



Mental Health (Scotland) Bill: call for written evidence

Together Response – August 2014

Together (Scottish Alliance for Children's Rights) is an alliance of children's charities that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 260 members ranging from international and national non-governmental organisations through to small volunteer-led after school clubs. Our activities include collating an annual *State of Children's Rights* report to set out the progress made to implement the UNCRC in Scotland. The views expressed in this submission are based on the general principles of the UNCRC and don't necessarily reflect the specific views of each member organisation.

Introduction

Together welcomes the opportunity to respond to the call for evidence to inform the Health and Sport Committee's consideration of the *Mental Health (Scotland) Bill*. Some of the most vulnerable children in Scotland are affected by mental health issues – both personally and through having parents or siblings affected by mental health issues. This Bill provides an opportunity to ensure that these children are able to enjoy the highest attainable standard of health, in line with Article 24 of the UNCRC¹. The Bill could further children's rights and progress the duty placed on Scottish Ministers through the *Children and Young People (Scotland) Act 2014*.

However, the Bill as introduced is currently a missed opportunity and fails to take account of many concerns raised by children's organisations through the Scottish Government's consultation. Together urges the Health and Sport Committee to take a number of steps to ensure that the Bill fulfils its potential:

- 1. A Child Rights Impact Assessment should be carried out on the draft Mental Health (Scotland) Bill, to systematically and fully consider its impact on children and young people.**
- 2. The Bill should take account of the rights of all children, including those with mental health needs as well as those affected by the mental health needs of their parents, carers or siblings.**
- 3. The Bill should include preventative measures to avoid children from developing more serious mental health problems later in life. It should be used as an opportunity to address the difficulties many children and young people face in accessing CAMHS.**

1. Child Rights Impact Assessment

A Child Rights Impact Assessment (CRIA) would help to ensure that opportunities to promote children's rights through the Bill are identified and taken forward, and that any negative impact of the proposals can be predicted, and if necessary, avoided or mitigated. It would help to fulfil a commitment made by the Minister for Children and Young People during Stage 3 of Parliamentary scrutiny of the *Children and Young People (Scotland) Bill*.² The Scottish Government is currently developing a CRIA model which could be trialled on this Bill.

- The Health and Sports Committee should encourage the Scottish Government to undertake a Child Rights Impact Assessment (CRIA) on the Bill.**

¹ UN General Assembly (1989) UN Convention on the Rights of the Child. Art. 24.

² Scottish Parliament (2014). Official report: meeting of the Parliament. Wednesday 19th February. 27746.

2. Taking account of the rights of all children

The Mental Health Strategy 2012 recognises that more could be done to provide mental health support to those who are most vulnerable. The Strategy particularly focuses on the needs of looked after children and children with learning disabilities.³ Together's members have highlighted that more needs to be done to support children from other vulnerable groups, including children of prisoners, asylum seeking children, children from ethnic minority communities, young carers, young offenders, looked after children, those who have suffered abuse or neglect and those with hearing loss.

- ***The Mental Health (Scotland) Bill should include provisions to ensure equal access and consistent, timely provision of mental health services for all children. Attention needs to be paid to ensure that the needs of children from particularly vulnerable groups are met.***

The Bill as introduced does not take account of the impact that a parents', carers' or siblings' mental health needs can have on a child. Children affected by a close relative's mental health needs can become withdrawn and isolated, particularly as a result of adult-focused agencies overlooking the rights of children.

- ***The Health and Sport Committee should ensure that the impact of the Bill on children and young people who are affected by a parent, carer or sibling's mental health needs is fully taken into account and that the best interests of the child are the primary consideration throughout further scrutiny of the draft Bill.***

3. A preventative approach to mental health in Scotland

The importance of supporting a preventative approach whilst taking forward mental health policy in Scotland is recognised in the Mental Health Strategy 2012 and outlined in consultation responses by a number of children's organisations. Despite this, there is no explicit statutory foundation for preventing mental health problems in the proposals cited. The importance of including preventative provisions in the Bill are outlined in the consultation response by the WAVE Trust and should be fully taken into account throughout the scrutiny process.

- ***The Health and Sport Committee should ensure that the Bill promotes sufficient preventative measures for children to help avoid mental health problems from escalating.⁴ There should be a holistic approach to mental health and support and services that are not seen in isolation from other strategies and policies (including the Children and Young People (Scotland) Act⁵ and the National Parenting Strategy⁶).***

Members of Together have raised concerns that the vast majority of children are not able to access specialised Child and Adolescent Mental Health Services (CAMHS) because they are not diagnosed or not seen as needing that level of intervention.⁷ Together's members report that although the quality of CAMHS is generally thought to be good, it is hugely under-resourced, leading to long waiting lists that can cause more damage to the child as well as longer, and ultimately more expensive, treatment.⁸

- ***The Mental Health (Scotland) Bill should be used as an opportunity to address the difficulties many children and young people face in accessing CAMHS.***

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³ Scottish Government (2012) *Mental Health Strategy for Scotland: 2012-2015*

⁴ Together (2012) *State of Children's Rights in Scotland* (pg 48)

⁵ Scottish Government (2014). *Children and Young People (Scotland) Act*

⁶ Scottish Government (2012). *National Parenting Strategy for Scotland*

⁷ Together (2013) *State of Children's Rights in Scotland* (pg 60)

⁸ Together (2011) *State of Children's Rights in Scotland* (pg 45)