

AFPSIG CONFERENCE

Medico-legal work Trainee perspective

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HOLLY WOLTON, CONSULTANT FCAMHS
PSYCHIATRIST

MINDY REEVES, ST8 FCAMHS
PSYCHIATRIST



Types of work

- Forensic CAMHS medico-legal areas
 - Tribunal reports
 - Parole board reports
 - Fitness to plead
 - Disposal recommendations
 - Court reports with specific instructions e.g. re-mental illness
 - Expert witness
- Other areas for medico-legal work
 - Court of Protection
 - Family court
 - Home office immigration reports
 - Coroners



Tribunal reports

- Great opportunity to get started
- Submit reports on time
- Practice Direction is helpful to read (category for under 18)
- Most Trusts use templates for reports
- Keep it simple and address detention criteria
- Don't forget to mention section 117 aftercare plans



Parole board reports

- Forensic trainee/special interest placement at HMP for 1 day/fortnight
- Requested by board to produce a report regarding inmate's mental health
- Used to pay privately for these but more recently requesting in-reach team do these
- Make sure you state your involvement and what you have been requested to give an opinion on
- Panel may ask questions that are outside your remit e.g. risk of reoffending
- Similar to a tribunal set up



Fitness to plead

- Pritchard Criteria
- Concept of effective participation
- The judge decides fitness to plead, on the basis of written or oral evidence from two registered medical practitioners (one section 12 approved)
- If opinion is defendant is unfit to plead, helpful to include thoughts regarding when they might be fit to plead



Disposal recommendations

- Report offers your opinion to the Court
- Consider aggravating and mitigating factors
- Options following trial of facts
 - Hospital order +/- Restriction order
 - Supervision and treatment order
 - Absolute discharge
- Options following full trial
 - Hospital order +/- Restriction order
 - Hybrid order
 - Detention in hospital not recommended



Expert witness

- Principal duty is to the Court
- Provide opinions, conclusions and recommendations
- Highlight what is fact and what is assumption
- Make it clear if questions or subject matter are outside of your expertise
- Acceptable to change your opinion if new information becomes available
- Be prepared for cross examination



Psych assessment instructed by courts

- Can sometimes be only way of getting a YP to engage with MH services
- Condition of court bail

Questions

- Do they have a mental health difficulty?
 - Will it be impacted on by the trial?
 - Will the MH impact on their ability to give evidence?
-
- If lucky enough to be a YP on your caseload gives opportunity to do really good piece of work



Court of protection

- The bulk of my private medico-legal work
- Capacity assessments for YP on DoLs orders
- Often in unregulated placement (e.g. not subject to Ofsted or CQC inspection)
- If CAMHS clinician, useful to visit these environments for insight and understanding of a YPs situation
- YPs capacity to make decisions regarding various aspects of their daily life e.g. residence, care and treatment, contact with others (can be specific), education, social media and internet use, contraception, sexual relations and marriage



Family court

- Child protection and safeguarding concerns
- Custody evaluations
 - Not confidential
 - Access attachment
- Ensure that you have relevant knowledge and experience
- CAMHS, General adult, substance misuse, paediatrician



Immigration reports

- Reports for the home office
- Usually when their application for leave to remain has been rejected
- Legal aid work
- Can be very emotive work but need to remain factual and objective
- Can be difficult to obtain accurate information regarding their background so focussing more on the current situation and presentation for the individual.
- Don't often hear the outcome



Coroner's reports

- Probably the shortest of reports out of all, but also needs to be the most sensitive.
- Can be an incredibly stressful situation to be in and seek support from colleagues, trust and medical indemnity.
- Highlights the importance of good note keeping as reports can be requested long after your contact with the individual.
- Anyone can be called to Coroner's court.
- Seek out coroner's court training from your trust and if this isn't available – organise one for a QiP!



Practicalities

- Indemnity cover
 - What does the trust cover?
- Supervising consultant
- Portfolio –WSOP
- Fees (legal aid or private)
- Time management OOH
- Accountant/financial advisor if doing privately
- PDP group to discuss cases
- Report structure, page numbering etc.



Courses & getting started

- Good supervisor > expensive course
- Go and see a consultant give evidence in court
- Reading recommendations
 - Keith Rix
 - Other people's reports
- To go or not to go?
 - Bond solon



Any questions?



THANK YOU

Holly.Wolton@oxfordhealth.nhs.uk

Mindy.Reeves@gmmh.nhs.uk