

# **PE2108/D: Obtain a second medical opinion before detention under the Mental Health (Care and Treatment) (Scotland) Act 2003**

## **Petitioner and Claire Muir written submission, 21 November 2024**

The weakness of the Scottish Government's submission is that it does not deal with any worked examples. Instead, I would like to draw on the outcome of my wife Claire's experience of detention, something that we have both campaigned about for many years.

During miscarriage treatment, my wife complained about an organisation's conduct. When the organisation was contacted by an NHS member of staff, without my wife's knowledge, they denied what had happened. This is despite the fact they had already issued a full written apology to my wife. However, the NHS member of staff decided to believe the organisation's denial without question and wrote a letter claiming my wife was delusional. A psychiatrist examined my wife and "confirmed" that she had suffered a delusion about this and granted a Short-Term Detention Certificate. My wife was then treated with several injections of powerful medication. This medication had significant side effects. The side effects of that medication were used as examples of a mental illness in her medical notes. At five Mental Health Tribunals, the psychiatrist successfully argued that my wife had a mental illness. At each stage of the decision-making process, the Mental Health Officer agreed with the psychiatrist that compulsory treatment was necessary.

After many months of complaining I managed to persuade the psychiatrist and the Mental Health Tribunal that a new Responsible Medical Officer should take over. The second psychiatrist examined her and decided that her treatment was a "waste of time and resources" and that her mental illness was "anything you want it to be". Her treatment was formally ended after fifteen months.

Things would have been better if a second medical opinion had been taken before any detention had started. As my wife was forced to take drugs before the first hearing, she could not properly participate in it, which is in breach of the ECHR.

The ten principles in the Mental Health Act were not followed.