



How you can ask a mental health tribunal for a decision

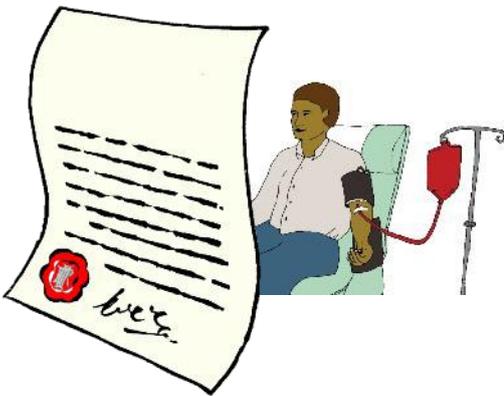


EasyRead version

How you can ask a mental health tribunal for a decision



This leaflet is about how you can ask a mental health tribunal to decide on something.



Mental health tribunals decide whether or not you need a legal order about hospital or community treatment.



The mental health tribunal hears from the patient as well as people working with the patient.

This is called a hearing.



The mental health tribunal is not part of the government.



The government can not tell the mental health tribunal what to do.



Who can ask for a mental health tribunal?

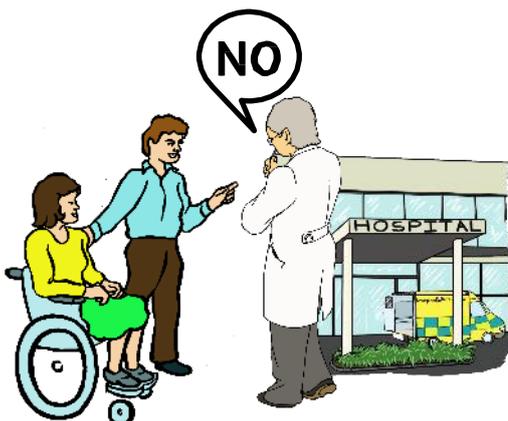
If you are a patient in a psychiatric hospital and want to leave you can ask for a hearing from the mental health tribunal.



If you support a patient with their legal rights you can also ask for tribunal hearing.



A nearest relative is usually a family member or someone who lives with the patient.

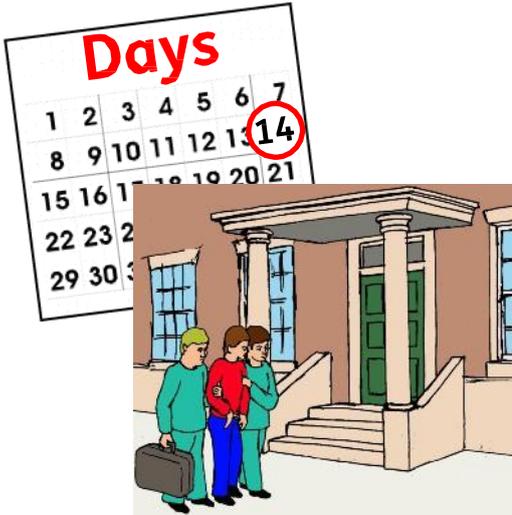


If you are the nearest relative of someone who wants to leave hospital you can ask the hospital to discharge them. If the hospital says no you can ask for a tribunal hearing.



You can also ask the Mental Health Tribunal if you do not want to be on a community order.

When to ask for a mental health tribunal



There are time limits to apply. These are sometimes quite short. For example if you are in hospital for assessment (section 2) you can only apply in the first 14 days from when you went into hospital



The time limits are different in other cases and so you should check with a legal representative or the tribunal.



Sometimes the tribunal might have a hearing even if you did not ask for one. You do not have to attend the hearing but you can if you want to.

How to ask for a tribunal



You can download a form for the mental health tribunal at:
<https://www.gov.uk/government/publications/form-t110-application-to-first-tier-tribunal-mental-health-mental-health-act-1983-as-amended>



If you need any help filling in the form you can contact the tribunal helpline by telephone or email.



Telephone:
0300 123 2201



Email:
mhrtenquiries@justice.gov.uk

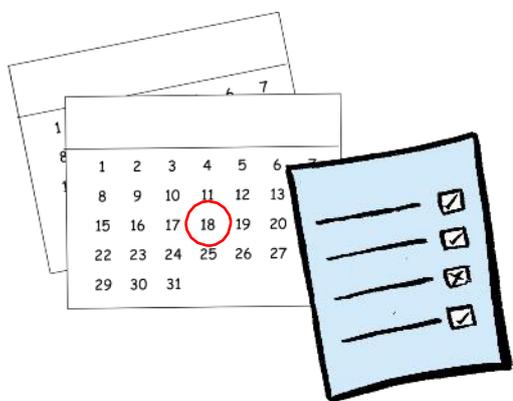


They cannot give you legal advice.



When you have filled in the form you can post it or email it to HM Courts and Tribunal Service. The address is on the form.

What happens next



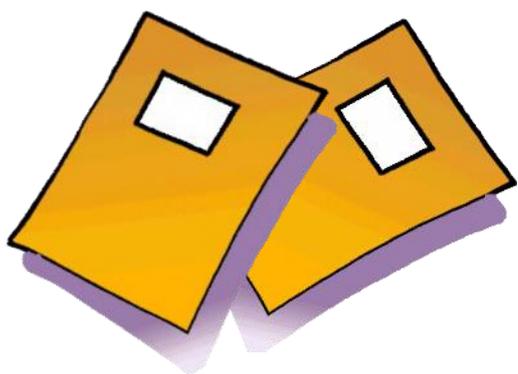
You will be told when the tribunal has got your form.



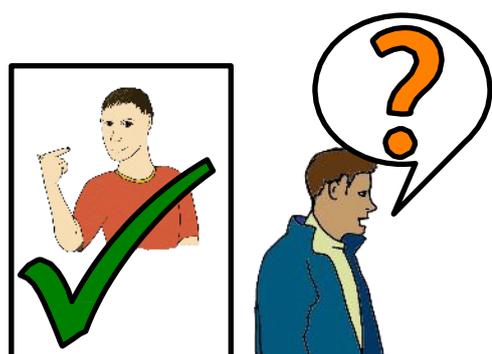
If you did not put down a lawyer's details you will be given information about how to get legal support.



The patient's nearest relative will be told the date of the hearing. They can go to the hearing unless the patient does not want them to.



Nearer the date of the hearing you will get copies of the reports the tribunal will look at.



This will let you make sure the details are right and help you plan any questions you want to ask.

Seeing the tribunal doctor

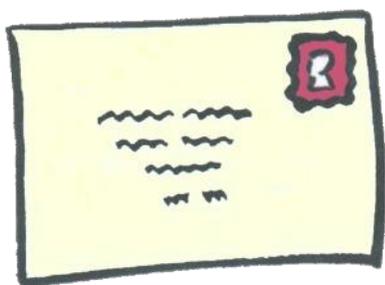


If you went into hospital for an assessment before the hearing you will be seen by a tribunal doctor. You can say no to this.



If you went into hospital for treatment or you are a restricted patient you have to ask to see the tribunal doctor at least 2 weeks before the date of the hearing.

Write, telephone or email for an appointment:



**HM Courts and Tribunal Service
First-tier Tribunal (Mental Health)
PO Box 8793
5th Floor
Leicester
LE1 8BN**



Telephone:
0300 123 2201



Email:
MHRTEquiries@justice.gov.uk

Reports



The tribunal will ask the hospital for reports from:

- the patient's doctor
- the patient's social work and nursing teams
- if the patient is a restricted patient the Secretary of State for Justice



What happens if you change your mind about having a hearing.



If you change your mind about having a hearing write and tell the tribunal as soon as possible.



They will decide whether to go ahead or not.

What goes on at the hearing



The hearing is usually held at the hospital where the patient is or was.



The patient does not have to go to the hearing.



If the patient does go to the hearing they can bring a relative or someone to support them legally.



The patient can ask to have witnesses or experts to go to the hearing.



Hearings are held in private. The tribunal members are a judge, a tribunal doctor, a mental health expert



The people who usually go to the hearing are:

- the patient



- the hospital doctor, ward nurse, social worker.



Everybody says what they think will be best for the patient and there will be some questions.

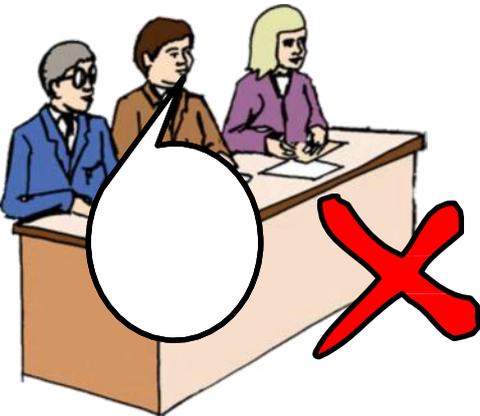
The tribunal's decision



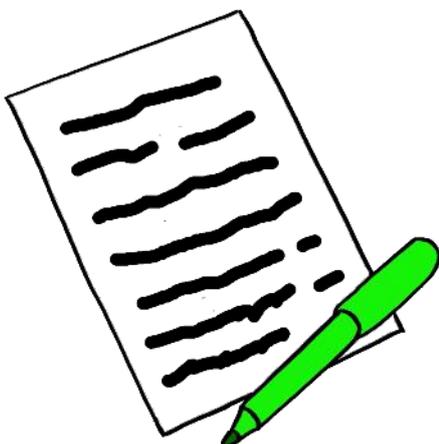
The tribunal can say whether or not you need a legal order about hospital or community treatment.



It can sometimes also make recommendations to the doctor about other things like leave or transfer to a different hospital.



The tribunal cannot change a patient's medical treatment.



You will be told in person on the day what the tribunal has decided. Later you will get a written decision.

What happens if you do not agree with the tribunal



You can not complain about the decision of the tribunal.



You can complain about the tribunal staff or the way the hearing took place.



If you think the decision is wrong you can ask for the decision to be looked at again.

Days						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

You need to do this within 28 days of getting the written decision.



If you think there has been a legal mistake you can tell the Upper Tribunal. This is called an appeal.



You will need to fill in a permission to appeal form:
<https://www.gov.uk/government/publications/form-p10-application-for-permission-to-appeal-rule-46>



A judge will look at your appeal to see if there was a legal mistake.



There may need to be another hearing.



Who can help you

The patient can get legal aid:
<https://www.gov.uk/legal-aid>



You can get advice from:

Citizens Advice can help you:
www.citizensadvice.org.uk/index/get-advice.htm



Carers Direct
www.nhs.uk/carersdirect/carerslives/updates/pages/carersdirecthelpline.aspx



Mind:
www.mind.org.uk



Rethink:
www.rethink.org/



Credits

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