



SCOTTISH EXECUTIVE

Health Department
Directorate of Health Care Policy and Strategy

Dear Colleague

**MENTAL HEALTH (CARE AND TREATMENT)
(SCOTLAND) ACT 2003
SAFETY AND SECURITY IN HOSPITALS**

The Mental Health (Safety and Security)(Scotland) Regulations 2005 came into effect on 5 October 2006. The regulations may be accessed at:

<http://www.opsi.gov.uk/legislation/scotland/ssi2005/20050464.htm>

This notice is to advise that Scottish Ministers now require hospital managers to report on the implementation of the regulations in all hospitals in which patients are detained under the Mental Health (Care and Treatment)(Scotland) Act 2003.

It should be noted that in future reports will be required on a yearly basis. Reminders will be issued to Health Boards.

Further information is contained in Annex A.

Yours sincerely

Geoff Huggins

GEOFF HUGGINS

25 April 2007

Addresses

For action

Chief Executives, Health Boards
Chief Executive, State Hospital
Independent Hospitals

For information

Directors of Social Work/Chief Social
Work Officers
Chief Executive, State Hospitals
Board for Scotland
Royal College of Psychiatrists,
Scottish Division
Scottish Social Services Council
Scottish Commission for the
Regulation of Care
Law Society of Scotland
Scottish Courts Service
Director, Mental Welfare
Commission for Scotland

Enquiries to:

Mrs Fiona Tyrrell
Mental Health Division
Area 3ER
St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 2599
Fax: 0131-244 5076

SAFETY AND SECURITY IN HOSPITALS

Background

1. The main provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 (“the Act”) came into effect on 5 October 2005. Regulations made under section 286 of the 2003 Act (The Mental Health (Safety and Security)(Scotland) Regulations 2005) authorise a number of interventions in relation to patients detained in hospital on the grounds of safety and security, provided that these are carried out in accordance with the conditions laid out. The regulations may be accessed at:

<http://www.opsi.gov.uk/legislation/scotland/ssi2005/20050464.htm>

2. The Regulations provide that patients detained in hospital are specified persons where their responsible medical officer has reason to believe that they have tried, or will try, to obtain any item which could threaten health and safety, the security or good order of the hospital. The regulations also provide that any patient in the State Hospital, the Orchard Clinic in Edinburgh and Rowanbank Medium Secure Unit (amending regulation SSI 2007/243) is a specified person to whom the regulations apply.

Report to Scottish Ministers

3. The regulations provide that the hospital managers of all hospitals in which persons are detained under the Act must provide to the Scottish Ministers on request a report on the implementation of these regulations.

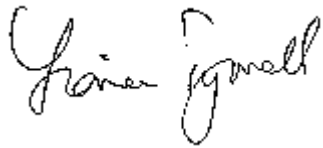
4. Scottish Ministers would be grateful if managers of all hospital in which patients are or have been detained over the past year would provide a report on the implementation of these regulations between 1 April 2006 and 31 March 2007.

5. Reports, which should **not** contain any patient-identifiable information, should comprise a statement of the following:

- the hospital’s current policy on safety and security;
- how these regulations are being implement at the time of this request; this might include information on how a patient is identified as specified person, how the patient and others are informed of this, the actions taken as a result, how long the specification remains in force. For the State Hospital and Orchard Clinic (and in future years the Rowanbank) this statement might include details of which of the measures in the regulations are regularly applied to all or to groups of patients (rather than individually).
- how it is proposed that the regulations be implemented in future. Hospital managers should include details of any plans for review or update of their hospital’s safety and security policy, and the timescale for any such review.

6. Responses should be sent to the undernoted address **by 31 May 2007**.

7. The regulations also require hospital managers to provide to the Mental Welfare Commission statements of the incidence and circumstances of the use of the powers in these regulations. Hospital managers are also reminded of their duty to provide these statements to the Mental Welfare Commission.



Fiona Tyrrell
SE: Mental Health Division
Area 3ER
St Andrew's House
Regent Road
EDINBURGH
EH1 3DG