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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 310**

**MENTAL HEALTH**

**The Mental Health (Social Circumstances Reports) (Scotland) Regulations 2005**

<i>Made</i>	- - - -	<i>6th June 2005</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>8th June 2005</i>
<i>Coming into force</i>	- -	<i>5th October 2005</i>

The Scottish Ministers, in exercise of the powers conferred by section 231(3) of the Mental Health (Care and Treatment) (Scotland) Act 2003<sup>(1)</sup>, and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Mental Health (Social Circumstances Reports) (Scotland) Regulations 2005 and shall come into force on 5th October 2005.

**Social circumstances report**

2. A social circumstances report shall set out the following information, where it is relevant to the care of the patient—

- (a) the reasons for the use of compulsory powers;
- (b) the views of the patient with respect to the use of compulsory powers;
- (c) if the patient is unable to give a view, and only if available to the mental health officer, the views of the patient's named person, carer, guardian and welfare attorney with respect to the use of compulsory powers;
- (d) the patient's state of mental health;
- (e) the patient's state of physical health;
- (f) the patient's mental health history;
- (g) an assessment of the risk of harm to the patient and to others;
- (h) the patient's personal history including details of employment, finances and accommodation prior to the use of compulsory powers;

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<sup>(1)</sup> 2003 asp 13. See section 329(1) for the definition of "regulations".

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- (i) details of the patient's family situation including whether the patient has children, dependents and caring responsibilities;
- (j) details of the patient's regular social contacts;
- (k) the patient's ability to care for himself or herself;
- (l) the care being provided to the patient prior to the use of compulsory powers;
- (m) any matters which would require the local authority to make inquiries into the patient's case under section 33 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- (n) any alternatives to the use of compulsory powers which were considered and ruled out;
- (o) any history of offending, including consideration of victims and those affected;
- (p) any history of substance misuse;
- (q) ethnic, cultural and religious factors;
- (r) whether the patient has difficulty in communicating; and
- (s) any plan which has been put in place to deal with any of the above.

St Andrew's House, Edinburgh  
6th June 2005

*RHONA BRANKIN*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the contents of a social circumstances report which is provided for in section 231 of the [Mental Health\(Care and Treatment\) \(Scotland\) Act 2003, asp 13](#).