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| **DIRECTIONS FOR COMMISSIONING A PSYCHIATRIC OR OTHER MEDICAL REPORT FOR SENTENCING PURPOSES**  *(Criminal Procedure Rules, r.28.8)* |

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| **When to use this form**  This form is for use under rule 28.8 of the Criminal Procedure Rules where a party invites the court to direct the commissioning of a medical report 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. The sole purpose of this form is to obtain expert opinion to help the court make that decision. |
| **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:  to assess generally the defendant’s physical condition.  to assess generally the defendant’s mental condition.  (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 or the Crown Court) to find out (i) 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, (ii) whether appropriate medical treatment is available, and (iii) (if the defendant is over 16) whether the mental disorder is of a nature or degree which warrants the defendant’s reception into guardianship under the Mental Health Act 1983: see section 37 of the 1983 Act (Powers of courts to order hospital admission or guardianship).  (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).  (in a magistrates’ court or the Crown Court) to find out whether the defendant is suffering from mental disorder and whether there is reason to suppose that the disorder is such that it may be appropriate for a hospital order to be made under section 37 of the Mental Health Act 1983: see section 38 of the 1983 Act (Interim hospital orders).  (in a magistrates’ court or the Crown Court) because the defendant is, or appears to be, mentally disordered and the court is considering the possibility of a custodial sentence: see section 232 of the Sentencing Act 2020.  (in a magistrates’ court or the Crown Court) to find out (i) whether the mental condition of the defendant is such as requires and may be susceptible to treatment but is not such as to warrant the making of a hospital order or guardianship order, and (ii) whether arrangements have been or can be made for such treatment: see Part 9 of Schedule 9 to the Sentencing Act 2020 (mental health treatment requirement if the defendant is 18 or over) and Chapter 1 of Part 9 of the Sentencing Act 2020 (if the defendant is under 18). |
| **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 232 of the Sentencing Act 2020, Chapter 1 of Part 9 of that Act or Part 9 of Schedule 9 to that Act.)  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 36, 37 or 38 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:  the defendant’s potential vulnerability if imprisoned.  the relationship of the defendant’s mental disorder to the likelihood of re-offending.  the degree of risk or danger to the defendant or others posed by the defendant’s mental disorder.  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, 37 or 38 of the Mental Health Act 1983, Part 9 of Schedule 9 to the Sentencing Act 2020 or Chapter 1 of Part 9 of that Act.)  the need for the special restrictions set out in section 41 of the Mental Health Act 1983 (Power of higher courts to restrict discharge from hospital). (Under section 43 of the Mental Health Act 1983 a magistrates’ court may commit the defendant to the Crown Court for sentence if it appears that a section 41 order should be made.)  (in the Crown Court) the desirability of a hospital direction and a limitation direction under section 45A of the Mental Health Act 1983 (Power of higher courts to direct hospital admission).  (in the Crown Court) the hospital unit to specify under section 47 of the Crime (Sentences) Act 1997. (Under section 47 of the 1997 Act the power to specify a hospital under section 45A of the 1983 Act, or under section 37 of that Act if the court also makes an order under section 41, includes power to specify a part of a hospital treated as a separate unit. Security arrangements may differ between different parts of the same hospital.)  whether and to what extent there is a connection between the offender’s impairment or disorder and the offending behaviour. (See the *Sentencing offenders with mental disorders, developmental disorders or neurological impairments* Guidelines for [magistrates courts](https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/sentencing-offenders-with-mental-disorders-developmental-disorders-or-neurological-impairments/) and the [Crown Court](https://www.sentencingcouncil.org.uk/overarching-guides/crown-court/item/sentencing-offenders-with-mental-disorders-developmental-disorders-or-neurological-impairments/).)  (where the defendant has been convicted of manslaughter by reason of diminished responsibility) (a) the extent to which the defendant’s responsibility was diminished by mental disorder at the time of the offence, and (b) the degree to which any relevant act or omission by the defendant, e.g. abuse of drugs or alcohol, or failure to follow medical advice, may have affected his or her responsibility. (See the [*Manslaughter by reason of diminished responsibility*](https://www.sentencingcouncil.org.uk/offences/crown-court/item/manslaughter-by-reason-of-diminished-responsibility/) Guideline issued by the Sentencing Council.)  any other matter: *Specify.* |
| 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. Hearing to consider the report: no more than 6 – 8 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: …………………………. |