

**MENTAL HEALTH REVIEW TRIBUNAL**

For

**NORTHERN IRELAND**

*A guide for patients*

## **What is the Mental Health Review Tribunal for Northern Ireland?**

The Tribunal is an independent judicial body, set up under the Mental Health (Northern Ireland) Order 1986 (the Order), which reviews the cases of patients who are compulsorily detained or are subject to guardianship under the Order.

## **Who is on the Tribunal?**

The Tribunal has 24 part-time members (8 legal, 8 medical and 8 lay members), who are appointed by the Lord Chancellor.

A panel comprising a legal member as President, a consultant psychiatrist and a lay member sits to consider each case. A panel can, on occasions, comprise more than 3 members.

## **What does it do?**

The Tribunal's function is to provide mentally disordered patients with a safeguard against unjustified detention in hospital or control under guardianship by means of a review of their cases from both the medical and non-medical points of view.

After considering all of the evidence submitted at the hearing, the Tribunal decides whether or not the patient should continue to be detained or be subject to guardianship under the Order.

## **How can I apply for a hearing?**

A written application should be sent to the Tribunal office (at the address shown on this leaflet). Alternatively you can fill in an application form and forward it to the office. Copies of application forms should be available at the hospital or you can telephone this office and one will be sent out to you.

Please ensure you give your full name and **current** address (this might be a hospital, a hostel or your home address). Please also give the name of your responsible medical office (your consultant). This information will assist the Tribunal in processing your application.

## **When can I apply?**

Where a patient is detained or is subject to guardianship under the Order he/she may apply to the Tribunal within the period of 6 months beginning with the date of admission (or reception into guardianship). He/she may apply to the Tribunal again each time the authority for detention/guardianship is renewed. The first renewal is done just before the end of the 6-month period mentioned above. Subsequent renewals are done annually.

In other words you can apply during the 1<sup>st</sup> six months, during the 2<sup>nd</sup> six months and after each subsequent renewal (each year thereafter).

### **How long before my case is heard?**

Approximately 6 weeks after your application is received.

### **What happens after I make an application?**

The Tribunal office will write to acknowledge receipt of your application.

It will then contact the Trust responsible for your care to ask for reports and documents including medical and social circumstances reports.

In the case of a restricted patient the Northern Ireland Office will also be contacted.

When arrangements for the hearing have been made, the Tribunal will write to you again to notify you of the date, time and venue for the hearing. The Tribunal will also notify you when and where the Tribunal doctor will meet with you prior to the hearing. This is most often on the morning of the hearing.

Your nearest relative (within the meaning of the Order) will be notified in writing of the date, time and venue for the hearing.

Approximately 2-3 weeks before the hearing date you or your representative will be given copies of reports so that you can prepare your case.

### **How can I be represented at hearing?**

Most patients choose to be legally represented, however you may wish to present the case yourself or you may choose to be represented by a person other than a lawyer, e.g. a patient advocate. The Trust is usually legally represented.

You may not be represented by another patient, i.e. a person liable to be detained or subject to guardianship under the Order or, a person receiving treatment for mental disorder at the same hospital as yourself.

You may personally contact a solicitor or other representative or you may ask your social worker or key worker to help you.

### **Where will the hearing take place?**

The venue will be somewhere that is as convenient for you as possible. Most cases are held somewhere on the hospital site.

### **What happens at the hearing?**

The Tribunal President will make every effort to ensure that the hearing is conducted as informally as possible. At the beginning he/she will introduce everyone present to you and will explain the procedure to be adopted.

The Tribunal panel will have already read the written reports submitted as evidence. It will hear the evidence of the witnesses present on behalf of the Trust (usually the RMO and the social worker) and it will take into account anything that you or your representative has to say. All the parties will be given an opportunity to ask questions.

**What if I am sent home on leave before the hearing date?**

You will still be encouraged to attend the hearing.

**What if I change my mind about having a Tribunal hearing?**

You should write to the secretary of the Tribunal stating the reasons for your change of mind. The President of the Tribunal will consider these reasons, also taking account of the circumstances of your case, and will decide whether or not to accept your request to cancel the hearing. A change of mind will not prejudice your right to make further applications to the Tribunal.

**When will I know the Tribunal's decision?**

You will be notified as soon as is possible, but in any case a copy of the written decision will be forwarded to you within 14 days.

For further information contact

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