



TRIBUNALS
JUDICIARY

PRACTICE STATEMENT

**DELEGATION OF FUNCTIONS TO REGISTRARS, TRIBUNAL CASE WORKERS
AND AUTHORISED TRIBUNAL STAFF ON OR AFTER
8 JULY 2016**

**FIRST-TIER TRIBUNAL
HEALTH, EDUCATION & SOCIAL CARE CHAMBER (MENTAL HEALTH)**

1. This Practice Statement replaces the previous Practice Statement for mental health cases dated 27th April 2015 in respect of authorised tribunal staff and approved Registrars.
2. In accordance with rule 4(1) of The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 the Senior President of Tribunals hereby approves that, in relation to mental health cases (as defined in rule 1(3)), the following specified functions of the Health, Education & Social Care Chamber of the First-tier Tribunal may be carried out by certain members of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 where those members of staff have been jointly authorised by an Operations Manager (B and C) and a salaried tribunal judge (nominated by the relevant Deputy Chamber President) of the First-tier Tribunal (HESC – Mental Health) to exercise some or all of these functions, and in accordance with any standard operating procedures (known as “Job Cards”) approved from time to time, by the relevant Deputy Chamber President:
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 - (a) Under rule 5(3)(a), and unless such extension would conflict with a provision of another enactment containing a time limit), to extend the time for:
 - i. submission of reports under rule 32(4)(b) and rule 32(6); and
 - ii. complying with any other rule, practice direction or direction so long as all parties agree;
 - (b) Under rule 5(3)(b), to issue an order for two or more sets of proceedings in relation to the same patient and involving identical parties to be heard together;
 - (c) Under rule 5(3)(d), to issue standard directions for a party or person to provide any specified documents or information relevant to the proceedings. The directions are to be in standard form as approved, from time to time, by the relevant Deputy Chamber President;
 - (d) Under rule 5(3)(g), to grant permission for witnesses to give evidence by video/telephone link so long as the parties are in agreement and the

Responsible Authority has confirmed the necessary equipment is available at the hearing venue;

- (e) Under rule 5(3)(h), to bring hearings forward or grant postponements, so long as the change of date is agreed by the parties and the new date can be accommodated by the tribunal and is within the case listing window.
 - (f) Under rule 11(7), to appoint a legal representative for the patient;
 - (g) Under rule 15(1), to issue standard directions for a party or person to give written evidence or provide submissions relevant to the proceedings. The directions are to be in standard form as approved, from time to time, by the relevant Deputy Chamber President;
 - (h) Under rule 17(2), to consent to a notice of withdrawal lodged by or on behalf of a patient by a representative under rule 17(1)(a);
 - (i) Under rule 44, to correct a clear and obvious clerical mistake, or other clear and obvious accidental slips or omissions, in any document recording a decision or direction of the tribunal.
3. In accordance with rule 4(1) of The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 the Senior President of Tribunals hereby approves that, in relation to mental health cases (as defined in rule 1(3)), the following functions of the Health, Education & Social Care Chamber of the First-tier Tribunal may be carried out by certain members of staff appointed under section 40(1) of the Tribunals, Courts and Enforcement Act 2007 where those members of staff have been designated by the Chamber President of the Health, Education and Social Care Chamber as either a "Registrar" or "Tribunal Case Worker", and have been authorised by the Chamber President or the relevant Deputy Chamber President (HESC) to exercise some or all of these functions:
- (a) Under rule 5, to exercise any case management powers except under rule 5(3)(l);
 - (b) Under rule 7(2)(a) or (b), to deal with any irregularities;
 - (c) Under rule 8(3)(a), to strike out proceedings if the tribunal does not have jurisdiction;
 - (d) Under rule 9, to give directions to substitute or to add a party or parties;
 - (e) Under rule 11(7), to appoint a legal representative for the patient;
 - (f) Under rule 14, to prohibit disclosure or publication of documents or information;
 - (g) Under rule 15(1), to give directions in relation to the giving or oral or written evidence and submissions;
 - (h) Under rule 16, to summons witnesses and issue orders to persons to answer questions or produce documents;
 - (i) Under rule 17, to consent to the withdrawal of a case, or to direct reinstatement of a case;

- (j) Under rule 33, to decide to whom notice of proceedings should be sent;
 - (k) Under rule 44, to correct clerical mistakes or other accidental slips or omissions in decisions or records of decisions;
 - (l) Under rule 4(3), to exercise the powers of a judge where an authorised member of tribunal staff has made the initial decision under the delegated powers set out in paragraph 2 of this Practice Statement;
 - (m) In the case of a Registrar only, under rule 4(3), to exercise the powers of a judge where a Tribunal Case Worker has made the initial decision under the delegated powers set out in paragraph 3 of this Practice Statement.
4. In accordance with rule 4(3) of the Tribunal Procedure (First Tier Tribunal) (Health Education and Social Care Chamber) Rules 2008, within 14 days after the date that the tribunal sends notice of a decision made by an authorised member of tribunal staff (pursuant to an approval under paragraph 2 above), or a Registrar or Tribunal Case Worker (pursuant to an approval under paragraph 3 above) to a party or person, that party or person may apply in writing to the tribunal for the decision to be considered afresh and, if so, it will be considered afresh by a judge or, under paragraph 3(l) or 3(m) above, by a Registrar or Tribunal Case Worker, as appropriate.

SIR ERNEST RYDER
SENIOR PRESIDENT OF TRIBUNALS
7 July 2016