



COURTS AND
TRIBUNALS JUDICIARY

JUDGE SARAH JOHNSTON

DEPUTY CHAMBER PRESIDENT
FIRST TIER TRIBUNAL (HEALTH, EDUCATION AND SOCIAL CARE)
MENTAL HEALTH

15 December 2023

Dear Colleagues,

The Senior President of Tribunals has made it clear that all Tribunals must record hearings. The judiciary and Ministry of Justice have a longstanding shared ambition to create One Judiciary. The principal aim of One Judiciary is to bring the courts and tribunals closer together to make better use of resources.

Courts have always recorded proceedings. We are going to start recording CVP hearings first. Currently we are unable to facilitate recording face to face hearings.

Enclosed is the guidance from the Chamber President. Access to the recording will only be available in exceptional circumstances following an application and in nearly all cases will be by transcript. In Mental Health we will endeavour to ensure the recording remains private.

Recording on CVP

There is a facility on CVP which will allow the clerk to turn on the recording at the beginning of the hearing. Remember everything that is said will be recorded. Please do not have private conversations once the recording has begun. When the hearing is finished, the recording will be disconnected.

Where there is an application to withhold information/not to be disclosed material

If there is an application to be decided, the recording will not be turned on until the application is determined.

Deliberation room

The Tribunal will be given a deliberation room as well as a hearing room. They will be able to leave the hearing room and return when the deliberation is completed if announcing the decision. Do please remember that if you stay in the hearing room everything said will be recorded. You can mute your microphone but if you are speaking ensure it is muted if you don't want to be recorded.

What if the patient does not want the hearing recorded?

There have been concerns expressed that patients will not want the hearing to be recorded. I am hoping that this fear is misplaced. When we first started taking computers to hearings a

concern was expressed that patients would find this impossible. However, I was one of the early adopters of this and in all my years of sitting I have not had one patient voice concerns.

However, if this happens the Tribunal will have to consider an application to stop recording the hearing. Alternatively, the patient can opt for a face to face hearing as currently these will not be recorded.

The PHE

The PHE will not be recorded.

The start date

Recording of CVP hearings will start on 15 January 2024. If that changes, we will let you know.

Finally, if you have queries please send them to mhtenquiries@justice.gov.uk

Best wishes

Yours sincerely



Sarah Johnston
Deputy Chamber President

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