

MENTAL HEALTH TRIBUNAL for SCOTLAND

GUIDANCE to TRIBUNAL MEMBERS No. 1/2024

Guidance on the presence of escort nurses at hearings.

Memoranda of understanding

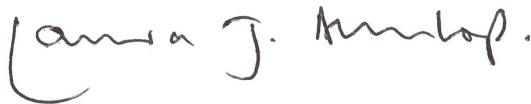
1. The Tribunal has memoranda of understanding with individual Health Boards regarding the conduct of tribunal hearings. These memoranda include a clause about escort nurses. Under the clause, it is the responsibility of Health Boards to provide at least one Nurse Escort to look after the welfare of the patient during the entirety of a Tribunal Hearing. They are there to look after the welfare of the patient and ensure that the patient's needs are addressed, e.g. for toilet or meal breaks, and to ensure the patient's comfort should the patient become distressed. The Nurse Escort should be familiar to the patient, be able to provide support for the duration of the hearing and be trained in de-escalation techniques.

Tribunal practice regarding adult patients

2. An escort nurse or nurses who attend with an adult patient should remain with the patient in the hearing room for the duration of proceedings. In some situations, it may be helpful for the escort nurse to sit beside the patient at the table. Members should accept an indication from the nurse (either by communication in advance to the clerk or on entering the room) as to where he or she should sit.

Tribunal practice regarding patients under the age of 18

3. For patients who are children in terms of the legislation, a request may be made for the escort nurse to sit outside the hearing room during the hearing. Whether this is acceded to or not is for the tribunal to determine. Views on the request should be sought from others present. Opposition from the responsible medical officer or mental health officer should be overridden only where there are compelling reasons to do so.



Laura Dunlop KC
President

Date: March 2024