



TRIBUNALS
JUDICIARY

PRACTICE STATEMENT

DELEGATION OF FUNCTIONS TO STAFF ON OR AFTER 02 NOVEMBER 2010

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

1. 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 staff have been authorised by an Operations Manager (Band C) of the First-tier Tribunal Mental Health in relation to each specified function.

(i). The issue of standard Non-Compliance Directions, by those tribunal staff responsible for the 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 party following non-compliance with Rule 32 and the Senior President's Practice Direction on the Contents of Reports in Mental Health Cases, November 2008.

(ii). The giving of consent under Rule 17(2) to a Notice of Withdrawal lodged by a patient's authorised legal representative, by those tribunal staff responsible for receiving and processing Notices of Withdrawal, subject to the Notice of Withdrawal being received by the tribunal not less than 7 days before the listed hearing of the patient's application to the tribunal; and subject to there being in existence no concurrent application or reference, and no reason for the tribunal staff to believe that the withdrawal is a tactical ploy.

(iii) 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.

2. In accordance with Rule 4(3) of The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008, within 14 days after the date that the Tribunal sends notice of a decision made by a member of staff pursuant to an approval under paragraph 1 above to a party, that party may apply in writing to the Tribunal for that decision to be considered afresh by a judge.

LORD JUSTICE CARNWATH
SENIOR PRESIDENT OF TRIBUNALS
02 November 2010