



Hearing Questionnaire – Rule 5 of The Tribunal Procedure (HESC) Rules 2008

Patient & Hospital Name

First-tier Tribunal (Health, Education and Social Care Chamber) Mental Health	
Case No.	
To be returned no later than	
Date fixed for hearing	

Salaried Tribunal Judge	
Team	

Please read the notes on page 2 before completing the questionnaire. This form must be **completed** and **returned** to the Tribunal office no later than the date given above.

A What does the patient want from the Tribunal?

B How many witnesses (including the patient) will be giving evidence on your behalf at the hearing? (Do not include experts – see section C)

C Do you wish to use expert evidence at the hearing? Yes No

If yes, please give the information requested for your expert(s)

Name	Field of expertise

Have you already copied any experts' reports(s) on which you intend to rely at the hearing to the Tribunal and other party(ies)? None yet obtained Yes No

If the report is not available when will it be available?

Do you want your expert(s) to give evidence at the hearing? Yes No

D How long do you estimate the whole hearing will take, including the parties' cross-examination and closing arguments? day hours minutes

E In the space below set out briefly any other issues that could effect the date fixed for the hearing or to help the designated Tribunal Judge manage the case. You should indicate whether the hearing date can be advanced.

Dated:
Signed:
Position:

Notes for completing the hearing questionnaire

- Under The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 parties must help the Tribunal to further the overriding objective set out in Rule 2 and to co-operate with the Tribunal generally. The purpose of the questionnaire is to further the overriding objective and is issued under the Tribunal's case management powers in Rule 5.
- If you fail to return the questionnaire by the date given, the case will be managed by the Tribunal Judge on the information available and, for example, an application for an adjournment of the date fixed for hearing based on information that could have been given in the questionnaire may be refused.
- A date has been fixed for the hearing of the case but the Tribunal Judge may advance or extend this date depending on the answers given in the questionnaire.
- Use a separate sheet if you need more space for your answers marking clearly which section the information refers to. You should write the patient's name and case number on it, and on any other documents you send with the hearing questionnaire.
- The letters below refer to the sections of the questionnaire and tell you what information is required.

A You should indicate in this section what the patient is expecting from the Tribunal. It is important for the Tribunal to be able to identify cases where the patient is not seeking any form of discharge but a non-statutory recommendation for transfer or leave of absence when the case can be allocated appropriate case management and judicial time.

B Remember to include the patient as a witness if s/he will be giving evidence. Do not include experts.

C You should indicate whether you intend to rely on expert evidence at the hearing. The expert(s) and field(s) of expertise must be identified. You may be required to justify the use of an expert having regard to the issues and the tribunal may direct that evidence in one field of expertise is to be given by one expert only for a party.

If expert evidence has not been obtained or is in preparation you must indicate when it is likely that it will be available. Any doubt should be resolved by you contacting the expert for a date. You should also indicate whether you intend to call the expert(s) at the hearing to give oral evidence. The Tribunal expects representatives and experts to act expeditiously in respect of expert evidence not only in its preparation but also in respect of its service on the Tribunal and other party(ies).

D You should provide an estimate of how long the whole hearing, not just your case, will take, including all parties' cross-examination and closing arguments. If the estimate is more than a half day then you may be asked further questions to justify your estimate. If the time estimate given by you changes for any reason then you must inform the Tribunal office.

E Decide if there is any other information you consider will help the Tribunal Judge to manage the case. Give details in the space provided. This should include details of any applications you intend to make in the immediate future. You should also indicate whether you wish the date of hearing to be advanced or extended, giving reasons.

If any information you have given in the questionnaire changes then you must immediately notify the Tribunal office because this may affect the hearing date and the case management directions the Tribunal Judge gives.