**Minute of Service Users’, Carers’ and Advocacy Workers’ Forum**

**28 April 2025 – 12:00 – 13:00 via Webex video-conference**

**Chaired by Jane Patrick, In-house Convener**

Attendees

MHTS Jane Patrick (JP) (In-house convener) Chair

Laura Dunlop (LD) (President)

Kirsty Watson (KW) Legal Secretary

Natasha Anderson (NA) MHTS Casework Team Leader

Alan Swan (AS) MHTS Clerk

Amanda Oakes (AO) MHTS Caseworker

Jenna Swan (JS) (PO secretary – Note taker)

Scott Blythe (SB) (Tribunal Liaison Officer and Meeting facilitator)

and

16 attendees from outwith MHTS

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1. **Welcome and Introductions**

JP welcomed everyone to the Forum and introduced all MHTS attendees.

**2. Update from the President, Laura Dunlop KC**

LD welcomed everyone to the Forum and addressed some specific topics, as below.

1. **Annual statistics**

The annual report is not yet prepared but the number of applications received for 2024-25 was 5,552. This is an increase from the year before but only 0.4% of an increase (compared with an increase of around 2% in more recent years). There were around 6,000 hearings in the year, with September being the busiest month.

1. **Return to visual hearings**

The Tribunal continues to try to increase the number of visual hearings (in person and video-conference). The latest ‘visual hearings graph’ was shown. This highlights the steady increase in visual hearings, with more than 50% of the hearings in February 2025 being visual ones for the first time since 23 March 2020.

1. **First-tier Tribunal for Scotland (FtT)**

The position in relation to the MHTS’s transfer into the FtT remains as stated at the previous Forum. This has been discussed for a number of years. The move is included in the Scottish Government’s The Vision for Justice Delivery Plan to the end of 2026 but there is no new information about this.

1. **Court of Session appeal hearing to be live streamed**

An appeal against a MHTS (cross-border transfer) decision is to be livestreamed on Wednesday 30 April 2025 at 10am and the link is as follows - [https://www.scotcourts.gov.uk/livestream/court-of-session/case-xa21-25/](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scotcourts.gov.uk%2Flivestream%2Fcourt-of-session%2Fcase-xa21-25%2F&data=05%7C02%7CMHTSPresidentsOffice%40scotcourtstribunals.gov.uk%7C035178ebf7074d70c80c08dd8634676a%7C3120c9ea21e1453e91254c124f493981%7C0%7C0%7C638814281799476149%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=ntfKxOvolvGgSl4bfLGf%2BSn%2F83oqalm6i5asq3G6kPw%3D&reserved=0)

**3. Process for fixing hearings, having regard to the different hearing types**

The tribunal process for scheduling the different hearing types was explained to the attendees by NA. The Tribunal is trying to encourage patients’ choice of type of hearing and to ascertain this as early as possible. The Tribunal’s hearing types information leaflet and the scheduling pro forma, which should be submitted with each application, were shown. These are available on the Tribunal’s website. If advocacy workers are aware of a patient’s preference of hearing type, they are encouraged to advise the Tribunal of this as early as possible. The onerous process of altering hearing types after the hearing has been intimated was also explained. It requires an interlocutor and new invites being sent out to all attendees.

The available hearing modes in the Argyll and Bute area was raised. LD and the attendee will have a separate discussion about this.

**4. Primary carers and persons with an interest**

JP delivered a brief talk on this topic. It highlighted the definition of a primary carer and the rights that primary carers and persons with an interest have in tribunal proceedings. Usually they have rights to attend hearings and to make representations and/or lead evidence. It was noted that sometimes patients do not wish a primary carer/family member to be involved in tribunal proceedings. This should be flagged up to the tribunal in advance of a hearing, if possible, so that the tribunal can balance the rights of the primary carer/person with an interest and the patient’s wishes (for example, by limiting the primary carer’s attendance at the hearing to the time they give evidence).

An attendee asked if an advocacy partner could stop someone being a primary carer. If a person meets the definition of a primary carer then the patient cannot prevent the primary carer having the rights given to them in the 2003 Act. This situation is one members encounter at hearings. It can be addressed by sensitive handling on the day, as set out above.

**5. AOB**

**Advocacy referrals coming through from MHOs late or not invited at all –** An attendee expressed concern at the lateness of referrals to them by some MHOs and also not receiving enough notice of hearings, leaving little time to prepare. A few other attendees agreed with this. JP and LD noted the work pressures on professionals and tight timescales involved in some tribunal cases. Most CTO applications are received on the day or day before the expiry of the STDC, leaving little time to fix the hearing and give notice of the hearing. The Tribunal will raise this at the upcoming MHO/RMO Forum.

One attendee noted that sometimes they do not receive notice of hearings involving their advocacy partner at all. JP advised that if an advocacy worker’s details are not included in an application, the Tribunal is unaware that the advocacy worker is involved. It is always open to an advocacy worker to advise the Tribunal of their involvement with a patient if they are aware an application is to be made and this will be noted.

**7. Close and thanks**

The next meeting will take place in the Autumn of 2025 with the date confirmed nearer the time.