



Online supplement

Section 3

Please read the following hypothetical situations that might arise at a Tribunal. Please indicate your answer from the options provided.

1. Does the Responsible Medical Officer (RMO) represent the Detaining Authority?

- A. Always
- B. Only if s/he specifically informs the Tribunal that s/he is acting as the representative
- C. Yes, unless s/he specifically informs the Tribunal that s/he is NOT the representative
- D. No, the RMO cannot be the official representative of the Detaining Authority

For the remaining following situations, please assume that you (RMO) are acting as a medical witness and ALSO as the representative to the responsible detaining authority.

2. The Social Worker has submitted an addendum to their report, marking it "Not to be disclosed". The patient's representative wants the report to be disclosed. Can you object to this?

- A. No, The Tribunal must always disclose the report
- B. The Tribunal has the discretion to disclose the report without consulting the hospital representative
- C. Yes, the hospital representative has a right to object but, the Tribunal may still decide to disclose
- D. The report cannot be disclosed without the consent of all the parties

3. An independent psychiatric report has been submitted, but the author is not present. You disagree with the opinion. Can you prevent the patient's solicitor from using the report?

- A. Always, because all parties to the Tribunal are entitled to challenge any evidence
- B. Yes, only if the independent psychiatrist does not contact the Tribunal to explain the reasons for his non attendance
- C. No, the hospital representative does not have any right to prevent the patient's solicitor from using any report
- D. Yes, if the hospital representative can convince the Tribunal that the conclusions of the independent report were based on wrong facts

4. When you arrive at the Tribunal you are handed a long independent report, which argues that the patient should be discharged. Are you entitled time to read this, and to discuss it with other team members not present?

- A. No, the Tribunal should start at the scheduled time
- B. The Tribunal has discretion to allow time for you to read the report, but you have no right to insist on this
- C. The RMO can insist on time to read the report, but not on an adjournment
- D. The RMO can insist on an adjournment for other members of the team to be consulted, and a further s117 meeting to be held

5. After you have given evidence a nurse from the ward gives evidence that seems to contradict what you have said. Can you question the nurse, either to clarify their opinion, or to show that their opinion is wrong?

- A. Always
- B. Never
- C. Yes, unless the patient's legal representative objects to this
- D. Yes, only if all the Tribunal members and the patient's representative agree to the request by the RMO

6. After you have given evidence you are excused from the Tribunal to do an urgent DV. Later in the hearing, evidence is given with which you would have disagreed to if you had been there. The Tribunal has now decided to discharge the patient. Can you prevent this?

- A. No, it is not possible to change the decision
- B. Yes, the Tribunal may agree if the RMO can immediately write to the Tribunal and request them to reconsider the decision
- C. Yes, if the RMO applies to a higher court to review the decision, the discharge can be delayed until the appeal is heard
- D. No, but the RMO can re-section the patient if he/she believes that the Tribunal have wrongly discharged the patient

7. During the Tribunal, the patient's solicitor raises a complicated legal issue, and there is a discussion between the representative and the President of the Tribunal about this. Are you permitted to get involved in the discussion?

- A. Yes, all parties have an equal right to comment on the issue
- B. Yes, only if the Tribunal invites you to comment



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- C. No, only legally qualified representatives are entitled to comment
- D. No, but you can request on an adjournment for the Trust to seek legal advice

8. You (RMO) consider the decision of the Tribunal to discharge the patient from the hospital outrageous and wrong. You arrange an immediate mental health act assessment, and in your opinion, the patient is detainable? Can he be detained?

- A. Always
- B. Yes, but the RMO should write a detailed report to the Tribunal outlining the reasons for resectioning the patient
- C. No, it illegal to resection a patient who is discharged by the Tribunal
- D. Yes, if ASW organising the assessment clearly feels that there was some significant information that the Tribunal was not aware of before ordering discharge

9. The RMO is unavailable. At the MHRT, the Tribunal hears from a junior doctor to make out the case for detention. Is this legal?

- A. No, the Tribunal must hear evidence from the RMO during the hearing
- B. Yes, if the RMO submits a written report, and the junior doctor presents only the RMO's view
- C. Yes, if the junior doctor gives their own independent opinion
- D. Yes, only if the patient's representative agrees

10. During the Tribunal (after your evidence is finished) the patient says that he has always complied with treatment in the community. You know this is not true, and want the Tribunal to know this. Can you cross-examine the patient about this?

- A. Yes, any party has the right challenge the evidence given to the Tribunal
- B. Yes, but only if the Tribunal gives permission
- C. Yes, only if the Tribunal gives permission and the patient or their representative agrees
- D. No, the patient has the right to address the Tribunal without being challenged

11. At the end of the hearing the patient's solicitor usually makes a submission to the Tribunal based on all the evidence. If you feel there are issues that you did not have the opportunity to comment on in your evidence, are you entitled to make a separate submission at this point?

- A. Yes, any party has the right to make a final submission
- B. Yes, but only if the Tribunal gives permission
- C. Yes, only if the Tribunal gives permission and the patient or their representative agrees
- D. No, only the patient may make a final submission

12. The medical member of the Tribunal is a consultant from a neighbouring Trust, with whom you have had serious professional and personal disagreements in the past. Can you insist that he stand down, and another member be appointed?

- A. Yes, any party can insist that a member of the Tribunal is replaced, if their independence is questioned
- B. Yes, any party can object, but the decision rests with the Regional Chairman
- C. Yes, any party can object, but the decision rests with the Tribunal
- D. No, no party can object to the membership of the Tribunal

Thank you very much for taking the trouble to complete this questionnaire.