



28th January 2020

Dear Chair,

Your organisation contributed to this review. Thank you for working with us during the review process.

The United Nations Convention on the Rights of Persons with Disabilities (the CRPD) required the review's executive to work with organisations of persons with disabilities and autistic people's organisations.

Guidance from the United Nations says this:

“Public authorities leading decision-making processes have a duty to inform organisations of persons with disabilities of the outcomes of such processes, including an explicit explanation in an understandable format of the findings, considerations and reasoning of decisions on how their views were considered and why.” ([link](#), paragraph 23).

This is our response to organisations of persons with disabilities that took part in this review. The response reflects our interpretation of this guidance.

We think that the guidance does not require us to give an individual response to each organisation that took part in the review. It would be very difficult to do this because the review and its recommendations are so complex.

We have written a general response to all organisations that explains what the outcomes of the review were, how their views were considered, and why they were considered in this way.





In future, other work may interpret the requirements to respond differently and, for example, may give a response to each organisation individually.

We are responding about:

1. The outcomes of the review process, including an explicit explanation in an understandable format of the findings
2. How your organisation's views were considered in the review process
3. Why your organisation's views were considered that way

1. **Outcomes** of the review processes

The main outcome of the review is the final report. This is available in plain English. It is also available in easy read.

These reports have been sent out in print to organisations that asked for them.

The reports are available on the review's website at www.irmha.scot until June 2020.

The website will be archived by the National Records of Scotland and should become available by searching [here](#):

<https://www.nrscotland.gov.uk/research/researching-online/the-nrs-web-continuity-service/how-can-i-search-the-nrs-web-archive>





2. **How** the views of organisations of persons with disabilities were considered

The views of these organisations were considered by the review's executive, who made all decisions in this review.

Views of these organisations were given the same weight as the views of other organisations, including organisations of professionals. We used a human rights framework to bring together evidence and to give equal weight to evidence from all people.

Organisations of persons with disabilities expressed views in each stage of the review. The review's executive considered views after the end of each stage.

The review's executive used the views from these organisations in each stage of the review.

In stage 1, the executive used views to understand how people's human rights were affected by the Mental Health Act.

The review's stage 1 report included views from these organisations. Some of the views were given through a survey. Some of the views were from reports that had been written by these organisations.

In stage 2, the executive used views to develop ideas on how the law could promote human rights better in future.

In stage 3, the executive used views to turn these ideas into proposals for how the law could better promote and protect human rights in future.





The views of organisations of persons with disabilities did influence the review's executive at each stage of the review, as did the views of other organisations.

Some examples of this can be seen by comparing the final consultation documents (stage 3), submissions from organisations of persons with disabilities, and the final report. This shows that the executive changed its proposals after the stage 3 consultation and that many changes reflected the views of organisations of persons with disabilities.

For example, in stage 3, the review's executive made proposals that rights should be limited for autistic people and people with learning disability as part of a separate law for these groups of people in future. The executive also proposed secure support centres in the community for people in crisis, and separate rehabilitation centres in the community for offenders, just for these groups of people. The review's executive proposed to define the terms autistic impairment, autistic disability, intellectual impairment and intellectual disability.

Some organisations of persons with disabilities disagreed with each of these proposals. The review's executive reconsidered each of these proposals. In the final report, each of these proposals was changed in important ways or was replaced.

The review's executive did not seek views from these organisations on how the review should be run. The review's advisory groups helped the review's executive to decide how to run the review. All advisors were expected to advise as individuals, not as representatives of organisations.





3. **Why** the views of organisations of persons with disabilities were considered in this way

In general, the views of these organisations were considered in this way to involve organisations as much as possible in the review, while keeping the review independent. If organisations had made decisions on how their evidence should be considered, it would not have been an independent review.

In practice, the views of organisations were considered in this way after advice from the review's advisory groups. The membership of those groups was balanced between individuals with lived experience and individuals with professional experience. You can read about how those groups worked in a report called 'How we did this review'. This is available on the review's website until June 2020, when the website will be archived and taken down.

The review team also took this approach to enable all organisations of people with disability, and autistic people's organisations, to take part in ways that suited each organisation. Different organisations chose to take part in the review in different ways, to meet the needs and preferences of their members.

Any further work in this area would be the responsibility of the Mental Health Directorate of the Scottish Government.

We have enjoyed working with organisations of people with disabilities and autistic people's organisations. Thank you.

With best wishes from the review's executive team.

