



HM Courts
& Tribunals
Service

Mental Health Tribunal Stakeholder Bulletin April 2012

List of contents:

- Contacting the Tribunal**
- Reports Processing Team**
- Section 2 Cases**
- Scanned Reports**
- Password protection**
- Notification to the Tribunal of Patient Withdrawals and RC Discharges**
- HQ2 Questionnaire**
- FTT Mental Health Policy update**
- Clerking**
- Facilities for the Hearing impaired**
- Olympics and Paralympics 2012 and the potential impact.**
- Relist Team**
- Customer Survey**
- Feedback**

Contacting the Tribunal

The contact sheet is updated regularly and is available on our website at

<http://www.justice.gov.uk/global/contacts/hmcts/tribunals/mental-health.htm>

Please ensure that you use the correct mailbox when emailing documents.

Secure email is the preferred method of communication.

Please **only** use faxes in extremely urgent cases. Fax machines are **not** a secure method of transporting information and they are often illegible. If you do find it necessary to fax please use the Goldfax numbers. Goldfax then converts into email and forwards to the correct mailbox.

Reports Processing Team

As above the Reports team prefers reports to be submitted by secure email and we have 2 dedicated email team mailboxes. If you are unable to email the reports to us you can fax the report to one of our team gold fax numbers. The faxes are automatically converted to electronic faxes and redirected to the appropriate team mailbox.

For hospitals in the North

TSMHnorthreportsteam@hmcts.gsi.gov.uk or fax to 0870 739 4101 (Gold fax)



**HM Courts
& Tribunals
Service**

For hospitals in the South

TSMHsouthreportsTeam@hmcts.gsi.gov.uk or fax to 0870 739 4121 (Gold fax)

Section 2 cases

Due to the very short timescales reports for Section 2 patients should **not** be sent to the Reports Processing Team. Copies should be made available to the panel at least one hour prior to the hearing.

Scanned reports (PDF's)

So far as practicable please scan the report to a lower file size (by selecting 300 dpi this produces smaller size files without losing quality).

Password protection

Wherever possible please do not protect reports by using a password when sending to the Tribunal. If it is necessary to use one, could you please ensure only one password is used for all reports sent by each hospital.

Notification to the Tribunal of Patient Withdrawals and RC Discharges

Please be reminded that any cancellation of hearing requests resulting from a patient withdrawal of appeal or RC discharge must be notified to the Tribunal office as soon as possible and at the very least 48 hours prior to an arranged hearing. If a hearing is cancelled within 48 hours, the Tribunal may still incur costs associated with the hearing, resulting in wasted costs to the public purse. The best way to inform the Tribunal office is by email to the following inboxes -

Withdrawals - tsmhcaseprogressionnorth@hmcts.gsi.gov.uk

Or tsmhcaseprogressionsouth@hmcts.gsi.gov.uk

RC Discharges - posthearingmhrt@hmcts.gsi.gov.uk

All Section 2 matters - tsmhsection2applications@hmcts.gsi.gov.uk

Your cooperation in this matter would be very much appreciated.

HQ2 Questionnaire

Following a lengthy consultation with lawyers and other stakeholders in 2010, the mental health jurisdiction within the First-tier Tribunal (Health, Education and Social Care Chamber) asks that the legal representatives appointed to represent patients will assist the tribunal in dealing with cases fairly and justly by providing certain essential information by way of a brief questionnaire “HQ2”. The questionnaire is aimed at identifying, as early as possible, cases that would benefit from early judicial intervention and case-management by a salaried mental health judge, and at reducing the number of last minute postponements, adjournments and withdrawals of applications.

From May 2012, when the Responsible Clinician’s report is sent to the named solicitor, the attached CNL2 notice will be enclosed. This notice gives direction to access the HQ2 questionnaire from our website, to then complete the relevant details and return to the tribunal within 10 days, preferably by secure email. This should give the representative sufficient time to take instructions – at least to a degree sufficient to answer the questions on the questionnaire. If more time is needed, or if the patient’s instructions subsequently change, legal representatives should advise the tribunal administration in writing.

Legal representatives will be aware that parties must help the tribunal to further the overriding objective, which includes avoiding delay and dealing with cases in ways that are proportionate to the complexity and costs involved. Parties must also co-operate with the tribunal generally, and we see this important process as part of the way in which parties can assist the tribunal in targeting its case-management resources on those cases that most need it, and in identifying the contentious issues arising in the case at an early stage – which will greatly assist the tribunal support staff, and judiciary, in managing the case and preparing for an effective and focussed hearing.

From the information given on the HQ2, the tribunal administration will be able to refer cases to a salaried judge for further direction if required. It is hoped that by identifying potential issues and requests in this way, late postponements and/or adjournments on the day of the hearing may be reduced and delays (that are often distressing for the patient) can be avoided.

The effect of the notice is to direct the patient’s legal representative to complete and return Hearing Questionnaire 2 (HQ2) to the tribunal. Form HQ2 can be found on the tribunal web site:

www.justice.gov.uk/tribunals/mental-health

and, when fully completed, must be returned either by secure email to

casemanagementrequest@hmcts.gsi.gov.uk

or by first class recorded delivery post to MHT (HQ2), PO BOX 8793, 5th Floor, Leicester LE1 8BN, to be received by the tribunal no later than the date specified - unless an extension is requested, and granted by the tribunal .



In addition, if it appears likely that the patient's application to the tribunal will be withdrawn, prior to the hearing, the patient's representatives will be directed to use their best endeavours to notify the tribunal of the withdrawal at least 4 working days before the hearing.

Failure to comply with directions may result in the tribunal exercising such powers, and imposing such sanctions, as are provided for under the Rules, including refusal to consent to the withdrawal of an application, refusal to adjourn, adjourning and making a wasted costs order against the patient's representatives, or refusing to permit expert evidence to be produced.



CNL2.doc



HQ2.doc

FTT Mental Health Policy update

Further to our email of 21 March, this note is to let you know that an updated Reports Booklet is now available on the Mental Health Tribunal website at <http://www.justice.gov.uk/downloads/tribunals/mental-health/reports-mental-health-tribs-T124.pdf>. The updated booklet clearly outlines what needs to be provided in reports to the Tribunal, and by when.

Please can this be brought to the attention of all your colleagues whose roles involve preparing evidence for, or appearing at, the Tribunal. It may be useful to print a copy off to keep for future reference.

This booklet complements a new Practice Direction available at <http://www.judiciary.gov.uk/Resources/JCO/Documents/Practice%20Directions/Tribunals/hesc-statements-in-mh-cases-062012.pdf>

which introduces a new requirement on Responsible Clinicians to provide the Tribunal with their expert view as to their community patient's capacity to decide whether or not to attend, or be represented at, a hearing of a reference.

As Judge Hinchliffe, the Deputy Chamber President makes clear in the booklet's foreword, the Tribunal needs the best evidence that it can get in order to properly understand and balance all the relevant issues and information; it is in no-one's interest if cases have to be adjourned because reports are late or lack the crucial facts or the up-to-date information required.

Also now available at <http://www.justice.gov.uk/downloads/tribunals/mental-health/forms-and-guidance/community-tribunal-order-T128.doc> is an electronic version of the permissions leaflet and form being sent out to all patients subject to a Community Treatment Order referral. The leaflet received by the patient will have a date on the front cover, by which the form should be returned to the tribunal office in Leicester. We would encourage representatives with secure email to fill in the electronic version of the form and email it securely back to the tribunal.



Clerking

Hays Agency are currently running a 'Tribunal Assistant of the month' award and would be happy to receive any positive feedback to be used as part of their considerations. If you would like to provide any positive feedback, to be used in this process please send it to Mandy North at [**mandy.north@hmcts.gsi.gov.uk**](mailto:mandy.north@hmcts.gsi.gov.uk) who will forward it on to Hays.

Facilities for the hearing impaired

We have received a number of queries about the availability of equipment for hearing impaired users and tribunal members attending tribunals. As you know, if a signer is required for a hearing this is normally arranged by the Leicester administration but this provision doesn't adequately cover those who are hard of hearing. If you don't have a hearing loop or similar system installed, it would be very helpful if you could advise what contingency arrangements you have in place by emailing [**mhrtenquiries@hmcts.gsi.gov.uk**](mailto:mhrtenquiries@hmcts.gsi.gov.uk).

Olympics and Paralympics 2012 and the potential impact on Mental Health Tribunals

As you are aware the Olympic and Paralympics are to be held during the following periods

- Olympic Games - 27 July to 12 August 2012
- Paralympic Games - 29 August to 9 September 2012

At the moment we anticipate that the main disruption will be the ability to travel around London and other event areas for our Judiciary and other professionals required to attend Tribunals.

In order to minimise postponements and adjournments caused by these difficulties we have gathered information regarding venues and timing of events and are planning listing cases to try to avoid peak periods wherever possible.

We are proposing that we take a flexible approach when scheduling tribunals in key areas and we are keen to work closely with those involved. You may find that during this period Tribunal start times could vary. These variations will be discussed with all professionals concerned. We may also have to limit Tribunals to one per day unless they are scheduled at the same venue. This will allow the Tribunal Medical Member time to carry out preliminary examinations on the day and reduce unnecessary travel. We would appreciate your understanding and assistance in this matter.

Our priority work will be Section 2 cases which have a statutory listing window of 7 calendar days. We have been advised that there is a general expectation that there may be an increase in Section 2 applications due to an increase in service users in London especially during the Olympic period. We have contingency plans in place to move administrative staff to this area of work within the Tribunal office if required.



HM Courts & Tribunals Service

In order to prepare for this period we have also asked our Tribunal panel members to let us know the days they can sit for us during these busy periods to allow us time to identify any areas where there may be a shortfall.

To assist us we would like to request that we are notified at the earliest opportunity of any change to patient circumstances for example R. C. Discharges, withdrawals postponements requests etc.

It has also been identified that there may be a high demand for language interpreters during these periods and this may result in a shortage of those available to the Tribunal. Therefore we would greatly appreciate it if you would let us know as soon as possible if an interpreter is required for a Tribunal hearing.

We would very much like to hear from you if you have any feedback on special arrangements being made for this period or if you have any further queries. Please contact us by email at [**mhrtenquiries@hmcts.gsi.gov.uk**](mailto:mhrtenquiries@hmcts.gsi.gov.uk)

Relist team

As you may be aware cases that are adjourned or postponed and need a new hearing date fixed are dealt with by a dedicated team called the Relist team. The team leader for the team is Joanne Conti.

Following feedback from stakeholders I thought it may be helpful to explain the process by which the team organise their workloads.

When the team receives notification of a case needing a relist, the case is prioritised by the latest date they require listing by. For example a case with a direction to list between 1 May 2012 and 15 May 2012 will be dealt with ahead of a case with a listing window of 20 May 2012 to 10 June 2012. This enables the team to deal with urgent work first.

The team are usually working around 3 weeks ahead of the final date for listing. This means we are unlikely to offer dates out on cases that require listing ahead of this period, however, if you wish to offer us dates on specific cases we will take this into account.

Any date offers or queries on adjourned or postponed cases should be sent to [**TSMHrelist@hmcts.gsi.gov.uk**](mailto:TSMHrelist@hmcts.gsi.gov.uk)

If you have any questions about this process I am happy to discuss this with you and my contact details are shown below.

Telephone - 0116 249 7162

Email - [**joanne.conti@hmcts.gsi.gov.uk**](mailto:joanne.conti@hmcts.gsi.gov.uk)



Customer Survey Jan/Feb 2012

You may be aware that the Customer survey ran from 16 January to 10 February and during this period one Patient copy and one Representative copy of the survey was sent with each decision issued by the Tribunal. During this 4 week timescale 1142 decisions were issued.

To end of February we received responses as below;

Patient- 40 Responses of 1142 issued =3.5% response rate.

Rep-90 Responses of 1142 issued= 7.8% response rate.

Summary of Patient Responses:

Question 1 – In the lead up to the hearing you received sufficient information from us to keep you informed about how your application was progressing.

65% of responses were positive.

Question 2 – in the lead up to the hearing, in your view, the time you waited for your case to be heard was ...

63% of responses were positive.

Question 3 – how accurate was the information provided by us about the hearing in light of what actually happened on the day?

75% of responses were positive.

Summary of Rep responses

Question 1-Our staff were helpful and polite in their contact with you.

97% of responses were positive.

Question 2-In the lead up to the hearing, the information you received from us was timely and accurate.

80% of responses were positive.

Question 3-After the hearing we provided a written decision when we said we would.

81% of responses were positive.

Hospitals with a Service Level Agreement for clerking have been asked to provide a copy of the questionnaire to all patients following their hearing.

We plan to run a similar exercise in October 2012.If you have any comments, particularly if you are a representative, in relation to when the questionnaire should be sent please email them to [**mhrtenquiries@hmcts.gsi.gov.uk**](mailto:mhrtenquiries@hmcts.gsi.gov.uk)

Feedback

We are happy to receive your views on this bulletin and any suggestions you have for improving it.

If you would like to send us your feedback please email:

[**mhrtenquiries@hmcts.gsi.gov.uk**](mailto:mhrtenquiries@hmcts.gsi.gov.uk)