

Patients' experiences of the First-tier Tribunal (Mental Health)

Report of a joint pilot project of the Administrative Justice and Tribunals Council and the Care Quality Commission.

A summary

This report is the result of a collaboration between the Administrative Justice and Tribunals Council (AJTC) and the Care Quality Commission (CQC) to obtain information from people who use mental health services and patients detained under the Mental Health Act about their experiences of coming before the First-tier Tribunal (Mental Health). The report can be found on the address below. The following is a summary of the main findings.

Each year, there are more than 45,000 detentions of men and women in hospital for assessment and treatment for mental disorder under the Mental Health Act 1983. At any point in time, around 16,000 people are being detained by NHS and independent hospitals and a further 4,000 people are on community treatment orders (CTOs) or are subject to guardianship powers. People whose rights are restricted in this way are particularly vulnerable. It is therefore vital that there are mechanisms to safeguard the rights of people who are subject to the powers of the Act. This is why the report was commissioned.

Some of the findings of this report include:

- It is both possible and worthwhile collecting user feedback from detained patients about tribunals.
- Patients' experiences of tribunals were diverse, ranging from positive to strongly negative.
- Those who received a positive outcome were, not surprisingly, much more positive of the system than those who received a negative outcome.
- Patients are not always well placed to ensure their lawyers are providing a good standard of advice and representation.
- Delays are a substantial factor in many patients' negative experiences of tribunals.
- A large part of the distress caused by delays was due to a lack of information about timescales.
- The way pre-hearing medical examinations are carried out is very variable.
- Patients had positive experiences of some parts of the tribunal hearing, but there were concerns about the provision of information and access to reports.
- A significant minority said they were not given enough opportunity to be heard.
- Nearly all said they received a very rapid decision. However, follow-up information was lacking and patients felt poorly informed of any further right to appeal.

Conclusions of the report:

This report breaks new ground in accessing and communicating patients' direct views on the tribunal system. It is unacceptable that this kind of research has been conducted routinely for other tribunals, but that nobody has regularly and systematically monitored the experiences of detained mental health patients. The project is a testament to the ability of detained patients to be active and valuable participants in shaping the system to which they are subject. Its most important conclusion is that it is both possible and worthwhile to collect feedback from detained patients about the tribunal system. This conclusion should pave the way for future research and surveys of the people who use tribunals and stakeholders.

To read this report in full, go to:

http://www.cqc.org.uk/db/documents/AJTC_CQC_First_tier_Tribunal_report_FINAL.pdf