



The Scottish Parliament
Pàrlamaid na h-Alba

Criminal Justice Committee

Keith Brown MSP
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The Scottish Government

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Dear Cabinet Secretary,

Scottish Mental Health Law Review

I am writing to you regarding the Criminal Justice Committee's evidence session on 1 March on the criminal justice recommendations within the final report of the Scottish Mental Health Law Review.

The Committee understands that cross-government work is currently underway to assess the implications of the recommendations in the final report, and that a formal response to the Review, including priority actions, will be set out in due course. There were some specific issues raised in evidence which we would like to draw to your attention in the meantime.

Section 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003

The Review makes the following recommendations regarding the current role of the police service as first responders and the adequacy of police powers. The report states:

"[The Scottish Government should] work with health and care agencies to develop alternative places of safety for people who are in distress and at risk, and whose needs are not met by in-patient psychiatric care".

"The Scottish Government should review whether the place of safety powers should extend beyond suspected mental or intellectual disability to other people who may be at serious risk."

The Committee is aware from previous evidence received about the amount of police time that is spent dealing with people who are in distress and who are awaiting a mental health assessment.

Could you please confirm whether the Scottish Government is giving consideration to amending Section 297 of the Mental Health (Care and Treatment) (Scotland) Act 2003, which enables police officers to remove a person from a public place, but not a private dwelling, who may be suffering from a mental disorder and require treatment.

Specifically, what consideration is being given to including removal from a 'private place', and amending Section 297 to reflect the fact that officers are not trained to assess if someone has a mental disorder.

It would also be helpful to understand the options being considered by the Scottish Government as alternative places of safety for people who are in distress and at risk, and whether consideration is being given to introducing a 'fourth emergency service' whereby police officers can transfer the care of a distressed person to a more appropriate service both during daytime and out-of-hours, following their initial response.

NHS24 Mental Health Pathway

In [written evidence](#) to the Committee last year, Police Scotland provided details of two phases of mental health pathways (MHPs). The first phase was launched in 2020. It was a Scottish Government funded collaboration between Police Scotland, NHS24 and the Scottish Ambulance Service, with a key objective to provide the correct response to mental health incidents at first point of contact.

Its aim was to improve outcomes for members of the public who contact Police Scotland suffering from mental ill health and distress by providing a compassionate response via the NHS 24 Mental Health Hub service without the need for front line policing deployments.

Police Scotland officers and staff could assess and refer members of the public in mental health crisis directly to NHS24's Mental Health Hub when they called 101 or 999, transferring the caller so that they could speak directly to a mental health practitioner and receive an appropriate response.

Phase two launched in 2022 within the West Command area, following successful completion of joint NHS24 & Police Scotland training. Police Scotland indicated that five Mental Health Nurse Practitioners are now co-located with mental health trained police officers across all Resolution Teams within Govan, C3 Division. A future roll out to North and East Command is planned.

Could you please provide an update on these pathways, such as any evaluation undertaken and plans for further expansion.

Timetable

It would be helpful to have further details of when the Scottish Government expects to publish its formal, detailed response to the Review's final report. We understand that "summer" has been suggested, but it would be useful to have a more specific date.

Monitoring progress of implementation

There are a significant number of recommendations and sub-recommendations in the Review's final report. Tracking the progress of delivery of those will be important. To assist parliamentary committees with this task, it would be helpful if you can set out your views on how this process can be made simpler, for example, whether the Scottish Government will publish an online progress tracker. What are your plans in this respect?

I am copying this letter to the Minister for Mental Wellbeing and Social Care for information.

I look forward to your response.

Best wishes,

A handwritten signature in black ink that reads "Audrey N: CN". The signature is written in a cursive, flowing style.

Audrey Nicoll MSP, Convener
Criminal Justice Committee