

# My Rights

## Mental Health Tribunal

### Mental Health Tribunal

This is a special court which deals with cases relating to the Mental Health Act 1983. The tribunal hearings are usually held in hospital.

The tribunal has to decide whether or not you meet the criteria to be sectioned under the Mental Health Act.

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### What can a Tribunal do?

The Mental Health Tribunal is an independent hearing, which can review cases where a patient is held in hospital or subject to a community treatment order (CTO) or guardianship.

Tribunals have the power to:

- Discharge you from your section
- Recommend that you get leave
- Recommend supervised community treatment instead of staying in hospital
- Decide on a delayed discharge or conditional discharge
- Transfer you to another hospital
- Arrange another hearing if their recommendations are not followed.

The hospital is not legally obliged to follow their recommendations.

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### Review Tribunal Panel

There are 3 people on the panel and they do not work within your mental health team.

- Judge (chair person)
- A “lay person” who has experience and qualifications relating to mental health
- An independent psychiatrist

## **Evidence for the tribunal**

The panel members will receive reports from key professionals who are working with you before the tribunal hearing. These reports help them to decide if you should be discharged from the Mental Health Act or not.

Reports usually include a medical report (from the responsible clinician), a nursing report (ward nurse) and a social circumstances report (from your social worker or care-coordinator).

Before the tribunal, the medical member of the tribunal will meet you and look at your medical notes. You have the right to refuse this.

Your solicitor may ask for you to see an independent psychiatrist, who will do a report. This gives the tribunal more information to make a decision.

You or your solicitor should be able to get copies of any reports that go to the panel members. Sometimes you will not see some of the information in the reports. This happens if the tribunal thinks that seeing the information would cause you distress.

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## **What happens in a tribunal hearing?**

The tribunal is a legal hearing which should take place in the hospital. At the hearing your Responsible Clinician and social worker may give evidence. The panel members might ask them questions. You may be able to ask them questions at certain times, your solicitor will tell you when. You can give evidence if you want to. The tribunal members might ask you questions. Your solicitor is there to represent you and give you legal advice.

You can ask for breaks at any time if you are finding the hearing difficult. The tribunal members may not agree to stop the hearing, but you can leave the room for a break. Your doctor or social worker may think that some of the information at the hearing might cause you distress. They may ask you to step out of the room at this point.

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

Complete the T110 form.

This form should be available on the ward and can be downloaded online:  
<https://www.gov.uk/government/publications/form-t110-application-to-first-tier-tribunal-mental-health-mental-health-act-1983-as-amended>

Ward staff or an advocate can also support you to complete this form.

The form should be given to the Mental Health Act Administrator based in the hospital. They will then submit your appeal application.

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## **What can an advocate do?**

You are entitled to an independent mental health advocate (IMHA).

An advocate is someone who is independent and on your side.

You can talk through your options with your advocate.

An advocate can help you to understand your rights.

The advocate can support you to contact a solicitor and make an application to the Mental Health Tribunal.

## **You can contact an advocate on 01925 246 888**

Ward staff can also contact an advocate on your behalf.