

ISLAND COMMUNITIES IMPACT ASSESSMENT TEMPLATE

Name of Policy, Strategy or Service	The Mental Health (National Secure Adolescent Inpatient Service: Miscellaneous Amendments) (Scotland) Regulations 2023
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STEP ONE – DEVELOP A CLEAR UNDERSTANDING OF YOUR OBJECTIVES

<ul style="list-style-type: none">• What are the objectives of the policy, strategy or service? • What are the intended impacts/outcomes and how do these potentially differ across the islands?	<p>The objective is to amend mental health regulations that will allow for certain safety and security measures to be applied to patients detained in the National Secure Adolescent Inpatient Service (NSAIS), Foxgrove and will also provide patients with the right to contest the level of security under which they are detained.</p> <p>The NSAIS will be the national adolescent inpatient service for Scotland. It will be the first Medium secure unit of its kind and the aim of the facility is to provide mental health care and treatment to young people who are seriously unwell and are a risk to themselves or others. The service is expected to open in January 2024 and will initially have four beds.</p> <p>The Scottish Government is making amendments to include the National Secure Adolescent Inpatient Service (“Foxgrove”) to the following existing regulations:</p> <ul style="list-style-type: none">• The Mental Health (Safety and Security) (Scotland) Regulations 2005 (“the 2005 Regulations”) and• The Mental Health (Detention in Conditions of Excessive Security) (Scotland) Regulations 2015 (“the 2015 Regulations”) <p>The changes mean that the same safety and security measures, subject to protections and safeguards, that are available in other medium secure inpatient settings can be applied where necessary in the NSAIS. Children and young people</p>
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	<p>detained in the NSAIS will also have the same right of appeal against detention in conditions of excessive security as those detained in other medium secure inpatient settings.</p> <p>There will be no impact between island communities and the mainland of Scotland because the regulations will be applied to a national service for children and young people in Scotland.</p>
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STEP TWO – GATHER YOUR DATA AND IDENTIFY YOUR STAKEHOLDERS

<ul style="list-style-type: none"> • What data is available about the current situation in the islands? <ul style="list-style-type: none"> • Who are your key Stakeholders? 	<p>There is very little data on the application of the regulations on children and young people and Island Communities. However, the Mental Welfare Commission's Children and Young People Monitoring Report¹ indicates that less than 5 young people were admitted to non-specialist mental health facilities, from Island Boards for the period 2021-22. The number for the previous 4 years prior is 0. This would suggest that the likelihood of a young person requiring care or treatment in Foxgrove from one of the relevant health boards from an island community is low.</p> <p>We have engaged with the following stakeholders:</p> <ul style="list-style-type: none"> • Mental Health Tribunal for Scotland • The Forensic Network • Centre for Mental Health and Incapacity Legislation, Rights and Policy • NHS Greater Glasgow and Clyde, Forensic Directorate • Children and Young People's Commissioner Scotland • National Youth Justice Advisory Group • Children and Young People's Centre for Justice • Dr Laxmi Kathuria, Child and Adolescent Psychiatrist
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¹ [ChildrenYoungPeople_MonitoringReport_2021-22.pdf \(mwscot.org.uk\)](https://www.mwscot.org.uk/ChildrenYoungPeople_MonitoringReport_2021-22.pdf)

<ul style="list-style-type: none"> • How does any existing data differ between islands? • Are there any existing design features or mitigations in place? 	<ul style="list-style-type: none"> • Dr Helen Smith, Consultant Forensic Child and Adolescent Psychiatrist, Clinical Director of Foxgrove and Clinical Lead for West of Scotland CAMHS Network <p>As noted above, the proposals are in relation to extending procedural security measures and providing patients in the service with the right to appeal conditions of excessive security. The collection of data provided by the Mental Welfare Commission is inclusive of Island Boards and comprise Eilean Siar (Western Isles), Shetland and Orkney.</p> <p>The safety and security regulations provide a framework of measures that are authorised to protect the safety and security of patients designated as specified persons and others. The implementation of the Regulations is a matter for each hospital at a local level. So, for example the kind of things which patients may have with them that are restricted are determined locally. In a similar way the prohibitions and restrictions on entry for visitors and the kind of things they may bring with them into the hospital can take account of the particular safety and security needs of the hospital. Each hospital should therefore have in place policies on safety and security in respect of all patients and their visitors and such policies require to conform with these regulations. The regulations require hospital managers to provide information to Scottish Ministers and the Mental Welfare Commission on the implementation of the measures in the regulations, if requested.</p>
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STEP THREE - CONSULTATION

<ul style="list-style-type: none">• Is there any information already gathered through previous engagements?• How will you carry out your consultation and in what timescales? Public meetings/Local Authorities/key Stakeholders• What questions will you ask when considering how to address island realities?• Separate consultation events for Island communities/Local Authorities?	<p>Previous engagements on the subject of Excessive Security Appeals and Safety and Security Measures, focused on the adult forensic population. This is because the amendments to the regulations, at the time, would have affected that particular group. The regulations have been amended to include medium secure adult services, as and when they have developed, in line with the existing policy of medium secure units as a whole.</p> <p>A short targeted consultation was undertaken between 28 September 2022 and 12 October 2022. The consultation gave stakeholders with a forensic/specialist CAMHS interest an opportunity to provide their views on adding the NSAIS to the list of hospitals in which these regulations can be applied or whether additional conditions on the measures should be applied to children and young people in a medium secure service. A total of nine responses were received from individuals and organisations.</p> <p>The main focus of the consultation and discussions were around the operational measures relating to safety and security and how they will be applied in the context of Foxgrove. Stakeholders were asked the following 2 questions:</p> <p>Q1. Taking into account this overarching duty to secure the welfare of persons under 18, should the measures be authorised for Foxgrove as they stand or are there particular conditions needed specifically because the measures will apply to young people? If so, what conditions should apply to which measures?</p> <p>Q2. Please use this opportunity to provide any further comments you may have on secure inpatient services for young people and safety and security or appeals against detention in conditions of excessive security.</p> <p>As the regulations are to be applied to a new national service for Scotland for children and young people detained within this medium secure facility, Scottish</p>
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Government officials concluded that there would be no requirement for a separate consultation for Island communities or Local Authorities.

STEP FOUR - ASSESSMENT

- Does your assessment identify any unique impacts on island communities? (Further detail in the Guidance):
 - Demographic
 - Economic
 - Gaelic
 - Social

One of the issues noted by respondents was on the theme of guidance being available for children and young people and specific to the regulations and how they will be applied.

It is a matter for each hospital to consider how to best communicate with each patient. The regulations require that hospital managers inform the person detained and/or their named person that the person detained is a specified person as well as informing them that they are subject to the measures and that they have a right to a review in relation to regulation 3 and re-assessment in regulation 5(b). The principles underpinning the Mental Health (Care and Treatment) (Scotland) Act 2003 require those discharging a function under the Act to do so in a way that has regard to the patient participating as fully as possible and emphasises the importance of providing such information and support to the patient as is necessary to enable the patient to participate.

- Does your assessment identify any potential barriers or wider impacts?
- Are there mitigations already in place for these impacts raised?

No, we do not believe there are any other wider impacts.

There is already provision in primary legislation to require those discharging functions under the Act to provide information and support to every patient to enable them to participate as fully as possible. This would include different language formats as well as easy read and other visual communication aids where appropriate.

Is a full Island Communities Impact Assessment required?

You should now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). To form your opinion, the following questions should be considered:

<ul style="list-style-type: none">• Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations? (If further ICIA action is not required, complete the section below and publish).• Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as levels of satisfaction, or different rates of participation)?• Are these different effects likely?• Are these effects significantly different?• Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?• If your answer is 'no' to the above questions, please complete the box below.	<p>As stated above, there is already provision in primary legislation to require those discharging functions under the Act to provide information and support to every patient to enable them to participate as fully as possible. This would include different language formats as well as easy read and other visual communication aids where appropriate.</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>
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- If the answer is 'yes', an ICIA must be prepared and you should proceed to Step 5.

A full Islands Community Impact Assessment is NOT required

<p>In preparing the ICIA, I have formed an opinion that our policy, strategy or service is NOT likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.</p>	
<p>Reason for not completing a full Islands Communities Impact Assessment:</p>	
<p>Based on the evidence available, the impact of the change to existing legislation is not expected to be significantly different for the island local authorities than for any other local authority in Scotland.</p>	
Screening ICIA completed by (name)	Cameron Hogg
Position	Forensic Mental Health Policy Officer
Signature and date	5 October 2023
ICIA authorised by (we recommend DD level)	Gavin Gray
Position	Deputy Director – Improving Mental Health Services
Signature and date	12 October 2023