

2005 No. 310

MENTAL HEALTH

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

Made - - - - - *6th June 2005*

Laid before the Scottish Parliament *8th June 2005*

Coming into force - - - *5th October 2005*

The Scottish Ministers, in exercise of the powers conferred by section 231(3) of the Mental Health (Care and Treatment) (Scotland) Act 2003(a), 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;
- (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;

(a) 2003 asp 13. See section 329(1) for the definition of "regulations".

- (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

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.

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland
150 06/05 19593

