issue of entrapment in institutions is real. However, removal from legal protection is not the solution to finding appropriate community alternatives.

As its starting point, the Scottish Mental Health Law Review proposed human rights enablement. Our members believe that it would be inappropriate to exclude people with learning disabilities from this human rights enablement. People with learning disabilities should receive additional safeguarding through the law, they should not be excluded from the law.

Furthermore, the College in Scotland is very concerned about the prospect of mental health services being moved into the **National Care Service**. Our members are worried about the potential impact on patient safety and care, as well as recruitment and retention of the current workforce.

It is critical that mental health is viewed in parity with physical health. Separating these two further by creating a new service in which mental health would sit will only cause further stigma and create greater inequalities between mental and physical health. Research has consistently shown that individuals with severe and enduring mental illness die ten to twenty years earlier than the general population. Moving mental health services into the National Care Service would create a barrier between mental and physical health, to the detriment of patients in both services.

The College in Scotland welcomed the announcement of the Scottish Government's series of summer forums. These bring a valuable opportunity to pause existing plans, reflect on both the lived experience and professional expertise which has been gathered to date, and act accordingly.

I look forward to hearing from you again soon. In the meantime, please let me know if I can clarify any of the points in this letter.

With my very best wishes,

Yours sincerely

Dr Linda Findlay

Chair of the Royal College of Psychiatrists in Scotland