



**First-tier Tribunal Health, Education and Social Care Chamber
Mental Health jurisdiction**

ROOM SPECIFICATION RECOMMENDATIONS FOR TRIBUNAL HEARINGS

The Code of Practice requires the Responsible Authority to provide suitable accommodation.¹

Accommodation for hearings

- 32.33 The managers of a hospital in which a Tribunal hearing is to be held should provide suitable accommodation for that purpose. The hearing room should be private, quiet, clean and adequately sized and furnished. It should not contain confidential information about other patients. If the room is also used for other purposes, care should be taken to ensure that any equipment (such as a video camera or a two-way mirror) would not have a disturbing effect on the patient.
- 32.34 The patient should have access to a separate room in which to hold any private discussions that are necessary – for example, with their representative – as should the Tribunal members, so that they can discuss their decision.

Following consultation with stakeholders and, in particular, NHS Mental Health Trust Chief Executives in November 2008, this document is intended to remind Administrators of the minimum requirements for rooms provided by the Responsible Authority for hearings conducted by the First-tier Tribunal when the Tribunal visits hospitals and hears cases in accordance with the Mental Health Act 1983 (as amended).

If Administrators have any difficulty with adherence to the requirements in this document, or if there is any information that hospitals would wish Tribunal Members to be aware of, please keep the Tribunal informed by email to the Chamber President's office to elisabeth.gunter@hmcts.gsi.gov.uk

It is to be remembered that the Tribunal hearing is a judicial procedure: it is not an informal meeting, a multi-disciplinary get-together or a case-conference. Therefore the accommodation provided must, so far as is possible, reflect the judicial and important nature of the proceedings, and separate and independent functions of the Tribunal Panel.

Room Specification Recommendations:

1. The room provided for the Tribunal Hearing is to be of an adequate size, to accommodate 6-8 people around a large main table situated in the centre of the room and seating provided for 4-5 others around the room. The table provided for the Tribunal Hearing should be of a large enough to ensure stability and functionality. There should be sufficient room for the Panel to be able to make notes and have documents to hand. There should be room to ensure that documents concerning the patient cannot be overlooked by others attending the hearing.
2. It is preferred that the Tribunal Hearing room be ventilated with windows that can be opened and closed and with air conditioning and heating so that the temperature is appropriate at all times of year. Good natural lighting is recommended or electric lighting, suitable in relation to the size of the room being used. Atmosphere and décor should be appropriate for a formal legal hearing which discusses personal and distressing topics.
3. The Tribunal Hearing room should be clean and tidy and set out in a uniform fashion with chairs placed evenly around the large main table with water and cups provided in the centre of the table prior to the Tribunal Hearing commencing for all parties to use. These refreshments should be taken only during the preliminary discussions or during deliberations.
4. For safety, the Tribunal Judge, Medical Member and Specialist Member should ideally sit on the side of the room nearest to the exit at the large main table provided. The patient and other members attending should then proceed to sit on the opposite side of the table. The panel need to be satisfied that the room is safe and secure.

¹ In **R (Munjaz) v Merseycare NHS Trust** [2005] UKHL 58, it was held that the Code of Practice should be observed by all hospitals unless they have a very good reason for departing from it in relation to an individual patient.

5. A telephone should be provided in the Tribunal Hearing room. Useful telephone numbers/extensions and names should be provided and clearly displayed in a suitable manner within the room e.g. the Mental Health Act Office/Administrator and any staff members of relevance. An emergency number should also be provided should security be required.
6. Ideally the Tribunal Hearing room should be located within easy reach of the patient who is attending, and situated in a quiet part of the building, where interruptions and distractions are unlikely. It should be easily accessible both in terms of being reached by public transport and physically accessible by all parties and members.
7. There should be an extra room close to the Tribunal Hearing room where the legal representative and patient can liaise in private. This room should also have adequate seating and a table for the legal representative to make notes. This room should be next to or close by the Tribunal Hearing room.
8. If possible, facilities for copying and shredding should be available as last minute documents are sometimes produced at the hearing and these will often need to be copied. Also, Tribunals members may also ask Administrators to shred papers for them to ensure they are disposed of in a proper and confidential manner.
9. Toilets should also be available within easy access/walking distance of the Tribunal Hearing room. Members should not have to share restroom facilities with parties, family members or patients.
10. The Mental Health Act Administrator should be prepared to provide the Tribunal Panel and all parties with directions to the hospital or community venue being used for the hearing.
11. The Mental Health Act Administrator should also be able to provide parking instructions and advice on how to obtain a permit, parking charges etc. It is preferred that Hospitals provide designated or free parking for Tribunal Members.
12. If, exceptionally, a Tribunal Hearing proceeds later than expected into the early evening, toilet facilities and security and emergency procedures should be made available to the Tribunal.
13. Any concerns that Tribunal Members or parties have regarding the suitability of rooms for Tribunal Hearings should be raised on the day of the hearing with the Mental Health Act Administrator. **If best efforts to resolve those concerns have been taken but the Tribunal still has real concerns, particularly about safety or security matters, the Tribunal Panel must consider whether they can proceed with the hearing.**
14. **All** concerns should be reported to the Chamber President's office preferably by email to elisabeth.gunter@hmcts.gsi.gov.uk specifying:

- a. The name of the hospital:
- b. Date of the hearing:
- c. Who is responsible for the Hearing Room at the hospital:
- d. Details of the problem:
.....
- e. Whether the problem was resolved:
- f. Whether the hearing proceeded:
- g. Suggestions for resolving any outstanding issues:
.....

Please continue on a separate sheet if necessary.

Alternatively, you can use print a copy of this guidance and use the section above to record your concerns and post it to Elisabeth Gunter at: Her Majesty's Courts and Tribunals Service 18 Pocock Street, London SE1 0BW