

It would be helpful to understand whether the established by Healthcare Improvement Scotland (as referenced at par.21 of the consultation) has made any difference to the operation of SAERs both in terms of the number and type of deaths of people subject to CTOs being made subject to an SAER and to the problems with the perceived independence of the SAER process set out with some force in the 2018 Review.

requirements, it is therefore important, prior to the introduction of the new process, to provide a robust evidence base for the changes proposed by establishing the total number of un-investigated deaths of people subject to a CTO across all settings. It is unfortunate that the 2018 review did not establish this figure but it can presumably be arrived at. We would encourage those organisations that keep the relevant data to more fully explore the data sharing possibilities, with a view to arriving at this important figure.

That said, we appreciate that it can be argued that the new process is justified on the basis that

- one un-investigated death is one too many (any investigation) and

- how the *powers*

MWC: powers, recommendations, appeals, complaints

It must be made clear whether the MWC will be able to intervene in an ongoing investigation by a local service, as sanctioned at stage 3, if it becomes clear to the MWC long before stage 4 is reached, that the investigation is going to fail to investigate properly.

There is no explanation of what happens if the findings and conclusions of a MWC review or investigation under stages 3 or 5 differ fundamentally from the findings and conclusions of the investigating body (e.g., a Health Board) and whose findings and conclusions take primacy. This needs to be made explicit.

Our understanding is that, currently, if someone is dissatisfied with an investigation conducted by a local service

consultation document when it is
could be taken to inappropriately imply a starting point for an investigation of staff fault or
guilt. There is also merit in the inclusion, in the list of values and principles, of a form of
words that would oblige the MWC to fairly balance the interests of all those involved in the

