

### **Can I bring someone besides a solicitor to support me?**

Yes, you may be represented by any person authorised by you but this must not be a patient from the hospital.

### **What are the powers of the Tribunal?**

- to discharge a detained patient from hospital immediately or defer the discharge for a period of time.
- to recommend a Community Treatment Order.
- to recommend leave of absence.
- to recommend transfer to another hospital.

The Tribunal can reconvene if any of their recommendations are not fully complied with and must rehear the case if appropriate.

### **When will I hear the results?**

The Tribunal will arrange for you to be told as soon as possible, but in any case, you will be sent the Tribunal's written decision within 3 days if you are on a section 2 and 7 days if you are on any other section.

### **Can you appeal against a Tribunal Decision?**

In certain circumstances you may have the right to appeal against the decision made by the Tribunal. These rights will be explained in writing and will be forwarded to you along with the written decision from the Tribunal.

### **Further Information**

Guidance and further information is available on the Tribunal Website.

[www.mhrt.org.uk](http://www.mhrt.org.uk)

Or

You can contact the Customer Service Team at:

Tribunals Service  
Mental Health,  
P.O. Box 8793,  
5th Floor,  
Leicester,  
LE1 8BN

Telephone 0845 2232022

Or

Email [MHRTEnquiries@tribunals.gsi.gov.uk](mailto:MHRTEnquiries@tribunals.gsi.gov.uk)



**Tribunals Service**  
Mental Health

**Information for Non-Restricted Patients detained under the Mental Health Act 1983 (as amended by the Mental Health Act 2007)**

**The following questions and answers are designed to inform you about Tribunals**

## **What is a Tribunal?**

An independent judicial body which reviews the need for the continued detention of patients in hospital. The Tribunal may also review Guardianship Orders and Community Treatment Orders.

## **Who is on the Tribunal?**

The Tribunal consist of a lawyer, who acts as Chair, a Psychiatrist and Lay person.

## **What do they do?**

They consider if your detention under section needs to continue, or if you should be discharged. If they consider that you should continue to be detained, they can make recommendations to the hospital to help your recovery and eventual discharge.

## **What sort of recommendations can the Tribunal make?**

The Tribunal cannot change your treatment such as medication, but can recommend a transfer to another hospital, if that would be beneficial. It can also recommend leave from the hospital, or that Community Treatment Order or a Guardianship Order is more suitable for you.

## **How to apply?**

Applications may be made by you or a person authorised by you as your legal representative. Your Nearest Relative or the person presently exercising the Nearest Relative functions is entitled to apply in certain circumstances set out in the Act. A downloadable application form is provided on our website [www.mhrt.org.uk](http://www.mhrt.org.uk) with the information required.

This form should be submitted to the Tribunals Service Mental Health, P.O. Box 8793, 5th Floor, Leicester LE1 8BN.

## **When can I apply?**

Within the first 14 days if you are detained on a section 2 order, AND at any time if you are detained under any other section except for section 37. If you are detained under a section 37 hospital order you may only apply between 6 and 12 months from the date of the order and during each subsequent 12 month period. But remember you can only have one hearing of an application during each period of detention.

## **How long will it take before a hearing takes place?**

1 week if you are on a section 2, or about 8 weeks if you are on any other non-restricted sections.

## **If I make an application, what will happen next?**

The Tribunal office will acknowledge receipt of your application, and ask the hospital for reports from your Responsible Clinician (RC), Approved Mental Health Professional (AMHP) and the medical team responsible for your care. Your Nearest Relative will be informed of your application and the date of the hearing, which they can attend. Nearer the time of the Tribunal you will be given copies of the reports so that you can check the information is correct and work out any questions you wish to ask. Shortly before the hearing the Tribunal's Medical Member will make an appointment to see you.

## **Is there anyone who can help me with all this?**

Legal representation is available to anyone who has applied for a Tribunal. The hospital keeps a list of solicitors who specialise in these matters. Otherwise you can contact any other solicitor you think will be able to assist you. It is important to do so as soon as possible to avoid delay in arranging the hearing of the Tribunal.

## **Where will the Tribunal be held?**

Usually in the hospital where you are detained.

## **What happens if you change your mind about having a Tribunal?**

If you do not wish to proceed with your application then you must inform the Tribunal office as soon as possible in writing, giving your reasons.

A change of mind will not prejudice your right to make a further application. Remember that you have the right to one Tribunal hearing during each period you are detained on section.

Your request should be supported by your legal representative if you have one. The Chair of the Tribunal or the Principal Judge will then decide whether or not to accept your withdrawal.

## **What happens at the hearing?**

The hearing is usually in private. Written medical and social circumstances reports will be provided to the Tribunal members, you and your solicitor before the hearing. The medical member of the Tribunal will examine you before the hearing and may make copies of your medical records. Your solicitor may request an independent psychiatric report. Any information that would be likely to cause you or some other person serious harm if it is disclosed to you must be submitted in a separate confidential report giving the reasons why the information should be withheld from you. The Tribunal may direct that these documents should be sent to your Legal Representative.