

Cabinet Secretary for Justice and Home Affairs
Rùnaire a' Chaibneit airson Ceartas agus Cùisean na
Dùthcha

Angela Constance MSP
Angela Constance BPA



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Audrey Nicoll
Convener
Criminal Justice Committee
The Scottish Parliament
Edinburgh
EH99 1SP
Justicecommittee@parliament.scot

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Dear Convener,

Thank you for the opportunity to provide an update on the various strands of work outlined in my letter dated 5 January this year, on the issue of policing and mental health.

As we have previously set out, work has been underway at a national and local level across a range of sectors and partners for a number of years to promote positive mental wellbeing, prevent poor mental health, and provide support, care, and treatment where needed. This includes improvements to the mental health unscheduled care pathway and response, ensuring that people seeking urgent or unplanned mental health support receive the right care, in the right place, at the right time, regardless of where or what time of day they present – there should be no wrong door.

We know that individuals experiencing distress or crisis, and who may need unplanned care, tend to first present at a service that is not best placed to meet their needs; this might be via the police, at a clinical healthcare service, social care, or wider community-based supports and services. Supporting individuals to get the right care they need in a person-centred and trauma-informed way is critical and of high importance for all partners involved.

A key part of the Scottish Government's 2023/24 Programme for Government (PfG) was a commitment to act on the findings of His Majesty's Inspectorate of Constabulary in Scotland (HMICS) Thematic Review¹ of the servicing of mental health demand on policing, published on 18 October 2023.

Since publication of the HMICS Review, the Scottish Government, Scottish Police Authority and Police Scotland have established a Partnership Delivery Group (PDG)ⁱ to develop and



HMICS Thematic
¹ review of mental heal

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take forward activity relating to the recommendations made. This cross sector group meets monthly and grounds itself in partnership working across organisational boundaries to identify and deliver interventions that can deliver in a person centred and trauma informed way. There will be two main initial outputs from this work; a Framework for Collaboration and a cross sector owned Action Plan.

Framework for Collaboration

The Scottish Government, along with PDG members have developed a draft Framework for Collaboration (FfC) aimed at health, social care, social work, police, SAS, and third sector services setting out principles for a multi-agency collaborative approach to supporting individuals experiencing distress or crisis. The aim for this framework is to promote a whole-system and person-centred approach through multi-agency working, with an ambition that partners work in a way that minimises service-level boundaries, builds relationships and trust between services to ensure that the individual receives the support they need from the most appropriate agency or provider as soon as is practicable. We also envision that the principles and recommendations set out in the framework will provide a solid foundation for the recommendations resulting from the national review of the Psychiatric Emergency Plans. This framework is intended to support all people in distress by putting them at the centre of practice and decision making, with a particular focus on groups that are currently at risk of being triaged out of the system after presenting in an unscheduled way. Work is currently underway with wider stakeholders to refine the draft framework, with the aim of publishing it by the end of the year.

To help inform the FfC and our work more generally we have engaged organisations who lead change at an operational level and who represent individuals with lived-experience. The third sector organisation Voice of Lived Experience (VOX), is a member of PDG. The Scottish Government, along with SPA and Police Scotland held engagement events, hosted by health boards in Highland, Lanarkshire and Forth Valley, to learn from local practice to inform the development of transfer of care pathways and best practice models. The learning from these workshops has been reflected as good practice within the Framework for Collaboration.

In addition, Police Scotland hosted workshops from November 2023 to March 2024, which focused on the changes services across the sector seek to improve the delivery of person centred care. Attendance included third sector organisations who represent the voice of lived experience, which gave the opportunity for PDG members to hear first-hand accounts from people who have had experience of the policing and mental health system.

Action Plan

As set out in my letter in January, the PDG are developing an action plan, due for publication by the end of the year, which encompasses the range of activity across partner organisations. This will set out short, medium and longer-term ambitions on mental health and policing and detail how these will be achieved through a series of thematically based actions. In addition, the action plan will include a mechanism to monitor delivery on progress. We have already started to deliver on a number of the ambitions in our action plan :

- A national review of **Psychiatric Emergency Plans (PEPs)** is being taken forward by the Mental Health Unscheduled Care Network. The review, expected to be completed by November 2024, will be followed by the publication of a template and national guidance by Spring 2025 for use by Health Boards and relevant partners. The aim of

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this work is again to improve consistency, remove barriers to multi agency working and to clearly articulate roles and responsibilities of partners when responding to a person experiencing a mental health crises who may require a detention.

- Building on the work the Mental Health Unscheduled Care Network has undertaken to develop a **Community Triage Guide** for Police Scotland and the Scottish Ambulance Service setting out 24/7 access arrangements to mental health unscheduled care clinicians in every locality across Scotland, we will be supporting Police Scotland with the roll-out of the document to their frontline officers. Once it has been approved by Police Scotland's internal governance, the document will provide officers with consistent access to clinical advice and support for determining the most appropriate onwards care option for individuals and improve the transfer of care from police officer to clinicians. . It will also build on the support being provided via the Scottish Government's Enhanced Mental Health Pathway funding and the ongoing work taking place between Police Scotland and NHS 24 on increasing the referrals from Police Scotland's Command and Control Centre (C3) Division to the NHS 24 Mental Health Hub.
- As noted above, Police Scotland have been key partners in the development of the **Enhanced Mental Health Pathway**, which provides routes to care for those in distress or in need of mental health support who contact the Scottish Ambulance Service (SAS) or Police Scotland's call centres. We continue to work with partners through the Mental Health Unscheduled Care Network, including Police Scotland and the NHS 24 Mental Health Hub, on improving the call transfer, with the aim of achieving a warm handover between the two services.
- The Scottish Government is continuing to scope what would be needed to provide alternative safe spaces, including good practice examples currently operating, or those that have historically worked well. Safe places could be where people in emotional distress could access or be taken for their own safety. This could avoid people being taken to ED unless there was an acute medical reason to do so. A draft report is currently being discussed with our Diverse Experiences Advisory Panel as well as with other relevant stakeholders. We are aiming to publish the report by the end of the year.
- The Framework for Collaboration sets out the recommendation that, through the Multi-Agency Forum, local partners implement an information and data sharing agreement which also includes provisions for responding to psychiatric emergencies. More guidance on information sharing is being developed through the PEP Review, and the Framework will be updated to include this once the national PEP guidance is published in 2025.

Efficiency and Effectiveness Deliverables

The development of robust data will underpin this plan and will be a primary driver for evidencing progress and demonstrating impact across the system. Police Scotland has developed a data dashboard to better understand mental health demand on police officer time. This work will provide more robust evidence to unscheduled care demand and will be a vital tool in measuring the progress and impact of current workstreams. The dashboard is now live internally within Police Scotland. The organisation is in the process of ensuring the framework for methodology used to quote data is accurate, sustainable and quality assured. Police Scotland expect to be able to share the dashboard more widely with partners by the end of the year.

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In addition, We are working with Health Boards and Public Health Scotland (PHS) to deliver action 4.5.6 in the [Mental Health and Wellbeing Delivery Plan](#) regarding taking an evidenced based approach to understanding how people are accessing and receiving unplanned mental health care. The data will measure the impact of the changes to the mental health unscheduled care pathway to date and identify opportunities for further improvements. The lead-in work is currently underway and this data project will ensure that further improvements to unplanned and urgent mental health care are underpinned by robust data.

Strategic Oversight

The Scottish Government maintain strategic oversight of this work through a senior governance group representing health, Police Scotland and the SPA, who are ensuring that the work being undertaken through PDG is able to deliver the systemic change required. I also continue to receive updates on progress from officials and through my regular meetings with the Chief Constable and the Chair of the SPA where mental health and policing is regularly discussed.

Update on Mental Health and Capacity Law Reform

In my previous letter, I advised of the work being led forward by the Minister for Social Care, Mental Wellbeing and Sport on the establishment of the Mental Health and Capacity Reform Programme. This Programme is looking at how we can update and modernise our mental health and capacity legislation. We published the Mental Health and Capacity Reform Programme Delivery Plan in June 2024 - [Scotland's Mental Health and Wellbeing: Strategy \(www.gov.scot\)](#). The Delivery Plan focuses on the work that will be led by Scottish Government between October 2023 to April 2025.

The Delivery Plan sets out our three strategic aims, the first being Law Reform which aims to strengthen human rights protections in mental health law. We have also sought to prioritise areas of potential change that can be achieved as quickly as possible, within existing resources and recognising the pressure on budgets and services, as well as starting new work to scope and develop options for future reform. One key objective is considering issues around Emergency Detention Certificates (EDCs) under the Mental Health Act. Further detail in the Delivery Plan includes:

Priority 1.12: Ensure there is clarification around the powers of force and detention.

Priority 2.6: We will work to better understand practice around the granting of EDCs as part of our work to review PEPs confirms that we are working to better understand practice around the granting of EDCs as part of our work to review PEPs and the review will be completed later this year.

In addition, I advised of an initial focus on scoping options for reform of the Adults with Incapacity (Scotland) Act 2000. To do this we recently published a consultation on proposals for legislative change to this Act, which will close in October.

Police Officer Mental Health

The Committee has highlighted that officer's stress levels can be exacerbated by the requirement placed on them to respond to incidents involving members of the community

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with mental health conditions. The Scottish Government welcomes the priority placed on the wellbeing of the policing workforce by the Chief Constable and the SPA. Every day, Scotland's police officers and staff are dedicated to serving our communities; keeping them safe and supported. Officers and staff run towards those in danger, placing themselves in front of them so it is important that there are ongoing avenues of trauma and wellbeing support for all officers and staff.

HMICS published its Frontline Focus – Wellbeing report on 11 April 2024. The review engaged directly with frontline officers and staff to identify the issues they consider support or impact on their wellbeing, and to assess the work undertaken by Police Scotland to improve wellbeing. HMICS recognised that Police Scotland is good at supporting officers at points of crisis, and I welcome the post traumatic support offered to all police officers and staff who are directly involved in potentially traumatic incidents through the Trauma Risk Management programme (TRiM). The HMICS report also highlighted a number of challenging findings for Police Scotland, with a strong emphasis on the organisational stressors relating to resourcing, workloads, estates and disparities faced by police staff and those working in remote locations.

In a letter to the Criminal Justice Committee earlier this year, the SPA confirmed the HMICS Wellbeing Report and its own Health & Wellbeing Review would be used to inform a single Wellbeing Action Plan that Police Scotland intends to present to the SPA in August.

All the recommendations made by HMICS in the Wellbeing Report are operational matters for Police Scotland to address with scrutiny from the Scottish Police Authority (SPA) and an action plan is currently being developed and will be shared with HMICS in the coming weeks. The Government stands ready to support Police Scotland with taking forward work to implement the recommendations.

Police Officer suicides

Every life lost to suicide is an enormous tragedy. And every life lost leaves devastating and long lasting impacts on families, friends and communities. Our thoughts and sympathies go out to the friends and family of any officer who dies in service.

Police Scotland seeks to understand the circumstances of every case and provide support to those affected. It is for Police Scotland to determine how it records data around deaths of officers while in service.

The Lord Advocate is responsible for the investigation of deaths in Scotland and decisions about investigations are entirely a matter for the Crown. Every death by suicide of a police officer or staff member will be fully investigated by the Procurator Fiscal to examine whether the person's employment may have played any part in their decision to end their life. Consideration will be then given as to whether it would be appropriate to hold a Fatal Accident Inquiry to explore the circumstances surrounding that death.

In Scotland there have been increases in the number of suicides over 2022 and 2023, which is consistent with international trends and most likely caused by the after effects of the pandemic and the cost of living crisis. We remain determined to take robust action to reduce suicide deaths in Scotland, whilst also tackling the inequalities which contribute to suicide – an approach which is considered progressive internationally. We published an ambitious 10

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year Suicide Prevention Strategy and Action Plan with COSLA in September 2022, which is supported by record funding to double the annual budget to £2.8 million by 2025-2026, which we are well on track to achieve.

I trust the Committee finds my response both helpful and informative. I will continue to keep the Committee apprised of progress as key milestones are delivered.

Yours sincerely



ANGELA CONSTANCE



Partnership Delivery
Group - Membership

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