

GUIDANCE to TRIBUNAL MEMBERS No. 1/2012

TIMING OF TRIBUNALS

[REVISED July 2024]

Purpose of this Guidance

1. This guidance has been issued to ensure the support of patients, named persons and carers, members of the Scottish Tribunals Service supporting Tribunal members at hearings, and Tribunal members themselves.

Timing of Tribunals and Drafting Full Findings and Reasons

2. The normal Tribunal working day is from 9 am to 5 pm

3. Tribunal members should attend the Tribunal venue 30 to 45 minutes prior to the time the Tribunal hearing is scheduled to commence, ensuring that adequate time is included for parking, particularly at hospital venues.

4. Tribunal members are reminded that Tribunal hearings should (unless there are very good reasons justifying a delay) commence on time at 10 am and 2 pm.

5. Tribunal members should ensure that proper breaks during Tribunal proceedings are considered and offered to parties.

6. Tribunal proceedings should generally be concluded by 5pm. Where the Tribunal hearing has not concluded by 5pm, Tribunal members should give consideration to adjourning the proceedings for that day, as appropriate in the circumstances. Where appropriate, the Tribunal should make a decision which would maintain the status quo during any period of adjournment.

7. Tribunal members are reminded that an *interim* compulsory treatment order under section 65 of the 2003 Act may competently be granted for 28 days. An interim extension, an interim extension and variation or interim variation of a compulsory treatment order under sections 105 and 106 of the 2003 Act may also be granted for 28 days. The relevant statutory provisions refer to “such period not exceeding 28 days as may be specified in the order”. It is generally preferable to make such interim orders for 28 days, as this allows the greatest flexibility in setting a date for the next hearing. In practice, it is the resumption of consideration of the application at the next hearing which will govern the duration of the interim order. In some circumstances, it may be appropriate to fix the next hearing earlier than in 28 days’ time, with the order specifying 28 days in case the further date requires to be changed.

8. Tribunal members are reminded that late sittings should only take place in exceptional circumstances. In particular, they are not to be used for completion of

the tribunal's Full Findings and Reasons (FFR). If a hearing has ended before 5pm, the FFR should, if possible, be completed on the day of the hearing.

9. Exceptionally, it may not be possible to complete the FFR by 5pm. The convener is then responsible for ensuring that the FFR is completed and submitted to the Tribunal's Administration within ten days. FFRs should not be circulated in draft or final version via unsecured email. Members are reminded that best practice in these circumstances is for the draft FFR to be uploaded to the secure area of the MHTS website, accessible to all panel members.

Dr Joe Morrow

President

11 June 2012

Revised July 2024