



## HM Courts & Tribunals Service

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To: All Stakeholders

From: Mental Health Tribunal

November 2017

Subject: **Stakeholder bulletin Mental Health Tribunal administration Autumn 2017**

We have received a lot of queries recently regarding the listing of cases and in particular requests for the Tribunal administration to explain why certain hearing dates have been selected for hearings which have not been requested by the hospital or solicitor.

We thought it might be helpful if we explained a bit about the current listing process.

We currently deal with in excess of 34,000 applications and references a year. These are listed across over a 1,000 venues and approximately 33% of these represent Section 2 cases which require listing within 7 calendar days. Unfortunately this means it is not always possible to have a full judicial panel consisting of a Judge, a Medical Member and a Specialist Lay Member all available in the right area on a particular day. We do however try to match with requested dates where we can.

The Tribunal lists around 1000 cases per week, requiring 3000 judicial panel members to be available, processes approximately 125 patient withdrawals and another 125 cases are closed due to patients being discharged from section **every week**. You may be interested to know that a high proportion of these discharges are within 48 hours of the hearing date and therefore too late for the panels to redeployed elsewhere.

When listing these cases the team can only list a hearing where a full judicial panel are available within the listing window for each case. If there are available panels then the team will also take into account the availability that has been submitted by both parties on the Hearing Questionnaire 1 (HQ1) form. The team will always try to find a mutually agreeable date for everyone but failing that their next priority would be to list a hearing date that one of the parties has specified.

The HQ1 form requests that parties submit 3 full days or 6 half days of availability and does make it clear that we do not guarantee that the case will be listed on dates offered by parties by stating '*Efforts will be made to list the case on a date convenient to all parties, but this may not always be possible.*' The more availability that is submitted the better the chance that we will be able to list the case for a date that you have requested.

We have recently received telephone requests to our customer support team to change the hearing date as it was not one that was specified on the HQ1. If you are unable to accommodate a hearing date that has been set then we would ask that you complete a CMR1 form requesting a change of hearing date which will be referred to a Judicial Officer for a decision. A hearing date cannot be changed by our administrative telephone team.

We thank you for your continued patience and hope that this has explained the current circumstances.