



TRIBUNALS  
JUDICIARY

**JUDGE SARAH JOHNSTON**

DEPUTY CHAMBER PRESIDENT  
FIRST TIER TRIBUNAL (HEALTH, EDUCATION AND SOCIAL CARE)  
MENTAL HEALTH

**By email**  
To Stakeholders

19<sup>th</sup> January 2022

Dear All

Dr Indermeet Sawhney is a Specialist Learning Disability (LD) Consultant Psychiatrist working in Hertfordshire Partnership University NHS Foundation Trust and a medical member of the First-tier Tribunal. She undertook two different surveys in order to capture the views and experience of people with Learning Disability when attending a mental health tribunal and also the views of LD psychiatrists on the same topic. There are recommendations from that survey which we now wish to implement.

The background for the impetus for this survey came from the report of Professor Sir Simon Wessely, modernising the Mental Health Act. At page 188 the report looks at information and support and says; *“It is crucial not least to comply with the Equality Act 2010, that people who are detained are provided with information about what is happening to them in an accessible form that works for them and their needs. We are aware that this provision of information is very patchy and needs to be improved.”*

Considering both principles – the provision of information and recognising patient individuality along with Rule 2 and the overriding objective, specifically Rule 2(2)(c) *“ensuring, so far as is practicable, that the parties are able to participate in the proceedings”* we are implementing the following changes.

We are unable to identify all patients diagnosed with a learning disability at present and so the following needs to be done through a pre hearing and post hearing process.

### **1. Full day hearings**

If the representative or the RA are of the view that the hearing needs to be listed for a day please make an application to the Tribunal. It will be decided by a District Tribunal Judge on the facts of each case. Please ensure you put as much information in the application as possible to ensure a decision can be made.

## **2. Easy read decision**

The Tribunal can provide easy read decisions on request. You will be sent the decision of the Tribunal panel and then the decision would be put into an easy read format if requested. This may take about 10 days.

## **3. The Tribunal Hearing**

The Judge and other parties should discuss a way to communicate during the hearing. One way is for the patient to raise their hand if they do not understand and either the judge or the representative can speak to the patient to explain.

We have attached the **two leaflets** prepared for virtual and face to face hearings.

We hope this will enable patients with learning disabilities to engage better in the Tribunal.

### **Sarah Johnston**

Deputy Chamber President, HESC (Mental Health)

### **Dr Gabrielle Milner**

Deputy Chief Medical Member, HESC (Mental Health)