

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

HELP FOR USERS - UPDATED JULY 2020

Due to the current pandemic, Mental Health hearings are now happening by video or telephone to ensure patients who are sectioned still have access to justice and a review of their case. We cannot at present visit hospitals or have face-to face in-person hearings. We are continuing to make decisions, but we have to protect the safety of patients, hospital staff, representatives and tribunal members by holding video and telephone hearings remotely wherever that is appropriate.

What this means

Our cases will continue to be listed by staff at a central administration centre. There will be three person panels appointed for most cases, with all members joining by video/phone link. Exceptions to this will include those cases that are listed for paper hearings under the usual procedures or cases where the patient has indicated through his or her solicitor that the detention is not contested - these cases are likely to be heard by a judge alone on the papers.

The hearing will be via a videolink system called Kinly Cloud Video Platform ('Kinly CVP'), which is both secure and flexible for the needs of our users. Where a witness or participant in the hearing cannot make the video work, they can call in by telephone. You will be sent instructions on how to do this with your hearing letter and tribunal clerks will be able to advise participants if a difficulty arises. Patients in the community will be able to join in by telephone, and the costs of the call will be met by HM Courts and Tribunals Service. Clerks will help to arrange this. They will need the patient's phone number before the hearing to put the arrangements in place.

The panel members will have already seen the usual reports from the doctor, nurse and care coordinator (or other staff from the community team). The panel will hear what you (the patient) have to say and what your representative has to say where you have one. All witnesses who take part in the hearing will also do so by telephone or video. They are able to talk to the panel from different places, but all witnesses will be able to hear what each other says.

There will be no tribunal medical examinations taking place during the coronavirus, in keeping with the pilot Practice Direction made by the Senior President of Tribunals. You can find out more about these changes on the Courts and Tribunals Judiciary website: <https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance/>

How long will these changes last?

These changes will only last for as long as is necessary and are constantly being considered by the tribunal and the judges who work in it. Changes will depend on government guidance with regard to social distancing and the requirements of hospitals to keep their patients and staff safe.

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