

Further Information

Guidance and further information is available on the Tribunal Website.

www.mhrt.org.uk

Or

You can contact the Customer Services

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



Tribunals Service

Mental Health

Information for Nearest Relatives.

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 and Community Treatment Orders. Tribunal hearings aim to be as flexible as particular circumstances may allow within a legal framework, in order to be fair to the patient and to have access to all available relevant information.

Who is on the Tribunal?

The Tribunal will consist of three members, The Tribunal Judge who is referred to as Sir or Madam, and two Tribunal Members one of whom is a Psychiatrist.

None of these people will be from the hospital in which your relative is detained or, if your relative is subject to guardianship, from the social services authority in whose area he or she lives.

What do they do?

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

What is the role of the Nearest Relative?

As the Nearest Relative you may play an important part in the scheme of the Act which gives you the right to make certain applications in respect of the patient's admission to hospital. You may also receive other information from the hospital about the patient's detention (if he or she does not object) including the right to apply to the Tribunal.

If the patient applies to the Tribunal or the case is referred for review, and provided that the patient agrees you will be told the hearing date and invited to attend and take part at the Tribunal panel's discretion.

If you start the Tribunal proceedings by making an application to the Tribunal you may appoint a registered medical practitioner to visit and examine the patient, attend the hearing, be heard by the Tribunal, and call witnesses and cross-examine witnesses, with the help of a legal representative if you want one. You will also receive copies of documents received by the tribunal about the case.

What happens at the hearing?

At the beginning of the hearing the Tribunal Judge will explain how the Tribunal intends to hear the case. Usually present at the hearing will be the patient, the clinician responsible for his or her care, an approved mental health professional concerned with community support and care, a nurse if the patient is being treated in hospital, and any legal representative. It is unusual for a nearest relative to be legally represented unless they made the original application to the Tribunal.

What happens after the Tribunal hearing?

If you made the original application you will receive a copy of the Tribunal's decision. If you did not make the application but you attend the hearing, you will hear the Panel's decision announced on the day. If you are invited to attend but are unable or decide not to attend, you will be informed by the hospital of the outcome.

How do I claim my expenses?

If you attend the Tribunal hearing as an applicant or a witness you may request financial

assistance from the Tribunal with respect to the following:

- travelling expenses;
- loss of earning up to certain limits, where applicable;
- a subsistence allowance if you are away from your home or place of business for more than 5 hours.

Claim forms can be obtained by the following methods:

1. The Tribunal Assistant at the Tribunal Hearing
2. The MHRT website: www.mhrt.gov.uk
3. The Finance Officer at the Tribunals Office

Please contact:

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