

A Guide to Mental Health Tribunals for Young People

What is a Mental Health Tribunal?

People who have a mental disorder can be kept in hospital for treatment - this is called being detained under the Mental Health Act or sometimes it can be called 'being sectioned'. The Mental Health Act is the law which says that people with mental illnesses can be detained and treated in hospital if:

- The person may get worse without treatment and is not agreeing to have treatment
- The person is a risk to themselves or to others

People who have been sectioned can apply to be released from hospital (this is called being discharged). This sort of application is called an appeal to the Mental Health Tribunal.

When can I apply to the tribunal?

There are different parts of the Mental Health Act called sections.

When you can apply to the tribunal depends on the section that has been used to detain you. Hospital staff will make it clear how and when you can apply to the tribunal.

You can also ask your lawyer or advocate (IMHA).

Some people find that tribunals are stressful and so you may want to have a chat with your legal advocate about whether an application is right for you.

Who can help me at my tribunal?

People who are detained can get free legal services for a tribunal meeting (known as a 'hearing'). Your lawyer will guide you on when to apply and how to give your evidence.

You may also be able to invite your parent or other relative to attend the hearing to support you. Independent Mental Health Advocates (IMHAs) may also be able to help you better understand your case and provide you with support.

Who is the Tribunal Panel?

The tribunal panel is a group of three people who come to hospital for a hearing with your lawyer and your clinical team.

The tribunal panel is independent from the hospital and your clinical team.

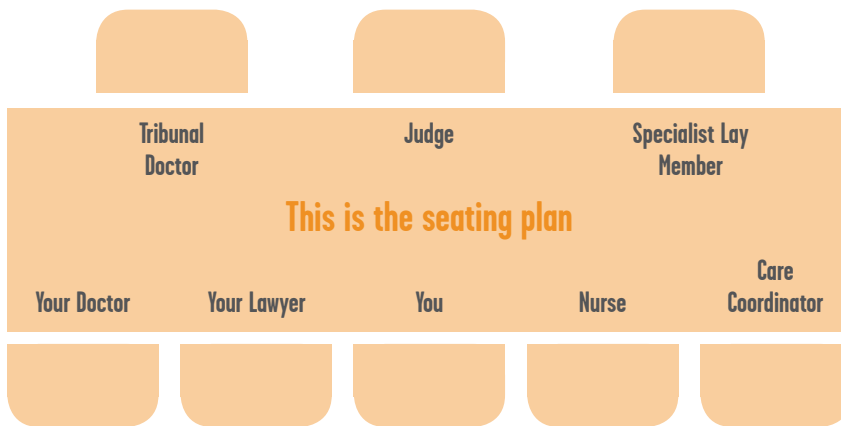
The three people are:

- A **Judge**
(who manages the hearing)
- A **Tribunal Doctor**
(Who is a consultant psychiatrist, but not part of your team)
- A **Specialist Lay member**
(who knows about the care of mental health patients)

Questions

What does the panel ask my clinical team?

The panel asks questions to your doctor, nurse and care co-ordinator. The panel members and your lawyer write notes of their answers



1. Questions to your doctor

Some of the questions may sound complicated. These are the sorts of questions that will be asked:

Q. Is the patient suffering from a mental disorder?

A. Your doctor will be asked why they think you have a mental disorder (illness) and what it is.

Q. Is the patient's disorder of a nature that requires detention?

A. 'Nature' means what your disorder has been like over time. Do you sometimes feel better than other times? Do you take your medication? What do you think about your illness?

Q. Is the patient's disorder of a degree that requires detention?

A. This is how you are at the moment (known as your mental state) so your doctor may talk about your symptoms and behaviour.

Q. Is the assessment of the patient completed?

A. This question will be asked if you are on Section 2 as the hospital have up to 28 days to do an assessment.

Q. What is the appropriate treatment for the patient?

A. This is everything the hospital is doing to try and help you feel better. It is not only about what your nurses and doctors are doing, but also your medication, any groups you go to and other people you see. It is also about the plans for when you leave hospital and any support you might get.

Q. What is the risk if your Section is lifted: there are three parts to risk: risk to your health, risk to your safety and risk to others.

A. Risk to your health: your doctor might talk about whether you would stay well and be able to care for yourself if you were out of hospital. Risk to your safety: your doctor might talk about whether you do things that are risky, eg. self harm. Risk to others: your doctor might talk about whether people feel threatened by your behaviour when you are unwell.

Will I see the tribunal doctor before the hearing?

This depends on the section used to detain you, for example if you are on a Section 2 the tribunal doctor will always come to see you. However, you also have a right to ask to see the tribunal doctor – your lawyer will advise you about this. The meeting with the tribunal doctor is called a 'pre-hearing examination' and usually happens on your ward in private, but you can choose if you want someone else there.

What happens at the hearing?

You will sit opposite the judge next to your lawyer. Before the hearing starts, the panel and your lawyer read the reports written about you by the team that take care of you. Before the tribunal hearing you could ask to see the room where it will take place so that you know what to expect and where people will be sitting.

When can I speak at my hearing?

The tribunal panel understands that you may find it difficult to speak in front of strangers so you will be given the choice when to speak. Your lawyer will advise and support you and ask you questions before the panel members ask you anything.

Do I have to stay for the whole hearing?

No. This is up to you; you don't even have to attend the hearing. Do ask your lawyer about this.

Questions

2. Questions to your community worker /CAMHS community care co-ordinator

You may already have a community worker who knows about your home situation and about what will happen when you leave hospital, including who will be able to support you. If not, someone from the community team may be asked to attend. This person may be asked similar questions to your doctor and nurse, but also might talk about where you will stay, how you will pay for things and what your family think.

3. Questions to your primary nurse

If you have been an in-patient on the ward, the panel may ask the ward nurse about your behaviour, your typical day and how you have responded to treatment.

What can the panel decide?

This depends what section you are on - your lawyer will advise you. Some of the options are:

- Immediate discharge: this means that you are no longer on section and you can decide to stay in hospital or leave immediately
- Delayed discharge (which means discharged on a future date): this means that you will be discharged but not immediately. (The delay is usually only a few days for some plans to be made)
- Not discharged: this means you will have to stay in hospital
- Not discharged but the panel asks your care team to think about a community treatment order (CTO) or other changes to your care

How will I be told the decision?

- You will either come back into the room with your lawyer and be told or you will be told separately by your lawyer. Then a written version of the decision with the reasons why the panel made the decision will be sent to the hospital and your lawyer.

What does my lawyer ask?

Your lawyer will ask your clinical team why you have to stay on section. Your lawyer will ask for your view, help you explain your view to the panel and say why you should be discharged.

When does the panel decide?

At the end of the hearing everyone will leave the room. The panel stays and uses the information from the hearing and in the written reports to decide whether you can be discharged. It usually takes the panel about 15-30 minutes to make a decision.

What happens next?

If you wanted to leave hospital and this did not happen, you can talk to your lawyer about when you can apply again for a tribunal. Some patients feel that the tribunal was helpful even if they were not released as they learn more about their situation and feel like they had a fair hearing. You may want to ask your care team, "What would need to happen for me to be discharged from section?" as the answer might help you in the future.

Other useful information

Rethink Mental Illness Help line: 0300 5000 927 (10:00am to 2:00pm Mon - Fri)
www.rethink.org/search?s=sections

MIND Info Help line: 0300 123 3393 (9:00am to 6:00pm Mon - Fri)
MIND Rights Guide 4
www.mind.org.uk/information-support/legal-rights/mental-health-act/compulsory-admission-to-hospital/#discharge

SANEline: 0845 767 8000 (6:00pm to 11:00pm everyday)
www.sane.org.uk/

The Royal College of Psychiatrists' leaflet 'Being Sectioned' is online at:
www.rcpsych.ac.uk/healthadvice/problemsdisorders/beingsectionedengland.aspx

Information about tribunals is online at yougov:
www.gov.uk/mental-health-tribunal

This space is for you to make notes to ask your Clinical team or to ask your lawyer
