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Audrey Nicol
Convener
Criminal Justice Committee

By email: justice.committee@parliament.scot

30 January 2025

Dear Convener,

Thank you for inviting me to the Committee to discuss the important work being done across sectors to improve processes for policing vulnerable people.

I found the session to be very valuable, and I hope the information shared helps reassure the Committee of the strong commitment across Government, Police Scotland, the health sector, and the third sector to ensuring that individuals in distress receive the appropriate care

During the session I committed to follow up on some points raised by members:

(1) Statistics on warnings for possession of drugs as a diversion to prosecution, broken down by drug type

This information can be found at **Annex A** (separate attachment)

(2) The mental health landscape and associated ministerial responsibility

Mental Health and Well-being Strategy and Delivery Plan

I can confirm that the [Mental Health and Wellbeing Strategy's Delivery Plan](#) does not directly sit under the Justice portfolio. However, as the Committee may already be aware, the [Mental Health and Wellbeing Strategy](#) is the first cross-Scottish Government strategy on mental health, and its vision and outcomes cannot be achieved without support from all portfolios and sectors.

I would therefore assure the Committee that I remain fully informed of developments relevant to my portfolio, including key actions outlined in the Delivery Plan, such as those addressing the HMICS recommendations following their thematic review of policing mental health.

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Additionally, a [Leadership Board](#) was established in 2024 to support and oversee the delivery of the Mental Health and Wellbeing Strategy's ten priorities and the related actions in the associated Delivery Plan and Workforce Action Plan.

The Leadership Board is jointly chaired by the Minister for Social Care, Mental Wellbeing and Social Care and the COSLA Spokesperson for Health and Social Care, and its membership includes representation from local government, NHS boards, Integrated Joint Boards, the third sector, and a range of Scottish Government portfolio areas (including the Scottish Government's Director for Justice, the Director for Tackling Child Poverty and Social Justice, and the Director for Employability).

Police Scotland, while not a member of the Leadership Board, are among the organisations invited to attend meetings as and when appropriate, for example when the Leadership Board may need to consult on mental health and policing issues.

The Mental Health and Capacity Law Reform Programme Delivery Plan

Similarly, the [Mental Health and Capacity Law Reform Programme Delivery Plan](#) sits directly under the Health and Social Care portfolio but contains actions which require cross government working. This programme looks at how we can update and modernise our mental health and capacity legislation to better reflect international human rights standards.

Alongside efforts to strengthen legislation, the programme will drive action to support decision-making and improve the way that human rights are put into practice across mental health services. It will aim to bring changes that give people greater control over their own lives, care and treatment.

As I highlighted to the committee, the actions in this delivery plan are already underway or planned during the period October 2023-April 2025. We have sought to prioritise areas of potential change that can be achieved as quickly as possible, within existing resources, as well as starting new work to scope and develop options for future reform. This includes actions to understand practice around the granting of Emergency Detention Certificates and a review of Psychiatric Emergency Plans both of which have implications for stakeholders such as Police Scotland.

In addition, work around the definition of mental disorder within the Mental Health (Care and Treatment) (Scotland) Act 2003 requires careful consideration of any impact on the criminal justice system.

I hope the Committee finds the information provided helpful. Should it be useful, I can ensure that officials keep the Committee updated on progress with both delivery plans

Yours sincerely,



ANGELA CONSTANCE

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