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| **DIRECTIONS FOR COMMISSIONING A PSYCHIATRIC OR OTHER MEDICAL REPORT OTHER THAN FOR SENTENCING PURPOSES**  *(Criminal Procedure Rules, r.3.10)* |

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| **When to use this form**  This form is for use under rule 3.10 of the Criminal Procedure Rules where a party invites the court to direct the commissioning of a medical report other than for sentencing purposes, or the court decides to give such a direction on the court’s own initiative. It sets out the information that will be needed by an expert commissioned to prepare a report. This form is not for use where a defendant’s representatives commission a report without such a direction.  Nothing in this form may be taken to indicate how the court intends to deal with the defendant, either before trial or in the event of a conviction. The sole purpose of this form is to obtain expert opinion to help the court make those decisions. |
| **How to use this form**  Where a party invites the court to direct the commissioning of a report, that party should complete this form and submit it to the court for approval of the direction proposed.  Where the court on its own initiative directs the commissioning of a report, the court will require assistance in the completion of this form. In particular, the court will require the parties or such others as can assist (for example a criminal justice mental health service practitioner) to provide the name(s) and contact details of the expert(s) to be commissioned. Without that information, court staff may be unable to identify an appropriate expert.  No direction will have been given until approved by the court. Only when this form has been completed and approved by the court should it be sent to the expert(s) to be commissioned.  **The commission(s) must be prepared and sent within 2 business days of the court’s direction.** The timetable set by the court for the commissioning and receipt of the report(s) is at the end of this form. |
| Court details  Directions given in [the Crown Court at …………………………….…..]  […………………………….…… Magistrates’ Court]  Court office address: ………………………………………………………… Postcode ….………....…  Email address: ……………………....………………...…….……………………….…………..……  Telephone number: ……………………………………………………………….…………………….…….  Case reference number(s): ………………………..URN: …………..……….  Defendant’s details  Defendant’s surname: …………………………. First name(s).………………...…….……..……….  Defendant’s date of birth: …………………………..  Defendant’s address ………………………………………………………… Postcode ….………....  *If the appellant is in custody, give prison or young offender institution number, if known.*  Email address (if known): ……………………....………………...…….……………………….………  Contact telephone number(s) (if known): ….………………………………………………..……………..…  Details of representation (if any)  Representative’s name: ……………………………………………….………………...…………………..  Firm name and address: …………………………………………………………………….……………….  Email address: ……………………....………………...…….……………………….…………..……  Telephone number: ……………………………………………………………….…………………….……. |

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| **Purpose of commission**  *Tick as appropriate. The court may need expert opinion for more than one purpose.*  The court requires expert medical opinion:  (in a magistrates’ court or the Crown Court) to help the court determine a question of intent or insanity.  (in the Crown Court) about the defendant’s fitness to participate at trial: see section 4 of the Criminal Procedure (Insanity) Act 1964.  (in a magistrates’ court or the Crown Court) to find out whether there is reason to suspect that the defendant is suffering from mental disorder where the court considers it impracticable for a full report to be prepared if the defendant is given bail: see section 35 of the Mental Health Act 1983 (Remand to hospital for report on accused’s mental condition).  (in the Crown Court) to find out whether the defendant is suffering from mental disorder of a nature or degree which makes it appropriate for the defendant to be detained in hospital for medical treatment: see section 36 of the Mental Health Act 1983 (Remand of accused person to hospital for treatment). (A section 36 order can be made only where the defendant is in custody pending trial or sentence in the Crown Court for an offence punishable with imprisonment other than an offence the sentence for which is fixed by law.)  (in a magistrates’ court) about the potential suitability of a hospital order: see section 37(3) of the Mental Health Act 1983 (a hospital order without convicting the defendant). |
| **Report(s) required**  *Tick as appropriate. The court may need more than one type of report.*  The court requires:  one expert report from a doctor approved for the purposes of section 12 of the Mental Health Act 1983 as having special experience in the diagnosis or treatment of mental disorder. (This is a legislative requirement for a report for the purposes of section 35 of the Mental Health Act 1983.)  two expert reports from doctors at least one of whom is approved for the purposes of section 12 of the Mental Health Act 1983 as having special experience in the diagnosis or treatment of mental disorder. (This is a legislative requirement for a report for the purposes of section 4 of the Criminal Procedure (Insanity) Act 1964, or section 36 or 37 of the Mental Health Act 1983.)  an expert report from a doctor who need not be approved for the purposes of section 12 of the Mental Health Act 1983.  an expert report from a practitioner who is: *Specify the type of expertise required, e.g. clinical psychologist.*  *Delete as appropriate.*  Where two expert reports are needed, the first expert commissioned [may] [may not] be asked to nominate the second. |
| Particular matters on which expert opinion is sought  The expert(s) commissioned can be assumed to be familiar with the requirements of the legislation for the purposes of which the report is required. However, the court may wish to indicate particular matters with which expert opinion will assist. Those commissioned are expected to provide a clear diagnosis, prognosis and treatment plan and to identify the provision and provider required to manage the condition(s) identified. Those commissioned are reminded that in some circumstances at least one expert may be required to give oral evidence.  *Tick and delete as appropriate.*  The court asks that the report(s) should address in particular, as well as all relevant statutory criteria:  whether special or other measures are likely to assist the defendant to participate in a trial (e.g. additional breaks, the assistance of an intermediary or supporter, etc.).  whether the defendant is fit to participate in a trial by reference to [all the factors listed beneath] [the factors indicated beneath especially]:  whether the defendant is capable of instructing legal representatives.  whether the defendant is able to understand what takes place in court and the roles of the judge and advocates (both prosecution and defence).  whether the defendant is able to enter a plea.  whether the defendant is able to challenge a juror.  whether the defendant is able to give evidence.  the availability for the defendant of a place in hospital. (This information is required in a report commissioned for the purposes of section 35, 36 or 37 of the Mental Health Act 1983.)  any other matter: *Indicate here any particular legal or other features of the case that the expert(s) commissioned are asked to consider. This is especially important if the purpose of the commission is to help determine a question of intent or insanity.* |
| Expert(s) to be commissioned  *See ‘How to use this form’, on page 1.*  Expert’s name(s): ……………………………………………….………..……...……………………………………….  ……………………………………………….…………………..……...…………………………….  Address(es): ……………………………………………………………….……..………………………………….……  ………………………………………………………………………………………………………….……  Email address(es) (if known): ………………….…....………………..........................................…………………………..……  ………………….…....………………...…………………………………………………………..……  Telephone number(s) (if known): ………………………………………..…………………………….……………….  …………………………………..………………………………….………………. |
| Defendant’s consent for expert(s) to obtain medical information  *The expert(s) commissioned will expect to receive:*  *(a) details of the defendant’s general practitioner and of any other medical practitioner under whose care the defendant may be, and*  *(b) the defendant’s consent for the expert(s) to obtain information from any of those doctors.*  Doctor’s name(s): ………………………………………………………….………..……...…………………………….  …………………………………………………..…..….………..……...…………………………….  Address(es): ………………………………………………………………………………………………………….……  ………………………………………………………………………………………………………….……  Email address(es) (if known): ………………….…....…………………………………………...…………………………..……  ………………….…....………………....................................................…………………………..……  Telephone number(s) (if known): ……………………………………………………………………….……………….  ……………………………………………………………………….……………….  *Tick as appropriate:*  the defendant’s written consent has been obtained and will be sent to the expert(s).  the defendant’s written consent will be obtained and sent to the expert(s).  the defendant has refused consent. |
| Other information to be given to the expert(s)  *Tick and delete as appropriate. To assist the expert(s) commissioned, usually it will be appropriate to direct that all this information is sent.*  The expert(s) commissioned must be sent the following additional information (which may be by secure email or other secure electronic means):  [all the information listed beneath] [the following documents and information]:  the charge(s) / indictment.  the defendant’s plea(s).  the offence(s) of which the defendant has been convicted / (magistrates’ court only) the act committed or omission made.  case summary / prosecution papers.  witness statements.  any medical or other reports already obtained.  contact details for the probation office from which additional information may be obtained.  published guidance for those commissioned to prepare reports.  the circumstances that prompted the commission, which were: *Tick as appropriate.*  an assessment of the defendant’s health by a mental health practitioner assisting the court.  representations by the prosecutor.  representations by or on behalf of the defendant.  observation of the defendant by the court.  the following comments (if any): *Any particular legal or other features of the case that the expert(s) commissioned are asked to consider should be identified.* |
| Copy / copies of completed report(s)  The expert(s) commissioned are asked to send a copy of their completed report(s) in confidence to the court office and to the following:  *Tick as appropriate:*  the defendant’s legal representatives.  the prosecutor.  other(s): *Specify.* |
| Preparation of the commission  The commission is to be prepared and sent to the expert(s) by:  *Tick as appropriate.*  the defendant’s representative named on page 1 of this form.  an officer of the court.  another person: *Specify.* |
| Timetable for the commission and the report(s)  The Criminal Practice Directions prescribe the following time limits for the following events, subject to contrary judicial direction:  1. Preparation and despatch of commission to expert: within 2 business days of court’s directions.  2. Expert’s acknowledgment of commission and acceptance or rejection: within 5 business days of receipt.  3. Enquiries by court staff if no such acknowledgement: within 10 business days of commission.  4. Delivery of report: within 5 weeks of commission.  5. Enquiries by court staff if no report received within 5 weeks of commission.  6. Further pre-trial case management hearing to consider the report:  magistrates’ court: no more than 6 – 8 weeks after date of court’s directions.  Crown Court: no more than 10 – 12 weeks after date of court’s directions.  Adjustments in this case to the timetable are [shown above] [listed beneath]. |
| Signed: ………………………………………..…………………………………………………………...…  Name: ………………………..…………………………………………………………………………….…  Delete as appropriate:  A Judge entitled to exercise the jurisdiction of the Crown Court  A District Judge (Magistrates’ Courts)  A justice of the peace  A justices’ legal adviser  Date: …………………………. |