

**Private & Confidential – Patient's MHRT  
correspondence from { MERGEFIELD  
PRACTICEINFO PRACTICE\_NAME }**

{ MERGEFIELD "LINKNAME\_TITLE\_1" } { MERGEFIELD  
"LINKNAME\_INITIALS\_1" } { MERGEFIELD  
"LINKNAME\_SURNAME\_1" }  
{ MERGEFIELD "CALCULATION\_ADDRESS" }

Please ask for:  
{ MERGEFIELD

Your Ref:

Our Ref:  
{ MERGEFIELD  
"MATTED FEE EARNED ID" \\*

Date:  
{ SET LtrDate { DATE  
\\ "d MMMMM yyyy" } }

Dear { MERGEFIELD MH\_ADDCLIDETS\_FW\_CLI\_SALUT },

**RE: Section { MERGEFIELD MH\_ADDCLIDETS MH\_SECTION } – Application to First-Tier Mental Health Review Tribunal**

Thank you for instructing this firm to act on your behalf in connection with your application to the First-Tier Mental Health Review Tribunal to review your detention under Section { MERGEFIELD MH\_ADDCLIDETS\_MH\_SECTION } of the Mental Health Act.

**Responsibility for your work**

I am { MERGEFIELD CALCULATION\_FEE\_EARNER\_DESCRIPTION }, the person who will conduct your matter. I am a { MERGEFIELD CALCULATION\_STATUS\_DESCRIPTION } and a member of the Law Society's Mental Health Tribunal Panel. I will endeavour to visit you on a regular basis and keep you personally informed about the progress. I will be supervised by { MERGEFIELD CALCULATION\_EXECUTIVE\_NAME }, a STATUS in this firm. In the event of my not being available please contact my colleague XX who will be happy to assist with any query you may have or alternatively they can take a message and I will call you back.

**Your Instructions**

**The Tribunal**

{ IF { MERGEFIELD MH\_ADDCLIDETS\_MH\_SECTION } = 2 "The Mental Health Review Tribunal is an independent body which consists of a Lawyer, a Doctor and an ordinary member of the community. The Tribunal procedure is fairly informal. Before the hearing, the Tribunal Doctor will call to see you to enable him to advise the Tribunal as to his/her opinion on your mental health.

As you are detained under Section 2 of the Mental Health Act 1983, in addition to having a general discretion to discharge you the Tribunal must discharge you if they are not satisfied that the provision of Section 72(1)(a) of the Act are met. I have set out below the provisions of that Section.

- (i) The Tribunal must discharge you if you are not then suffering from mental disorder or from mental disorder of a nature or degree which warrants your detention in a hospital for assessment (or for assessment followed by medical treatment) for at least a limited period; or
- (ii) That your detention aforesaid is justified in the interests of your own health and safety or for the protection of other persons.

The Tribunal also have the discretion to defer your discharge to a specified date if they do not order your immediate discharge. Also they can make recommendations about possible leave of absence or your transfer to another hospital, another ward, such as a rehabilitation ward, or even guardianship and if these recommendations are not complied with they can consider your case further.

The Tribunal have not yet contacted me regarding the date upon which your Tribunal Hearing will take place; I will contact you as soon as they do so.

As explained to you, we can make no promises as to the outcome of your application save that we will do our very best to carry out your instructions." "{ IF { MERGEFIELD MH\_ADDCLIDETS\_MH\_SECTION } = 3 "The Mental Health Tribunal is an independent body and consists of a lawyer, a Doctor and an expert lay member. The Tribunal's procedure is fairly informal.

As you are detained under Section 3 of the Mental Health Act, in addition to having a general discretion to discharge you, the Tribunal must discharge you if the provisions of Section 72(1)(b) are met, and I have set out below the provisions of that Section.

1. The Tribunal must discharge you if it is not satisfied that you are then suffering from a mental disorder at all, or not satisfied that you are suffering from a mental disorder of a nature or degree which makes it appropriate for you to be liable to be detained in a hospital for medical treatment or:
2. If it is not satisfied that it is necessary for your health or safety or for the protection of other persons that you should receive such treatment; or
3. If it is not satisfied that appropriate medical treatment is available

The Tribunal also have the discretion to defer your discharge to a specified date if they do not order your immediate discharge. Also they can make recommendations about leave of absence, transfer to another hospital, or about a community treatment order or guardianship, and if these recommendations are not complied they can consider your case further.

The Tribunal have not yet listed this matter for hearing. I will contact you as soon as they do so." "{ IF { MERGEFIELD MH\_ADDCLIDETS\_MH\_SECTION } = 35 "S35 advice" "{ IF { MERGEFIELD MH\_ADDCLIDETS\_MH\_SECTION } = 37 "The Mental Health Tribunal is an independent body and consists of a lawyer, a Doctor and an ordinary member of the community and the Tribunal's procedure is fairly informal.

As you are detained under Section 37 of the Mental Health Act, the Tribunal must discharge you if it is not satisfied that:

1. You are, on the day of the Tribunal, suffering from a mental disorder of a nature or degree which makes it appropriate for you to be liable to be detained in hospital for medical treatment; or
2. That it is necessary for your health or safety or for the protection of others you should receive such treatment; or
3. That appropriate treatment is available.

The Tribunal can also defer your discharge to a future date, adjourn for more information, recommend leave or recommend that your consultant considers a Community Treatment Order." "{ IF { MERGEFIELD MH\_ADDCLIDETS\_MH\_SECTION } = 47 "s47 advice" "Please select the relevant section from the workflow/dossier to enable this function to work correctly." }" }" }" }

## **Quality of Service**

Our aim is to provide you with the highest standard of professional service at all times. As a firm of Solicitors we owe you a duty to act in your best interests at all times and to behave with independence and integrity.

However, if you have any queries or concerns relating to the work carried out on your behalf or if there are any problems which we cannot resolve between ourselves, then please contact our Client Care Officer, { MERGEFIELD CALCULATION\_EXECUTIVE\_NAME } (contact details are set out in the firm's Client Care Guide enclosed). All firms of Solicitors are obliged to attempt to resolve problems that may from time to time arise and it is important, therefore, that you immediately raise any concerns. We value your instructions and wish to ensure that everything proceeds with as few problems as possible.

## **Costs**

The Legal Aid Agency will meet the costs in the case, so costs need not concern you.

Please find enclosed a Client Care Guide, which will contains information in relation to the services which this Firm will be providing. However, should you have any queries, please do not hesitate to contact me.

Yours sincerely,

{ MERGEFIELD "CALCULATION\_FEE\_EARNER\_DESCRIPTION" }  
{ MERGEFIELD PRACTICEINFO\_PRACTICE\_NAME }

**Enc.**