

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 17 – Patient Representation

Chapter 2: Advocacy

Advocacy

Section 260: provision of information to the patient

505. **Section 260** contains requirements for appropriate persons, as defined in subsection (5), to take steps to ensure that, at various stages throughout the operation of compulsory measures, patients are aware of their situation and their rights.
506. The patients with which this section is concerned are listed in subsection (1). They fall into two broad categories: patients detained under the 2003 Act or the 1995 Act; and patients who, although not detained, are subject to compulsory measures.
507. Subsection (2) places duties on the appropriate persons who are the managers of the hospital in which the patient is detained, or would be detained but for suspension of the order, or in any other case the managers of the hospital specified in the order.
508. The appropriate person must take reasonable steps:
- to ensure that the patient understands the “relevant matters”, as specified in subsection (5), which are matters concerning the patient’s status and rights, at a series of relevant times (which are set out in subsection (3));
 - to ensure that the patient is supplied with material appropriate to their needs to enable the patient to refresh their understanding of the relevant matters (subsection (2)(a)(ii)). The material must be given in a form that is appropriate to those needs and permanent. Reasonable steps must be taken to ensure that the patient’s named person is given a copy of any such material, in a form that is appropriate to the needs of the named person (subsection (4)); and
 - to take reasonable steps to inform the patient of the availability of independent advocacy services at each of those relevant times.
509. In addition, the appropriate person requires to take reasonable steps to ensure the patient has the opportunity to use these services.