

Research Briefing

December 2010



CLAO Inverness training day: Mental health & the law- the system, stigma and jargon (It's all about real people!)

Background

A half day training event took place on Tuesday 16th November 2010 in Inverness. The event was designed and delivered by the Inverness Civil Legal Assistance Office (CLAO). It provided a valuable opportunity for solicitors and those treating and supporting people with mental health illness to share perspectives and experiences of compulsory care and treatment and the Mental Health Tribunal Scotland.

Previous Board research and analysis contained in the Board's Best Value Review of Mental Health shows that there are low numbers of solicitors taking on mental health case work, especially in the Highland area. One of the objectives for the Inverness CLAO is to increase access to advice for people with legal problems relating to issues of mental health through the development of local referral arrangements. The Inverness CLAO refers clients needing advice and assistance to other firms before considering taking on the cases themselves. They aim to try up to 4 other firms before taking on the case.

This briefing gives an overview of the event and the feedback received from those attending.

Aims and expected outcomes

The aim of the event was to help better understand the role and work of the Mental Health Tribunal Scotland from the different perspectives of those involved. Perspectives shared included:

- Service Users
- A Mental Health Officer
- A Community Psychiatric Nurse
- A Consultant Psychiatrist
- A Convenor for the Mental Health Tribunal Scotland.

It was also hoped that by enabling solicitors to gain insight into these different aspects the event

may help to increase uptake of this type of case work for the future.

The event

The training event was well publicised. Spaces were free and attendance qualified as CPD for solicitors. The Law Society of Scotland also helped to publicise the event through local faculty networks.

Sixty delegates attended the event. Those attending included solicitors, NHS workers, advocacy workers, Scottish Children's Reporter Administration officers, and other interested parties from different sectors of the mental health field.

Perspectives included service users from the Highland Users Group (HUG). HUG is a network of people with experience of mental health problems that campaign to improve the rights, services and treatment of people with mental health problems. Graham Morgan, Marja-Liisa Puolakka and Laura Collins from HUG gave their first hand experiences about the ways of and challenges associated with accessing mental health services in the Highland area, the stigma of living with a mental illness, and experiences of being sectioned and of going through a Mental Health Tribunal.

Service users talked about difficulties of getting an ambulance to take them to hospital quickly, which can sometimes mean people are held for their safety in a police cell.

From a service user's perspective, the importance of being represented by solicitor who showed empathy and who could take things at the client's own pace, was stressed. This was especially as life stories often need to be told many times to different people. This can be tiring and upsetting and often the person is speaking whilst on medication which can also affect communication and understanding. Overall, the service users'

experiences of communication and treatment at the Tribunal hearing were positive.

Angela Campbell, Community Psychiatric Nurse (CPN), Easter Ross Community Mental Health Team spoke about her role, giving some history of the role of CPN and the role they play supporting people before, during and after the tribunal.

Ailsa Innes, Senior Practitioner, Moray Community Mental Health Team, spoke about the Mental Health Officer's role, of the different illnesses people may be sectioned under and how these can affect the person with the illness and how these are treated by medical teams.

Nikki Thomson, Consultant Psychiatrist, New Craigs Hospital, spoke about her role, the process and challenges of evidence gathering for Tribunals, the effects that presenting to a hearing can have on the patient and some of the challenges encountered within the legal system. She outlined the medication, mental health conditions and jargon used. She also noted that the treatment plan is different for all individuals and that specific and consistent diagnosis can be difficult, as the mental health symptoms and behaviour manifest themselves in different ways over time.

Derek Hamilton a Mental Health Tribunal Convener, explained his role and outlined some wider changes from a review of the Tribunal's own rules of procedure. The main changes were tightening up and clarifying some procedures and reducing duplication. He gave some perspective on working with the different professional groups, including solicitors, at the Tribunal. He explained the way tribunals are administered, and opportunities in the process for the patient and any advocacy worker to actively participate. He talked about the ethos of Tribunal, which is based on the concept of therapeutic jurisprudence and that patient participation is a key principle. He noted that 'capacity' may mean different things to different professionals and observed that there can be differences between the legal and medical professionals in this definition. He was appreciative of the difficulties of getting two medical reports from independent medical officers especially for the Highland area.

After sharing their different perspectives, speakers took part in a plenary session. Discussion included the role of the solicitors in the Mental Health Tribunal and how this was seen by various different professional groups. There was some interesting discussion about different professional background and training and the differences between case review conferences and the Tribunal process.

Concluding on the service user perspective, one audience member suggested that the different

professional groups involved in the Tribunal could consider how to include in their own respective training, ways to experience what it is like for a report to be written about them by people who had a limited knowledge of them.

Feedback on the event

Those attending the event were asked to complete a short feedback form. In total twenty five people completed a feedback form.

Expectations prior to attending the event

Almost all (96%) of respondents indicated that the main reason for attending had been to understand more about the role of legal advice and how solicitors provided representation in the area of mental health. Three quarters of respondents had also wanted to know more about the Tribunal system. Just over half wanted to know more about the role and work of the mental health services and views of service users, whilst around a quarter wanted to find out about the work of the Civil Legal Assistance Office.

The majority of people (72%) had wanted to learn about the different agencies and how they could work together. Over half (52%) responded wanting to know more about stigma and how it can be dealt with on a professional basis. Additionally 40% of delegates expected that the event would be an opportunity to meet colleagues and discuss issues in this area.

Meeting expectations

The event was well received, almost all (96%) of those giving feedback indicated that the event met their expectations.

Thirty-eight percent indicated that it fully met their expectation, with one respondent commenting that it had exceeded their expectations. Of the small number who said that the event had not met their expectations it was felt the content had been too medicalised and assumed a high knowledge level. All respondents reported that their attendance was a worthwhile investment of their time.

Encouraging more up-take of legal casework

Of the 25 respondents, 13 were solicitors. The majority of these (9 people) said they would be more likely take on mental health case work following the event. The remainder (4) said they were no more or less likely to take on case work. It was not known whether those responding were already undertaking mental health case work.

Conclusions

Overall, the feedback suggests that events such as these are useful in helping to better understand both the client group and processes involved around those who are detained for treatment under the Mental Health Act. The event helped

people to listen to and question those involved in the Tribunal process and to speak with others working in the area of mental health. Two respondents suggested that it would have been useful to hear about the work and role of advocacy workers at the event.

In particular, several people gave unsolicited positive responses about the opportunity at the event to hear experiences from those living with a mental health illness and specifically about hearing first hand experiences of being detained under the Mental Health Act and presenting before a Mental Health Tribunal. A number of delegates also commented that hearing about the Mental Health Tribunal helped to clarify a number of issues and reassured them about the process.

Reassuringly the event may also have helped encourage solicitors in the Highland area to pick up mental health case work in the future. As a consequence of the event it is expected that additional firms will be added to the CLAO referral database. Where there is any increase in the number of firms in the Highland area taking on casework under mental health, this will be identified in future analysis that the Board carries out in it's monitoring of the supply base for civil legal assistance.

Further information

This research briefing is available on our website at: http://www.slab.org.uk/about_us/research

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