



**To:** All Mental Health Tribunal Stakeholders

**Date:** 15<sup>th</sup> April 2013

**From:** Neil Skelton

**Subject:** Mental Health Tribunal- process changes

### Background

Back in 2010 the management team did some extensive work with staff and with judicial leads and members to look at ways to improve the end to end processes in the Mental Health Tribunal. One of the key areas for improvement identified was the listing process where it was agreed by all that the current system was not fit for purpose. This system which is based upon negotiations between parties for dates often results in delays to listing which is not in the best interest of the Tribunal's customers.

A new system of listing was devised and put to Tribunal users for consultation. During consultation we received 50 responses from a variety of stakeholders and stakeholder groups. The Tribunal proposed a system based on dates of unavailability. The main issue raised by Legal Representatives and Mental Health Administrators was the difficulty they saw in providing these "unavailable" dates and many questioned why the Tribunal would not be asking for "available" dates instead. The tribunal took on board the comments received and the proposed new system was modified to reflect the comments received.

It was decided that this system would be put in place as soon as the Martha database could support this new way of listing.

In May this year HMCTS Change Board approval for this funding was forthcoming after significant delays in obtaining the necessary funding to make the database changes that will support this change.

We now have a provisional go live date in mid to late May for the Martha database changes to have been implemented and for the new processes that they will support to be in place. We will now be spending the next three months ensuring that all changes are properly planned and communicated to ensure a smooth transition.

### New listing system-

The benefits of changing to the new system will include:

- The administration will no longer spend a considerable amount of time contacting parties in order to negotiate a hearing date – resources can be re-directed elsewhere in the system to seek to continue to improve the service
- Cases will be listed at the first point of contact so eliminating double handling
- Cases will not be lost within the 'listing' process for several days / weeks waiting for parties to confirm availability

- Speeding up the listing process will improve performance
- It will lead to improvements in customer service and cost effectiveness of the process

**These new arrangements will not relate to Section 2 cases due to the short timescales involved. There are no proposed changes to the current process for Section 2 cases.**

### **Summary of listing process changes**

The new listing process will require parties to the appeal to provide the tribunal administration with details of availability by completing the questionnaire HQ1. This process will replace the current system where the administration contacts all parties individually to agree dates.

At the point of registration all parties will be given 14 days to notify the tribunal of dates when they are available within:

- a 4 week listing window (for non-restricted cases 5 to 8 weeks from the date of receipt of the application)
- a 3 week listing window (for restricted cases 12 to 14 weeks from the date of receipt of the application) by way of hearing questionnaire.

The HQ1 will ask Mental Health Act Administrators and legal representatives to indicate which, if any, dates would be convenient for witnesses and representatives to attend a tribunal, within the given listing window. The form will also provide a box for any additional information to assist the tribunal in listing or arranging the hearing.

Having considered any HQ1s submitted the administration will fix a hearing date within the listing window, taking account of known witness and representative availability, any linked cases, and any further information provided.

When allocating a date and a panel, the administration will ensure that account is taken of panels already sitting at the venue during the listing window.

Every effort will be made to list the case for hearing on a date convenient to all parties, but this may not always be possible.

The administration will notify all relevant persons of the case, venue and hearing date as soon as the case is listed.

### **Timetable**

The current plan is for the database changes to be in place from 13<sup>th</sup> May and the associated process changes will come into force at the same time.

### **Comments**

Please send any questions on above to [MHStakeholderComments@hmcts.gsi.gov.uk](mailto:MHStakeholderComments@hmcts.gsi.gov.uk)