



TRIBUNALS
JUDICIARY

Guidance from the Chamber President and Deputy Chamber President of HESC regarding the Mental Health jurisdiction.

The Senior President has issued an emergency practice direction to cover the next six months.

We will prioritise S2 and CD recall hearings. All hearings will go ahead following the procedure set out below.

We will no longer be conducting PHEs as it is not practicable to do so in the current environment. No medical member should conduct any further PHEs.

If your booking has already been confirmed you will be attending the hearing by telephone from Monday 23 March 2020. You will be sent the telephone details by the administration.

Any new cases will be listed before a single Judge.

We envisage the following process for a hearing before a single Judge;

The Judge will call into the hearing on a conference call number. The RC, Nurse and patient will be there. The care coordinator will also join the hearing by telephone. The representative will choose to attend the hospital or attend by telephone. In those cases in which there is a panel of two or three the medical member and/or SpLM will join by telephone in the same way.

If the Tribunal Judge needs to ask a medical member or SpLM specialist advice they will leave the call and contact the SpLM or MM who will be available that day. They will have been given telephone numbers by the Administration. The Judge will then enter the conference again, repeat the advice they have been given have the representative make any submissions. If they want advice before the hearing starts this will also be possible as long as this advice is noted and read to the witnesses and the representative before the hearing starts.

We would suggest, if the patient is unrepresented that they are given an opportunity to speak to the Judge without other people in the room but this will be a matter for the Judge.

At the conclusion of the hearing, the judge should seek confirmation from the parties that they are satisfied with the way in which the hearing has been conducted and the decisions should record how the hearing was conducted and the parties' confirmation of satisfaction. We would suggest the decision is not announced as the Judge will have no visual impression of the patient, witnesses or hearing room.

The SpLM and Medical Member who will be available for advice will be booked by the Administration depending on availability in a fair way. As this will be given over the telephone regional allocation is unnecessary.

HHJ Sycamore, Chamber President
Judge Johnston, Deputy Chamber President

19 March 2020