Mental Capacity Law Newsletter October 2016: Issue 69

# Capacity outside the Court of Protection

Welcome to the October 2016 Newsletters. Highlights this month include:

(1) In the Health, Welfare and Deprivation of Liberty Newsletter: getting tangled up in ineligibility, survey and statistical data relating to DOLS and news of a new COPDOL10 form;

(2) In the Property and Affairs Newsletter: deputies and remuneration, capacity and influence, and updates from the OPG;

(3) In the Practice and Procedure Newsletter: participation of P, extending the great safety net abroad, the limits of the coercive power of the inherent jurisdiction, and an expert beyond bounds;

(4) In the Capacity outside the COP Newsletter: a report from the World Guardianship Congress, a new Jersey capacity law and a report on what Singapore can teach us about the MCA 2005;

(5) In the Scotland Newsletter: case notes shedding light on practice in relation to adults with incapacity, new MWC reports and new supervision practices by the OPG.

And remember, you can now find all our past issues, our case summaries, and much more on our dedicated sub-site here. 'One-pagers' of the cases in these Newsletters of most relevance to social work professionals will also shortly appear on the SCIE website.

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## "Transforming our justice system"; summary of reforms and consultation

On September 15 the Ministry of Justice published a statement jointly with The Lord Chancellor, Lord Chief Justice, and the Senior President of Tribunals setting out their shared vision for the future of Her Majesty's Courts & Tribunal Service. It also issued a consultation paper outlining what the Ministry of Justice is doing to achieve reform of the justice system and inviting the public and interested stakeholders to give their views on certain specific measures.

Two of the proposals in particular raise specific concerns for vulnerable clients: the proposals for increased assisted digital facilities and the proposed changes in panel composition for mental health tribunals.

The paper recognises that not everyone will be able to engage with digitised processes, and sets out proposals to support people who need it to interact with the new system namely:

- Face-to-face assistance – for example, aiding completion of an online form and proposes that his type of service may be supplied by a third party organisations in some cases.

- A telephone help service offering similar advice, which the government would expect to be staffed by Her Majesty's Court and Tribunal System (HMCTS).

- Web chat to guide people through online processes.

- Access to paper channels for those who require it

Consultees are asked for their view on whether these proposals are the right ones to enable people to interact with HMCTS in a meaningful and effective manner

The government has returned again to its proposals to fully digitise applications for Lasting Powers of Attorney. Applications have been partially digitised since 2014, which the government states has resulted in fewer application forms being returned because of errors. The proposal to digitise lasting powers of attorney was strongly resisted by the legal profession when first proposed in July 2012.

The government also proposes to amend the First-tier Tribunal and Upper Tribunal (Composition of Tribunal) Order 2008 to give the Senior President of Tribunals (STP) greater freedom to adopt a 'more proportionate and flexible approach' to panel composition, by:

- Providing that a tribunal panel in the First-tier Tribunal is to consist of a single member unless otherwise determined by the SPT; and

- Removing the existing requirement to consider the arrangements that were in place before the tribunal transferred into the unified system.

Currently a decision that disposes of proceedings or determines a preliminary issue made at, or following, a hearing at a Mental Health Tribunal must be made by a judge sitting with another member who is a registered medical practitioner, and one other member who has substantial experience of health or social care matters.

The paper proposes that where specialist expertise or knowledge is required, it will still be

provided but the SPT will be able to consider more flexible allocation of the specialist resource provided by non-legal members. For example, the paper suggest, they could be used as a pool of specialist experts who could be deployed across various Chambers and jurisdictions who would benefit from their expertise, answering specific queries from judges or helping people work through the process by sharing their skills and knowledge.

Consultees are asked for their views on which factors should be considered by the SPT to determine whether multiple specialist are needed to hear individual cases and requests that consultees state their reasons and specify the jurisdictions and/or types of cases to which these factors refer.

The consultation closes at 11.45 p.m. on the 27 October 2016. Responses should be made online at: https://consult.justice.gov.uk.

*Beverley Taylor*

## *Care Act for Carers: One Year On:* Report by Carers Trust

The Care Act came into force in England on April 1 2015. It replaced the 1948 National Assistance Act and 60 years of piecemeal amending legislation that both consolidated and simplified care law in England. It set in place a new organising principle for decision makers, the promotion of individual wellbeing, and placed the rights of informal carers on an equal footing to those with care needs.

One year after the Act's implementation former Minister of State for Care and Support, Rt Hon Prof Paul Burstow, was asked by the Carers Trust to chair a review Commission to find out how the Care Act was working for carers. The results of the inquiry were published in the House of Commons on 4 July 2016, and available here.

During the course of the 6 month enquiry the review Commission conducted an online and offline survey, took written submissions and held three oral evidence days in Birmingham, Leeds and London.

The results showed that although the Care Act had been widely welcomed, implementation of the Act was far from complete. 69% of carers responding to the survey had not noticed any difference since the Act's introduction and many expressed frustration and anger at the lack of support they received in their caring role. The survey of carers found that too many carers were unaware of their rights and 65% of the carers surveyed had not received assessments under the Act. 35% of those that had received assessments had not found them helpful.

The Care Act and statutory Guidance accompanying the Act make clear that carers' eligibility for support is independent of the person they care for. The review found evidence to suggest that practitioners are not always clear on this point. It also appears that not all local authorities are complying with the letter of the law in the way they assess and respond to carers' needs. The review recommended further study in relation to this. Many carers continue to find engagement with health services problematic for them and the person they care for, the report noted that there were many opportunities for the NHS to support carers, particularly with identification. The Commission welcomed the new NHS Carers Toolkit introduced in May 2016

There was little evidence that the Act's market-shaping duty has benefited carers and promoted

innovation and the report suggested that local authorities could do more to develop their offer to carers.

In all the report makes 22 recommendations including the following key recommendations

- It recommended that national and local Government, together with the NHS, urgently invest in the support needed to ensure that the new legal rights for carers are fully introduced in all areas, so that carers receive the assessment, support and breaks they need to be able to choose how and when they care.

- Local authorities ensure that all social workers and assessors are appropriately trained, and are able to reflect the wellbeing principle in assessment and care and support planning.

- Local authorities, with the Local Government Association (LGA) and the Association of Directors of Adult Social Services (ADASS), review their systems for monitoring progress in implementing the Act. The Short- and Long-Term (SALT) return should be reviewed, so that it captures all assessment and support activity for carers, including prevention.

The report concluded that there was still good reason to be optimistic about the transformative potential of the Care Act. However implementation support is still required, and it recommended that further study and evaluation should be put in place.

The report can usefully be read alongside:

- ADASS's *Making Safeguarding Personal Temperature Check 2016*, a report commissioned to review how the Making Safeguarding Personal approach has fared (and been improved) in light of the introduction of the Care Act;

- NHS Digital's most recent safeguarding statistics, showing that between April 2015 and March 2016 there were 102,970 individuals subject to enquiries under *section* 42 Care Act 2014, 930 fewer than in 2014-15. Amongst other data, it shows that 27% of adults subject to an enquiry lacked the capacity to make decisions about their protection, including their ability to participate in the investigation and their capacity at the time the incident that triggered the enquiry took place.

*Beverley Taylor*

## World Guardianship Congress report

The 4th World Congress on Adult Guardianship was held at the end of September in Erkner, Germany. Two of your editors attended: one, Alex, as participant, and one, Adrian, as speaker. The congress was attended by many professional guardians from around the world (most, very crudely, discharging functions akin to those of deputies under the MCA 2005), academics, lawyers and judges. The single biggest national contingent – understandably – came from Germany, but delegates attended from every inhabited continent. In both plenary sessions and parallel workshops, a multitude of issues were addressed – a flavour being found from the abstracts and working papers to be found on the Congress website here.

From Alex's perspective perhaps the most fruitful debates arose in consequence of the search to

explain across and between jurisdictions the principles underlying the relevant national legislation (and its operation in practice). In this regard, Adrian set the ball rolling in expert fashion with a wide-ranging and very well-received comparative review of international protection of adults, which is available here (together with a continuation piece from a subsequent session on decision makers within formal support mechanisms). Both of these will be reworked and revisited in due course for publication.

A particular theme – at least from Alex's perspective – was the extent to which current regimes comply with the CRPD; a theme given particular emphasis given the presence of and contributions from Professor Theresia Degener, Vice-Chairperson of the Committee on the Rights of Persons and Disabilities, and also the discussions throughout of the implications of the very recent German Constitutional Court decision in 1 BvL 8/15 relating to forced medical treatment (a detailed article on this will be contained in the next Newsletter). The discussions around this theme at the conference felt, in many ways, much like a continuation of the intensive discussions which went into the EAP 3 Jurisdiction report relating to compatibility of (in)capacity legislation in the UK with the CRPD, and – like those discussions - revealed new areas for investigation and work as much as they did give answers and solutions.

The Congress had a very important practical outcome in the shape of the adoption of the revised Yokohama Declaration, setting out principles for the development of regimes for the legal support and protection of adults. The process of revision had begun in advance of the Congress, coordinated by the International Guardianship Network and the organisers of the Congress, with a working group chaired by Prof Dr Volker Lipp and Prof Dr Dagmar Brosey, of which both Adrian Ward and former Senior Judge of the Court of Protection Denzil Lush were members. Further input was provided by members of the International Advisory Board. The outcome of this process was a Declaration (which, importantly, contains within it a recommendation that it is kept under review) which both stylistically and substantively rather different to the original declaration.

How far the CRPD has already produced movement towards systems which are centred around the adult in question since the original Declaration was adopted in 2010 can be seen not just in the removal of the term "guardianship" from all substantive parts of the declaration, but also in comparing the first key declarations from the two documents. In the original declaration, the first declaration read:

> ***WE DECLARE*** *that in the context of adult guardianship:*
>
> *(1) a person must be assumed to have the mental capacity to make a particular decision unless it is established that he or she lacks capacity;*
>
> *(2) a person is not to be treated as unable to make a decision unless all practicable steps to help him or her do so have been taken without success;*
>
> *(3) legislation should recognize, as far as possible, that capacity is both "issue specific" and "time specific" and can vary according to the nature and effect of the decision to be made, and can fluctuate in an individual from time to time; and*
>
> *(4) measures of protection should not be all-embracing and result in the deprivation*

*of capacity in all areas of decision-making, and any restriction on an adult's capacity to make decisions should only be imposed where it is shown to be necessary for his or her own protection, or in order to protect third parties.*

*(5) measures of protection should be subject to periodic and regular review by an independent authority wherever appropriate.*

By contrast, in the revised document, the first declaration reads:

***WE DECLARE** that in the context of the legal support and protection of adults:*

*(1) all adults must be assumed to have the capability to exercise their legal capacity without support unless it is established that they require support or need protection in relation to a particular act or decision;*
*(2) support and protection includes taking all practicable steps to enable the adult to exercise his or her legal capacity.*

*(3) law and practice should recognize that requirements for support and protection are both "issue specific" and "time specific", that they can vary in intensity and can vary according to the nature and effect of the particular act or the decision to be made, and that they can fluctuate in an individual from time to time.*

*(4) measures established autonomously by an adult should have precedence over other measures relating to the exercise of legal capacity.*

*(5) the imposition in any individual case of any measure of support and protection should be limited to the minimum necessary intervention to achieve the purpose of that measure.*

*(6) measures of support and protection should be subject to periodic and regular review by an independent authority. The adult should have an effective right to institute such a review irrespective of his/her legal capacity.*

*(7) measures in relation to the exercise of legal capacity should only be imposed where it is established that they are necessary and in accordance with international human rights law. They should not be applied in order to protect third parties.*

*(8) all forms of incapacitation which restrict legal capacity irrespective of the existing capabilities of the adult should be abolished.*

These revised principles certainly do not represent an end-point in our journey towards regimes that properly comply with the CRPD. However, it is suggested that they represent a model of best (current) practice that should serve both as a yardstick to test current national legislation against and as a goad to further action. For bringing about the adoption of the revised Declaration alone – but indeed for very much more – the organisers of the Congress are very much to be congratulated.

## New capacity legislation in Jersey

The Capacity and Self-Determination (Jersey) Law 2016 was passed by the States Assembly in September 2016, with Royal Assent expected in November. It includes provisions relating to deprivation of liberty which – interestingly – are predicated upon a statutory definition of

"significant restriction upon liberty," and which are anticipated to come into force in 2018.

## The Singapore case of *Re TQR*: Safeguards & Principles Pertaining to a Deputy's Investment Powers

[Editorial Note: this guest article by Yue-En Chong[1] uses a recent decision in Singapore to highlight some of the key similarities and differences between the MCA 2005 and the Singapore MCA]

### Introduction

The Singapore Mental Capacity Act ('SinMCA2010') (which can be found at statutes.agc.gov.sg) came into force in 2010. As it was the Singapore Parliament's intention to model SinMCA2010 after the England and Wales Mental Capacity Act 2005 ('MCA 2005'), key sections in the SinMCA 2010 were replicated from the MCA 2005 (see comparative table available here). As such, with the great similarities between both MCAs, cases from the Court of Protection ('COP') have, thus far, been an excellent resource to both Singaporeans MCA Practitioners and the Singapore's Family Justice Court ('FJC') in interpreting and applying key principles in the SinMCA2010.

*Re TQR* [2016] SGFC 98 is an example of a novel FJC case where the basis of its decision was formulated with reference to the similarly novel case of *Re Buckley: The Public Guardian v C* [2013] EWHC 2965 (COP). *Re TQR*, like *Re Buckley*, focused on laying out guidelines governing the deputy's investments of P's monies and it is suggested that such close referencing was possible considering Section 24(9)(b), SinMCA2010 and Section 19(8)(b), MCA2005 are identical where both the COP and the FJC may,

> *…confer on a deputy powers to exercise all or any specified powers in respect of it, including such powers of investment as the court may determine.*

### Facts

P had assets amounting to over SGD $6 million and P's Deputies were seeking to be given powers to make investment decisions in respect of P's assets. The FJC had to decide if such powers should be given and if so, the extent of such powers.

### Decision: Investment Principles and Guidelines

The FJC adopted a similar approach to that of Senior Judge Lush in *Re Buckley*:

- Making reference to the MCA principles (Sections 3(4) & 3(5) SinMCA 2010, identical to Sections 1(4) & 1(5) MCA 2005), the FJC concluded that unlike a person with mental capacity who is free to make any investment decision he wishes, a Deputy who makes an investment decision for P does not have the luxury of making unwise decisions but is required to make decisions that are in P's best interest (at [8] & [9], see *Re Buckley* at [23] & [24]).

- Making reference to Section 6(7) SinMCA 2010 (identical to Section 4(6) MCA 2005), while a Deputy making an investment decision for P must consider what P would have done in the same circumstances (e.g. P was a reckless high-risk investor and would risk all his assets on some high risk

[1] Advocate & Solicitor (Singapore) LLB, National University of Singapore, *Candidate* LLM (Social Care Law) Cardiff University; Counsel in *Re TQR*. Email: yue_en@yahoo.com.sg.

investment), as P has lost mental capacity and even though P could and would have made such a decision if he had mental capacity, the Deputy does not have the same right to make such a decision and have to consider whether the proposed course of action is in P's best interest. (see [11] to [17] and *Re Buckley* at [20] – [21]).

- The FJC stating at [34] that relationship between a Deputy and P is akin to the fiduciary relationship between a trustee and a beneficiary (see *Re Buckley* at [25]).

The FJC adopted a different approach, however, to that adopted in England and Wales in the following key respects (a full comparison is not possible in this limited space):

- Powers of investments should not be routinely granted to Deputies but should only be granted when necessary and appropriate in the circumstances of the case (at [4]). In contrast, 'powers of investments' are included in the standard COP order given to Property and Affairs Deputies.

- That in the determining of P's 'best interest', section 6(6), SinMCA 2010, is an important factor and the Singaporean Deputy has an obligation to ensure that P's property is preserved towards the costs of P's maintenance during his life at [10]. (There is no similar provision in MCA 2005) This means that while a person with mental capacity is fully entitled to disregard the issue of preservation of his assets while making decisions on his assets, his Deputy cannot disregard this and must always consider the issues of preserving P's assets for his maintenance (at [18] & [23]). This means that the Singaporean Deputy is obliged to adopt a financially more conservative position than an English or Welsh Deputy.

- The FJC stated at [24] that it has to consider the following steps when deciding on investment powers:

  (a) whether P has enough assets to permit ***some of them*** to be used for investment;

  (b) the relationship between P and the Deputy; and

  (c) the safeguards that should be put in place to protect P's assets from bad investment decisions.

- This need to preserve P's assets means that the FJC may only permit investments if P has significant assets that are more than sufficient for his needs and future maintenance, such that his maintenance would not be affected in the event that the investments resulted in significant losses (at [23] & [30]). It is important to mininise the risk of loss to P and to limit the extent of possible loss in addition to ensure that there is a reserve of funds or assets for P's use no matter what happens to the investments (at [37]).

- It is noted that the FJC agreed with the Deputy's proposed safeguards to maintain a sum of $200,000 as a reserve fund which would not under any circumstances be invested. The Deputies also agreed to be personally responsible to P for losses in the event that P's investments fall in value by more than 30% and would reimburse P for the loss sustained. [See [40]]. However, it is noted that these safeguards may not be necessary in England & Wales, due to the COP routinely ordering Security Bonds when

granting powers to Property and Affairs Deputies. The ability for the COP to enforce the bond means that P's capital is secured and any investment losses would be restituted to P's estate almost immediately with the Deputies liable for such amount restitttuted.

It is suggested that the probable reason for the FJC adopting the position that only P's excess funds may be invested is perhaps linked to Singapore's recent memory of the 2008 global financial crisis where it was reported that many elderly investors lost their life-savings through junk 'mini-bonds' offered by Lehman Brothers.[2] The FJC concluded that 'no investment is safe from risk and even if the investment itself carries minimal risk, no investment is safe from risks arising from the global economy as seen during the global financial crisis of 2008' (at [27]). It also expressed concerns that if P has very little assets, that there would be very little buffer 'if anything goes wrong' (at [28]).

At the same time, the FJC made an interesting observation as to the Singapore context and came to three further conclusions:

1. It is not uncommon for people [in Singapore] to make investment decisions with a view towards increasing their asset pool for the eventual benefit of their future beneficiaries of their estates (at [20]). (Before stating that a Deputy cannot base his decision solely, or even mainly on how this would impact P's heirs in the future' at [22].)

2. If the Deputy is the future beneficiary of P's estate, it is possible that the Deputy would subconsciously be thinking about his future inheritance when making investment decisions which also means that the Deputy is less likely to engage in risky behaviour since such behaviour is likely to impact on his future inheritance (at [32]).

3. The Deputy is more likely to be concerned about P's interest if he/she is a close relative of P (although the FJC did concede this is certainly not always true) and the court may be more willing to entrust the Deputy with the power to invest P's money (at [31]).

While it may be true that a risk-adverse beneficiary might be incline to adopt a conservative approach towards investing P's monies, the converse could also be true. Additionally, considering the increasing number of reports in the England & Wales on Deputies and Attorneys financially abusing P's monies, it would regrettably seem that often, it is those who are the closest related to P that ends up being hauled to court to have their Attorneyship/Deputyship revoked.

Absent a crystal ball for predicting if a Deputy would end up abusing P, the better way to minimise abuse would be ensure that the safeguards put in place for each case are suitably tailored to each unique set of facts to best discourage that particular Deputy from villainously exploiting the person whom he is supposed to protect. It is suggested that currently, the ordering and enforcing of Security Bonds provide the best safeguard against exploitative behaviour.

## Conclusion

It is still early years in the development of the jurisprudence concerning MCA 2005 and SinMCA 2010 and the writer hopes that as 'iron sharpens iron', that the concurrent developments and

[2] Melanie Lee, 'Financial Crisis Politically Awakens Singapore Investors' (*Reuters*, 2016).

clarifications in both MCAs will allow P to be supported to the greatest extent in making his or her own decisions and if he or she is not able to, to ensure that decisions on his welfare, property and affairs would continue to be in clean, honest hands.

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## Conferences at which editors/contributors are speaking

### Switalskis' Annual Review of the Mental Capacity Act

Neil and Annabel will be speaking at the Annual Review of the Mental Capacity Act in York on 13 October 2016. For more details, and to book, see here.

### Taking Stock

Both Neil and Alex will be speaking at the 2016 Annual 'Taking Stock' Conference on 21 October in Manchester, which this year has the theme 'The five guiding principles of the Mental Health Act.' For more details, and to book, see here.

### Human Rights and Humanity

Jill is a keynote speaker at the SASW MHO Forum Annual Study Conference in Perth on 29 October, talking on "Supporting and extending the exercise of legal capacity." For more details, see here.

### Law (and the Place of Law) at the End of Life

Alex will be speaking alongside Sir Mark Hedley at this free seminar organised by the Royal College of Nursing on 1 November. For more details, see here.

### Alzheimer Europe Conference

Adrian will be speaking at the 26th Annual Conference of Alzheimer Europe which takes place in Copenhagen, Denmark from 31 October–2 November 2016, which has the theme "Excellence in dementia research and care." For more details, see here.

### Jordans Court of Protection Conference

Simon will be speaking on the law and practice relating to property and affairs deputies at the Jordans annual COP Practice and Procedure conference on 3 November. For more details and to book see here.



### Advertising conferences and training events

If you would like your conference or training event to be included in this section in a subsequent issue, please contact one of the editors. Save for those conferences or training events that are run by non-profit bodies, we would invite a donation of £200 to be made to Mind in return for postings for English and Welsh events. For Scottish events, we are inviting donations to Alzheimer Scotland Action on Dementia.

# Chambers Details

Our next Newsletter will be out in early November. Please email us with any judgments or other news items which you think should be included. If you do not wish to receive this Newsletter in the future please contact marketing@39essex.com.


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## CoP Cases Online

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THE QUEEN'S AWARDS FOR ENTERPRISE INTERNATIONAL TRADE 2013

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Alex is recommended as a 'star junior' in Chambers & Partners 2016 for his Court of Protection work. He has been in cases involving the MCA 2005 at all levels up to and including the Supreme Court. He also writes extensively, has numerous academic affiliations, including as Wellcome Trust Research Fellow at King's College London, and created the website www.mentalcapacitylawandpolicy.org.uk. He is on secondment to the Law Commission working on the replacement for DOLS. To view full CV click here.

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Victoria regularly appears in the Court of Protection, instructed by the Official Solicitor, family members, and statutory bodies, in welfare, financial and medical cases. Together with Alex, she co-edits the Court of Protection Law Reports for Jordans. She is a contributing editor to Clayton and Tomlinson 'The Law of Human Rights', a contributor to 'Assessment of Mental Capacity' (Law Society/BMA 2009), and a contributor to Heywood and Massey Court of Protection Practice (Sweet and Maxwell). To view full CV click here.

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Neil has particular interests in human rights, mental health and incapacity law and mainly practises in the Court of Protection. Also a lecturer at Manchester University, he teaches students in these fields, trains health, social care and legal professionals, and regularly publishes in academic books and journals. Neil is the Deputy Director of the University's Legal Advice Centre and a Trustee for a mental health charity. To view full CV click here.

Annabel Lee: annabel.lee@39essex.com

Annabel appears frequently in the Court of Protection. Recently, she appeared in a High Court medical treatment case representing the family of a young man in a coma with a rare brain condition. She has also been instructed by local authorities, care homes and individuals in COP proceedings concerning a range of personal welfare and financial matters. Annabel also practices in the related field of human rights. To view full CV click here.

Anna Bicarregui: anna.bicarregui@39essex.com

Anna regularly appears in the Court of Protection in cases concerning welfare issues and property and financial affairs. She acts on behalf of local authorities, family members and the Official Solicitor. Anna also provides training in COP related matters. Anna also practices in the fields of education and employment where she has particular expertise in discrimination/human rights issues. To view full CV click here.

Simon Edwards: simon.edwards@39essex.com

Simon has wide experience of private client work raising capacity issues, including *Day v Harris & Ors* [2013] 3 WLR 1560, centred on the question whether Sir Malcolm Arnold had given manuscripts of his compositions to his children when in a desperate state or later when he was a patient of the Court of Protection. He has also acted in many cases where deputies or attorneys have misused P's assets. To view full CV click here.

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Adrian is a practising Scottish solicitor, a consultant at T C Young LLP, who has specialised in and developed adult incapacity law in Scotland over more than three decades. Described in a court judgment as: "*the acknowledged master of this subject, and the person who has done more than any other practitioner in Scotland to advance this area of law*," he is author of *Adult Incapacity*, *Adults with Incapacity Legislation* and several other books on the subject. To view full CV click here.

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Jill Stavert is Professor of Law, Director of the Centre for Mental Health and Incapacity Law, Rights and Policy and Director of Research, The Business School, Edinburgh Napier University. Jill is also a member of the Law Society for Scotland's Mental Health and Disability Sub-Committee, Alzheimer Scotland's Human Rights and Public Policy Committee, the South East Scotland Research Ethics Committee 1, and the Scottish Human Rights Commission Research Advisory Group. She has undertaken work for the Mental Welfare Commission for Scotland (including its 2015 updated guidance on Deprivation of Liberty). To view full CV click here.