

**MENTAL HEALTH TRIBUNAL for SCOTLAND**  
**GUIDANCE to TRIBUNAL MEMBERS No. 1/2023**  
**Foreign Language Interpreting and Translation**

*Purpose of this Guidance*

1. The purpose of this guidance is to assist members dealing with hearings involving foreign language interpreters and tribunal papers requiring translation.

*Interpreters*

2. In terms of ss.260 and 261 of the Act it is the responsibility of hospital managers to provide interpreters for hearings. The NHS is using telephone interpreting as a matter of course however we understand on occasion several different interpreters are attending via telephone in the course of a single hearing. This is unsatisfactory and the obvious preference would be for an in person interpreter to attend any in person hearing or to be physically present with the patient to allow them to participate in a telephone hearing. This is also consistent with the advice of the Mental Welfare Commission for Scotland (Good Practice Guide: Working with an Interpreter, revised Feb 2018, [p8](#)). Whilst we have no locus to demand that the NHS provide an in person interpreter for every hearing event, MHTS Guidance for Interpreters is available via the 'Applications and Appeals' tab of our website. It includes a glossary of commonly used terms. We would ask that you report any significant problems you encounter in hearings with interpreters to the President's Office.
3. Further guidance is provided in our Members' Newsletter of January 2023.

*Translation of papers*

4. Translation services are frequently under considerable pressure. It can take around 14 days for paperwork to be translated and returned. This can be problematic; in situations where a 14 day interim order is granted it is unlikely that we will be able to turn around the translation and intimation of the FFR papers before the next hearing. Please bear these timescales in mind when considering the length of interim orders. It would assist if decisions could be uploaded to the website as soon as possible since they too have to be translated. If you issue Directions please set these out in the FFR to avoid translation of multiple documents.
5. You may wish to enquire if translated papers can be sent by email to a patient via their RMO, MHO or another party to minimise further delay.

**President's Office**  
**21 February 2023**