



TRIBUNALS
JUDICIARY

PRACTICE STATEMENT

**DELEGATION OF FUNCTIONS TO STAFF AND TO REGISTRARS ON OR AFTER
27 April 2015**

**FIRST-TIER TRIBUNAL
HEALTH, EDUCATION & SOCIAL CARE CHAMBER (MENTAL HEALTH)**

1. This Practice Statement replaces the previous Practice Statement for mental health cases dated 10th June 2014 in respect of authorised tribunal staff and approved Registrars.
2. In accordance with rule 4(1) of The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 the Senior President of Tribunals hereby approves that, in relation to mental health cases (as defined in rule 1(3)), the following specified functions of the Health, Education & Social Care Chamber of the First-tier Tribunal may be carried out by those members of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 where those members of tribunal staff have been authorised by an Operations Manager (B and C) of the First-tier Tribunal Mental Health in relation to each specified function.
 - (a) The issue of standard non-compliance directions by authorised tribunal staff for information and reports required under rule 32. The non-compliance directions are to be in standard form (as approved, from time to time, by the relevant Deputy Chamber President) and, in the absence of an application under rule 5(3)(a), are to be sent to the defaulting person following non-compliance with rule 32 and the most recent Senior President's Practice Direction on the Contents of Reports in Mental Health Cases;
 - (b) The giving of consent by authorised tribunal staff under rule 5(3)(a) to an application made in writing by the Responsible Authority (or, in the case of a conditionally discharged patient, by the Responsible Clinician or the Social Supervisor) to extend time for compliance with rule 32(4)(b) and rule 32(6) obligations subject to the application being made on or prior to the original date for compliance and subject to the maximum extension for compliance being 7 days;
 - (c) The giving of consent by authorised tribunal staff under rule 17(2) to a notice of withdrawal lodged by or on behalf of a patient by a representative under rule 17(1)(a), by those tribunal staff responsible for receiving and processing notices of withdrawal, subject to the notice of withdrawal being received by the tribunal 48 hours or more before the scheduled start time of the hearing of the application to the tribunal; and

subject to the case not being part-heard, there being in existence no concurrent application or reference, and no other reason for tribunal staff to believe that consent to the withdrawal should be refused, such as it appearing that the withdrawal is merely tactical;

- (d) The issue of an order to any person in standard form (as approved, from time to time, by the relevant Deputy Chamber President) to answer questions or produce any documents in that person's control which relate to any issue in the proceedings pursuant to rule 16(1)(b) following non-compliance with a request made under rule 5(3)(d) including a standard non-compliance direction;
 - (e) The issue of an order appointing a representative under rule 11(7)(a) and (b) and the issue of a direction in standard form (as approved, from time to time, by the relevant Deputy Chamber President) in order to obtain sufficient information from the parties to make such an order;
 - (f) The issue of an order under rule 5 (3)(b) for two or more sets of proceedings in relation to the same patient and involving identical parties to be heard together;
 - (g) The correction, by those tribunal staff responsible for checking and promulgating decisions, of a clear and obvious clerical mistake, or other clear and obvious accidental slips or omissions, in any document recording a decision or direction of the tribunal.
3. The Senior President of Tribunals hereby approves that a legally qualified member of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 may carry out the following functions of the Health, Education and Social Care Chamber of the First-tier Tribunal under the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 where that legally qualified member of staff, who for the purpose of exercising those functions shall be known as a Registrar, has been authorised by the Chamber President or a Deputy Chamber President of the Health, Education and Social Care Chamber to exercise those functions in respect of Mental Health cases-
- (a) Exercising any case management powers under rule 5 except under rule 5(3)(l);
 - (b) Dealing with irregularities under rule 7(2)(a) or (b);
 - (c) Striking out if the tribunal does not have jurisdiction under rule 8(3)(a);
 - (d) Giving directions to substitute or add a party or parties under rule 9;
 - (e) Appointing a legal representative for the patient under rule 11(7);
 - (f) Making orders prohibiting disclosure or publication of documents or information under rule 14;
 - (g) Giving directions in relation to evidence and submissions under rule 15(1);

- (h) Summoning witnesses and issuing orders to persons to answer questions or produce documents under rule 16;
 - (i) Consenting to withdrawal of a case, or directing reinstatement of a case, under rule 17;
 - (j) Deciding to whom notice of proceedings should be sent under rule 33;
 - (k) Correcting clerical mistakes or other accidental slips or omissions in decisions or records of decisions under rule 44;
 - (l) Exercising the powers of a judge under rule 4(3) where an authorised member of tribunal staff has made the initial decision under the delegated powers set out in paragraph 2 of this Practice Statement.
4. In accordance with rule 4(3) of the Tribunal Procedure (First Tier Tribunal) (Health Education and Social Care Chamber) Rules 2008, within 14 days after the date that the Tribunal sends notice of a decision made by an authorised member of tribunal staff or a Registrar (pursuant to an approval under paragraph 3 above) to a party, that party may apply in writing to the Tribunal for the decision to be considered afresh by a judge (if the decision was made under paragraph 3 above) or by a Judge or Registrar if made under paragraph 2 above).

SIR JEREMY SULLIVAN
SENIOR PRESIDENT OF TRIBUNALS
27 April 2015