



Mental Health Tribunal for Scotland

Members' Newsletter

September 2020

INSIDE

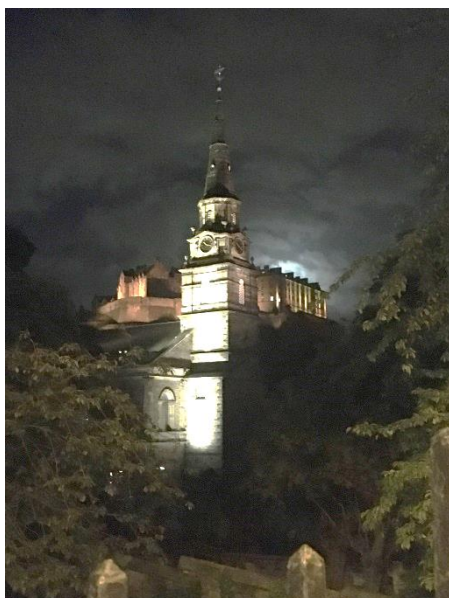
New President of the Scottish Tribunals

15 years on

Good practice in telephone hearings
(and hearings in general)

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Message from Laura J Dunlop QC

Dear All,

Welcome to the Autumn newsletter for the Mental Health Tribunal for Scotland. Next month, the Tribunal will be 15 years old, the first hearings under the 2003 Act having taken place in October 2005. I am grateful to Jane Patrick for having put together some of the recollections contributed by those who were part of MHTS in those early days (which includes Jane herself). Many thanks also to everyone who sent in their memories. You will find the resulting article on page [9](#).

As I write this, we are in week 26 of telephone hearings. On 23 March, who would have thought that, six months later, we would still be holding almost every hearing remotely? By the end of September, we will have held over 2,500 hearings this way. We have also now held three in-person hearings, two in Hamilton House and one in George House in Edinburgh, and one videoconference hearing, with members in Hamilton House, the patient and RMO in the Orchard clinic and three other attendees joining either from home or from a workplace. The distinction between these last two concepts has, of course, become blurred in the last six months.

We have been gathering data and feedback as the months have passed. Patient attendance is lower than for in-person hearings, when compared with the same period last year, but the drop is not large. This is probably because of what I think can be termed 'churn': some service users attend a phone hearing but would not have attended a hearing in person and others choose not to dial in but would have come to a venue. We have gathered views from a small number of service users and are still engaged in trying to find out what people's experience has been, and what they think. I hope we can present more of the detail of this in due course.

In this uncertain period, when some work and leisure activities have resumed, albeit in modified fashion, it feels as though almost everything is up for examination. What should be the expected format for hearings in future? Should we have different arrangements for different venues, or for hearings with particular features? Should we offer different ways of 'attending' to each participant in a hearing? How can all this run within the tight statutory deadlines to which we are subject, without creating unacceptable pressure for our hardworking operational teams? And are we moving into the First-tier Tribunal soon and, if so, what effect will that have?

In the fullness of time, all these questions will either be answered or cease to matter. For now, we move carefully and incrementally. The in-person hearings arranged so far have been for people with communication issues making telephone hearings difficult or even impossible. This can be due to use of BSL or difficulties with speech. The place of video hearings is not yet clear; although professionals appreciate the convenience, and being able to see and hear people is probably preferred over teleconferencing by a majority of attendees, technical glitches seem to be an inevitable feature. The organisation of multiple attendees and their various connections to the platform is more labour intensive than either in-person or telephone hearings. And co-location of the patient and a supporter, either an advocacy worker or a solicitor, seems better than everyone attending from a different place. The same appears to be true for members: attending together is better than attending separately. But bringing people together raises issues of physical distancing, and its compatibility with the sharing of equipment.

Lastly, there are our events. We have been able to hold two gatherings by video-conference, one for RMOs and MHOs and the other for service users and carers, which was mainly attended by advocacy workers. Both of these appeared successful. They are reported on at page [14](#). Encouraged by these experiences, we are now planning members' training, and you will have been invited to sign up for that over the next few months. Scott Blythe is our resident DJ and has adapted seamlessly to hosting events on the WebEx platform. We look forward to seeing you there soon.

For the moment, then, most of our hearings continue to be by teleconference. We are still learning and some recent suggestions for good practice appear on page [16](#). It remains for me to thank all members for their continuing flexibility and commitment, including the completion of feedback forms for every hearing during a six week period in the summer. I want also to acknowledge the tireless efforts of everyone else in the team – whether in Operations in Bothwell House, in the President's Office in Hamilton House or working from home on a laptop. There cannot have been a more challenging period in the history of the Tribunal, and there cannot have been an issue that so affects everyone. At the end of the video hearing in August, the convener asked the patient if he had any questions. He did have a question, and it was a good one.

“When is the virus going to pass?” he said.

With best wishes to you all,

Laura

Laura J Dunlop QC
President

News

New President of the Scottish Tribunals

After six years as President of the Scottish Tribunals, Lady Smith stepped down from the role on 24 August 2020. Lady Smith continues in her role as Chair of the Scottish Child Abuse Inquiry.

She was assigned as the first president of the Scottish Tribunals in 2014 by the Lord President at that time, Lord Gill. Since then she has overseen the transfer of a wide range of tribunal jurisdictions into the Scottish Tribunal under a new chambers structure, as well as the establishment of a well-functioning, judicially led First-tier and Upper Tribunal.

Lady Smith said: "Over the last six years, a sea change has occurred in the administration of justice in Scotland's tribunals. None of this could have been achieved without the remarkable support and willingness of the tribunals' judiciary, particularly the chamber presidents, and the staff of the Scottish Courts and Tribunals Service. It has been a pleasure and a privilege to work with them all.

Lord Woolman has been assigned as the new President of the Scottish Tribunals. He has served as a judge of the Supreme Courts since 2008. He was appointed to the Second Division of the Inner House of the Court of Session in February 2020.

He is a graduate of Aberdeen University. Between 1978 and 1987 he was a lecturer at Edinburgh University, where for 3 years he was the Associate Dean of the Law School. In 1987 he was admitted to the Faculty of Advocates. He was Standing Junior Counsel for the Inland Revenue, the Ministry of Defence (Procurement) and the Office of Fair Trading and was appointed as a Queen's Counsel in 1998. From 1999 to 2002 he served as an advocate depute, and between 2004 and 2008 he was Keeper of the Advocates Library. He was formerly chairman of the Scottish Council of Law Reporting, the Bar Mediation Group and the Free Legal Services Unit.



He said: "As the first President of the Scottish Tribunals, Lady Smith has held the post with great distinction. I am delighted to succeed her at a time when the tribunals are in good heart. Their work has never been more important and it is my privilege to take that forward. Our tribunals are a vital part of the administration of justice in Scotland, providing an essential service to a wide range of people."

Profile within members' area of website

Within the members' area of the website, members have the option to list their contact details; this allows members to contact each other directly without coming through the President's Office.

We do encourage members to list their contact details, but this is not compulsory. For those members who already have their contact details listed on their profile, please check and ensure they are up to date by following the steps below. For those members who wish to add their contact details, please also follow the steps below:

- Access Judicial Members' area of website:
https://www.mhtscotland.gov.uk/mhts/Members_Area/Judicial_Members_Area
- From left hand menu, click 'Update Profile'
- Check and update email address
- Click green box 'Save Profile'

Fiona Queen
PA to the President and Member Liaison Officer



Additional Writing up Fee

Please note the 'Additional writing up fee' Guidance note for tribunal members has been revised to clarify the circumstances in which a write-up fee can be claimed and the process for doing so. The revised Guidance can be found here:

https://www.mhtscotland.gov.uk/mhts/Members_Area/President_s_Guidance_and_Directions



'From where I am sitting' Members' Training 2020

We look forward to welcoming members to the mandatory members' training, by videoconference, on one of the following dates:

Tuesday	6 October
Thursday	22 October
Tuesday	3 November
Wednesday	11 November
Wednesday	25 November
Thursday	3 December
Friday	11 December

MHTS Members' Forums

Due to Covid-19, there have been no members' forums held to date during 2020. The Tribunal is keen to reinstate these meetings, as feedback from members has been very positive in the past. Members' Forums are usually held in the evening, lasting approximately 2 hours and CPD is available for attendees.

Members are being invited to contact their local forum organiser to register their interest in attending a virtual members' forum meeting in the near future (no dates have been set as yet). As these forthcoming meetings will be virtual, members may be tempted to attend more than one!

Members are encouraged to suggest speakers, or volunteer to speak, at a forum and I would ask that you contact the forum organiser directly, either with suggested speaker details or your own speaking topic.

The forum organisers are:

Moray & Highland

John Bamber

Grampian

New forum organiser tbc

Tayside

David Gilling

Edinburgh

Joy Hosie

Glasgow

Maureen Reith

Ayrshire

Martin McAllister

Fiona Queen
PA to the President and Member Liaison Officer

MHTS Members Association Annual General Meeting 2020

The MHTS Members Association Annual General Meeting will take place on **Wednesday, 7 October 2020** at **6pm** by teleconference.

All members of the Association are invited to attend. A notice with a link to the meeting papers has been emailed to members on the mailing list.

New members are most welcome to join ahead of the meeting (joining fee, which goes to support ongoing work on a pension claim, £100 for legal members, £50 for medical and general members; annual subscription £10). If you would like to join, please contact the Treasurer, Lesley Ward.

Agenda

1. Minutes of 2019 AGM
2. Accounts
3. Vice Chair's report
4. Election of office-bearers and committee members
5. Subscription for 2021
6. Continuing Education
7. AOCB

The committee currently comprises:

Chair: vacant

Vice Chair: Joyce Mouriki

Secretary: Kenneth Campbell

Treasurer: Lesley Ward

Committee: Leonard Wallace, Maureen Reith, Caroline Ritchie, Peter Woolfson

The Chair is currently vacant, David Preston having stood down at the 2019 AGM.

Kenneth Campbell will be standing down as Secretary at the AGM.

Other members of the committee will be offering themselves for re-election.

Articles

15 years on

You may remember some of these events which took place 15 years ago:

- Introduction of smoking ban
- G8 at Gleneagles
- Charles married Camilla
- David Cameron took over as Tory leader
- Hurricane Katrina
- Dr Who restarted
- Ted Heath, Robin Cook and George Best all died,

In October of the same year, 2005, the first MHTS hearing took place.

A number of the current Tribunal's Administration were working for the Tribunal on (or very close to) that first day when hearings began in 2005:

- Grant Armstrong, Clerk
- David Barclay, Clerk
- Lesley Black, Head of Operations
- Mary Chatham, Hearings Operations Manager
- Paul Cowie, Clerk
- Agnes Ferrie, Business Improvement and Change
- Claire Findlay, Caseworker
- Derek Holt, Operations Venue Manager
- Anne Lithgow, Clerk
- Hazel McKay, Glasgow Senior Operations Manager
- Michelle Moore (now Montgomery), Caseworker
- Derek Panton, Finance Assistant
- Jane Ramsay, Clerk
- Lesley Sylvester, Scheduling Team Leader

To give us a trip down memory lane, some of them share their recollections of those early days:

Paul Cowie, Clerk

I was one of the first people in the building, along with Derek Holt. We helped set up the training materials and so on. I was also the clerk on the tribunal's first ever hearing in Perth (Murray Royal), which didn't go to plan, so to speak. It wasn't long after we went 'live', in the October I think. I just remember everyone being there, including the President, but the patient had absconded and no one knew what to do.

Claire Findlay, Caseworker

MHTS has changed in many ways in the past 15 years but has always in my view been patient-centred.

I have always worked in casework, firstly in the Civil and then in the CORO team. I always try to remember that we are dealing with real people behind all the mountains of paperwork and are privy to probably the worst times in their lives.

We had many challenges at the beginning as we were taking the work from the court system and delivering a different type of hearing for mental health patients and professionals.

Our way of working is probably the biggest change. In the beginning each patient case had a paper file and you can imagine the amount of work maintaining that type of system. All invites and papers were posted and the photocopiers and mail room were very busy places!

We are now receiving and processing the majority of our work electronically which was a huge task to implement but a very successful one.

The main reasons I think I have stayed with the Tribunal for so long are I do enjoy the work but mainly the people I work alongside have been so lovely. We really do support each other daily in a work environment that can be pressured at times.

We have seen folk have big birthdays, get married & have babies and had a lot of good times and laughs along the way.

Michelle Moore, Caseworker

I don't have any specific memories as such as there are far too many to recount but I would like to say that no matter the turn-over in staff over the years, they have always been a great bunch of people to work with, past and present. I miss all the chat and laughs in the office with my 'work family' as I'm currently working from home.

There have been many engagements, weddings, babies & special birthdays celebrated and many a great office night out! And sadly, the passing of Calum last year. We had never experienced losing a colleague within MHTS before. He is sadly missed and was a great character within the office.

I do wonder sometimes what Calum would have made of the working from home as he wasn't very good with modern technology! When I was a clerk we used to have a passcode fob to get online and the code would change every minute or so. I remember Calum not realising this. He wrote the number down on a piece of paper before he went to his hearing and couldn't figure out why he couldn't get online. After a quick call to another clerk who kindly advised him of the changing code, he had to scoot it back home from Leverndale to pick the fob up!

Anne Lithgow, Clerk

It all began for me when I first arrived at Bothwell House, having been sent by PerTemps employment agency. I was one of 12 people who all joined from the agency at the same time. I believe I may be the only one of the 12 who is still here, the others all moving on to various other places, retiring etc. Amusingly one of the 12 only lasted until morning tea-break, when she got a call offering her another job, so she abruptly left.

1. It was a bit of a baptism of fire for me in that it was a complete change of direction, having been previously in the field of medical research, albeit on the data processing side. Also it is my first full-time job since my daughter was born 15 years earlier.

Initially we were trained for six weeks, learning all about the Act and the machinations of the job, plus being issued with our 'kit' which included fire extinguishers for our cars, first aid kit, Filofaxes etc. Those six weeks were pretty intensive, as there was so much to learn.

MHTS itself was a Government Agency at that point and we were required to have security badges, which meant going to Saughton House in Edinburgh to have photographs taken for them. As there were 11 of us, a couple of minibuses were hired to take us there and two of the caseworkers were allocated (or volunteered – not sure which) to drive these. We duly set out and managed to get as far as the outskirts of Edinburgh when something – I have no idea what – caused the minibus at the rear to crash into back of the other one. It was not a really serious accident, but serious enough to cause some of the passengers to sustain whiplash and/or seatbelt injuries (some seats in the minibuses only had lap belts). Thankfully no one was injured seriously enough to require hospital treatment. The minibuses were still driveable, so we did actually manage to get to Saughton House, but didn't get the photographs taken as first aid and accident reporting all took precedence. I was one of the lucky ones who didn't have any injuries, but it gave us all a great fright at the time, as you can probably imagine. A few days later we did have our photographs taken and were issued our badges.

2. When it came to the first day the Act was implemented, there weren't many hearings scheduled, so all us clerks were sent to one of them. I and two other clerks – Paul Cowie and Kevin Webb (both of whom are still, like me, clerks) were sent to a hearing in Stratheden Hospital. I personally have little or no sense of direction and had never even heard of Stratheden Hospital before, far less knew where it was, so I had no idea where I was going. I had printed off the AA road directions and tried to memorise them. They were on my passenger seat the whole way so I could refer to them if necessary (which I did several times) and luckily I did manage to arrive without too much trouble. Shortly thereafter I bought myself a satnav, and have relied on it ever since. The venue in Stratheden Hospital at that time was very different to the one we have there now. We had been allocated rooms elsewhere within the hospital. The one designated the hearing room was somewhere in the middle of the building. It was very small, cluttered (it would never pass Health and Safety risk assessment now) and had no windows. Basically, it was not really fit for purpose, but the hearing still went ahead as it was all they had to offer us and we didn't do risk assessments in those days. Although the patient did not attend this particular hearing, the Named Person did, and sat in tears throughout. I was beginning to wonder what I had let myself in for. Subsequent hearings were not so fraught as that one was for me, and I gradually settled in to a sort of routine. Every hearing is different and throws up fresh challenges, so it not and never will be a job where you can be complacent.

3. As momentum gathered and more hearings were scheduled, we worked two clerks per hearing – there were no venue assistants in those days. Also, casework took the brunt of the work in that they printed off our papers for us before the hearing and took the case back for completion once the hearing was over. All clerks had to do was prepare forms etc. for the hearing, facilitate the hearing itself and complete paperwork with the panel at the end, bringing it back to Hamilton for the caseworkers to complete the case. Changed days, sigh.

4. On our first 'away day' – now called 'staff engagement day' (1st Monday of August) – all the clerks (only the clerks, their line managers and the hearings team leader) went to The Blue Sky Experience, which is somewhere in Perthshire, I believe, and had a really good day team-building. I don't know what the caseworkers or schedulers did that

year. In the following years I think the whole of MHTS were included in whatever activities were planned for that day.

5. Going back to my final comment in '3' above, I was once asked by a convener to phone the Law Society to check up on a solicitor's credentials. This took me completely by surprise, but I did as I had been asked and reported back that they were in order. Following that hearing, the other two members, who had been equally surprised at the convener's request, complimented me on being able to take such an 'off the wall' request so calmly – apparently I had not shown any surprise/shock when asked and just seemed to take it in my stride. I can honestly say I may not have shown it, but I was definitely taken off-guard as it was so unexpected.

6. Another incident was when a solicitor sent his secretary to represent a patient. This came to light as I was welcoming the attendees as they arrived. I duly reported all arrivals and their status to the convener, as I would always do. She was not best pleased and dealt with it once the hearing had begun, as a preliminary matter. I cannot recall exactly what happened beyond that – I believe the hearing had to be adjourned to allow the solicitor to attend personally, but there were repercussions from the President's office to the solicitor about it.

There are many and varied small incidents we have to deal with on a daily basis at hearings, e.g. named persons turning up with small children in tow because they have child care issues; a patient turning up wearing boxing gloves; no nurse escort with the patient; behavioural issues with the patient due to their illness – a never ending list which we deal with on a daily basis. Mostly we all just get on with it and deal with anything that arises, not thinking it is anything other than 'just another day at the office'.

Clerking is not a boring run-of-the-mill job. Each hearing is different and gives different challenges. I love it. When I first started in the job I didn't realise how much I lacked self-confidence. This job has given me that and so much more.

Derek Holt, Operations Venue Manager

One of my more vivid memories working at MHTS back in 2005 was attending as a Tribunal Clerk at my first Tribunal hearing which I think was either the end of October or the start of November 2005. I was scheduled to attend at Murray Royal Hospital, Perth. I always remember that it was a Section 50 appeal, it was a Friday and it took from 10 am to 5 pm, albeit we did stop for lunch. There was also a sense of feeling that, when we were in the canteen having lunch, everyone knew who we were. So I got the impression that news had travelled to other parts of the hospital that we were here. Fond memories.

Agnes Ferrie, Business Improvement and Change

I started in 2005 as a Hearings Team Leader. My first task was to recruit a pool of hearings clerks for the anticipated number of hearings for MHTS. I then became involved in developing training and guidance for the clerks, and researching and obtaining equipment. Later I assisted the team with creating form templates, spreadsheets etc. to record information on hearings. The hearings team leaders worked very closely with the casework team leaders on the planning of hearings to ensure we met all of the deadlines. Everything was all new, of course, and we had to provide a lot of guidance to clerks and members, at the same time learning ourselves. We did have a lot to do but it was good fun too! We've come a long way. What a transformation from then to now with everything at our finger tips!

Hazel McKay, Glasgow Senior Operations Manager

I started in August 2006, as a caseworker. My main memory is just the great team that we had then, a lot of us remain friends to this day. Work-wise, I will never forget the amount of paper we were surrounded by. We had to punch all applications, cut out coloured card and add treasury tags. These made our make shift folders. There were always white paper dots everywhere, like snow! Also, we had a long line for the photocopier every day!

We were very busy as well, sometimes working on 30-40 applications each, a day. Everything done manually. We had CMS (Casework Management System), but not the scanning process behind it. It was a relief when more staff and electronic processing came on board years later.

Also, the President was based in Bothwell House, with the IHC's and the Tribunal Suite was where Ops support are now based. We expanded beyond this in later years, but it was very different.

Lesley Black, Head of Operations

I can offer some memories on the types of hearing facilities we were being offered in the earliest days. I travelled across Scotland in the summer of 2005 engaging with the NHS and Local Authorities persuading them to fulfil their responsibilities to provide suitable accommodation for our hearings.

Early examples which were easily declined included a playgroup facility, a local hall complete with stage and old school piano and perhaps my favourite – a room with a glass cabinet displaying historic surgical implements.

Thank you to everyone who contributed. Here's to the next 15 years!

RMO/MHO Forum and Service Users', Carers' and Advocacy Workers' Reference Group

RMO/MHO Forum

The joint RMO/MHO Forum is normally held twice yearly at Hamilton House. The last Forum took place on 28 October 2019. The Forum scheduled for April 2020 was cancelled in response to COVID-19 restrictions on face-to-face meetings. Against the background of taking feedback on the use of teleconference hearings from members and the increase in the use of virtual meetings it was decided to offer to host a virtual RMO/MHO Forum. The response was extremely positive and the Forum was held on 3 August 2020 on the WebEx platform.

Scott Blythe, Tribunal Liaison Officer, provided technical know-how and facilitated the meeting. The Forum was chaired by Morag Jack, In-house Convener, and attended by the President, Grace Lennox, Senior Operations Manager, Arlene Coggill, Operations Manager, Stuart Crawford, Casework Team Leader, and approximately 20 RMOs and MHOs. The Forum provided an opportunity for the President to attend the first Forum since her appointment. The President provided an overview of how the Tribunal quickly responded to the challenges it faced since March 2020, the response to teleconference hearings and the work which is ongoing in relation to a return to in-person hearings. The operational managers explained how the Tribunal Administration has adapted to the new processes that are in place. The main discussions were around the use of teleconferencing and remote assessments for applications. One agenda item which prompted a bit of discussion was in relation to The [Mental Health \(Conflict of Interest\) \(Scotland\) Regulations 2017](#). The item had been submitted by an RMO who was seeking clarification of the rules as he was aware of a tribunal decision which held a CTO application as misconceived because the reports had been prepared by two doctors working in the same hospital.

Service Users', Carers' and Advocacy Workers' Reference Group

On 26 August 2020 a virtual Reference Group meeting was held by the Tribunal using the same format as the Forum. Once again Scott Blythe facilitated the meeting and it was chaired by Jane Patrick, In-house Convener. There were 18 attendees and also 6 persons from the Tribunal, including the President. Usually these groups are held in different venues around the country three times a year. The different mode of holding this meeting meant a welcome increase in the number of attendees from various parts of Scotland.

The President provided an update in relation to the change in hearings due to the COVID-19 pandemic and various other matters were discussed, including:

- The difficulty advocacy workers faced with lack of face-to-face contact with patients;
- Mixed feedback from patients about teleconference hearings;
- The effect of local lockdowns;
- The outlook for hearings in the future.

The Tribunal is keen to receive feedback from patients and family members on their experience of teleconference hearings. Various organisations and persons have offered to help with this and there were a number of suggestions made at the meeting of other organisations which might be able to assist. The Tribunal is following up these suggestions.

Minutes of both meetings are now on the MHTS website and can be found here: https://www.mhtscotland.gov.uk/mhts/Reference_Groups_and_Forums/Reference_Groups_and_Forums



‘Penning’ Magazine by Scottish Pen

Members are always interested in learning more about how it feels to be a service user attending a hearing. No two experiences will be the same.

Recently, we were sent a copy of an article in the magazine ‘Penning’ by Graham Morgan, who has attended a number of hearings over a ten year period. According to the mini-bio in the magazine, Graham is the author of START, a memoir of his experiences of schizophrenia and ongoing compulsory treatment under the mental health act, but also a memoir about love, the Highlands and Argyll. With the title ‘Short Break at Knockderry Castle’, the article appears at page 17 in the July edition of the magazine, available at this link:

https://issuu.com/scottishpen/docs/penning_patience

Good practice in telephone hearings (and hearings in general)

Please check your papers as soon as you can after receipt to see if there is any conflict of interest.

Please also ensure you upload tribunal paperwork after a hearing to “MHTS Order and FFR” as opposed to individual clerks.

Issues continue to arise in relation to conducting telephone hearings. Ideas for improvement also emerge. Here are some points that have come up since our last newsletter:

- Sudden disconnections may sometimes be caused by an incoming call or voicemail alert on your mobile phone. Turning on the ‘Do Not Disturb’ setting may help to stop this.
- It is a good idea to include in your introduction a warning that sudden disconnection may occur and reassure people that we will not conduct the hearing without them. They can try to reconnect themselves and the clerk will also assist with this.
- Some conveners encourage people to say their own name every time they speak (unless they are answering a question to them by name).
- Muting when you are not speaking is a good idea, if you can.
- If you are going to be typing, muting is also a good idea.
- Any background noise should be identified, explored and resolved unless this is impossible.
- Checking every so often that everyone can still hear and be heard is also prudent.

Lastly – and this is not restricted to telephone hearings – it is helpful not to resort to abbreviations such as ‘CTO’ and ‘RMO’ unless you are sure that everyone understands them.

Tips for working with a telephone interpreter

There have been some teleconference hearings using an interpreter. While the following are tips for working with a telephone interpreter generally, they are helpful and should assist you.

- **BRIEF THE INTERPRETER** – Identify yourself and the name of your organisation to the interpreter, give some brief background information about the situation, let the interpreter know what you are trying to accomplish in the conversation. This can help the conversation get off to a good start with the person requiring the services of an interpreter.
- **SPEAK DIRECTLY TO THE CLIENT** – You and the client (the person who requires an interpreter) can communicate directly with each other as if an interpreter was not being used. The interpreter will relay the information and communicate the client’s responses directly back to you.
- **SPEAK NATURALLY, NOT LOUDER** – Speak at your normal pace and volume, not slower but not faster either.

- **SEGMENTS** – Speak in one sentence or two short sentences at a time. Try to avoid breaking up a unit of thought. Your interpreter is trying to understand the meaning of what you are saying, so express the whole thought if possible. Interpreters will ask you to slow down, speak louder or repeat if necessary. You should pause to make sure you give the interpreter time to deliver your message accurately.
- **CLARIFICATIONS** – If something is unclear, or if the interpreter is given a long statement, he or she will ask you for a complete or partial repetition of what was said. Or they might ask you to clarify your statement.
- **ASK IF THE CLIENT UNDERSTANDS** – Do not assume that the client understands you. In some cultures a person may say ‘yes’ as you speak indicating not that they understand but that they want you to continue explaining. Keep in mind that lack of English does not necessarily indicate lack of education or intelligence.
- **AVOID JARGON OR TECHNICAL TERMS** – Do not use jargon, slang, idioms, acronyms, abbreviations or technical terms.
- **EVERYTHING YOU SAY WILL BE INTERPRETED** – Avoid private conversations. Whatever the interpreter hears will be interpreted. If you feel that the interpreter has not interpreted everything, ask the interpreter to do so. Try to avoid interrupting the interpreter while he/she is interpreting.
- **DO NOT ASK FOR THE INTERPRETER’S OPINION** – The interpreter’s role is to convey the meaning of the source language into the target language, and not to act as an advisor or advocate for either party. Under no circumstances may he or she allow personal opinion to influence their interpreting. Also, do not hold the interpreter responsible for what the client says or does not say. For example, if the client does not answer your question.
- **LENGTH OF INTERPRETING SESSION** – When you are working with an interpreter, the conversation will often take around twice as long as one conducted only in English. Many concepts you express may have no equivalent in other languages, so the interpreter may have to describe or explain many terms you use.
- **READING SCRIPTS** – People often talk more quickly when reading a script. When you are reading from a prepared text, slow down to give the interpreter enough time to keep up with you.
- **CULTURE** – Professional interpreters are familiar with the culture and customs of the client. During the conversation, the interpreter may identify and clarify a cultural issue they may think you are not aware of. If the interpreter feels that a particular question is culturally inappropriate, he/she might ask you to re-phrase the question or ask the interpreter to help you in getting the information in a more appropriate way.
- **CLOSING THE CALL** – The interpreter will wait for you to initiate the closing of the call. When appropriate, the interpreter will offer further assistance and will be the last to disconnect from the call. Remember to thank the interpreter for his or her efforts at the end of the session.

Legal Update

- Coronavirus (Scotland) Act 2020
<https://www.legislation.gov.uk/asp/2020/7/data.pdf> – as at 30 September 2020
- Schedule 9, Coronavirus Act 2020 (please note these remain prospective provisions)
<https://www.legislation.gov.uk/ukpga/2020/7/schedule/9/data.pdf>
- Coronavirus (Scotland) (No. 2) Act 2020
<https://www.legislation.gov.uk/asp/2020/10/data.pdf> – as at 30 September 2020
- Coronavirus (Scotland) Act 2020 and Coronavirus (Scotland) (No.2) Act: Guidance to Scottish Government Stakeholders – as at 30 September 2020
<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2020/04/coronavirus-covid-19-guidance-for-scottish-government-stakeholders-on-the-coronavirus-scotland-act-2020/documents/coronavirus-covid-19-guidance-for-stakeholders-on-the-coronavirus-scotland-act-2020/coronavirus-covid-19-guidance-for-stakeholders-on-the-coronavirus-scotland-act-2020/govscot%3Adocument/Coronavirus%2B%2528Scotland%2529%2BAct%2B-%2BGuidance%2Bto%2BScottish%2BGovernment%2Bstakeholders%2B%2528004%2529.pdf>



Informative Publications

- Independent Review into the Delivery of Forensic Mental Health Services: What people told us – August 2020
<https://www.gov.scot/binaries/content/documents/govscot/publications/independent-report/2020/08/independent-forensic-mental-health-review-interim-report/documents/independent-review-delivery-forensic-mental-health-services-people-told/independent-review-delivery-forensic-mental-health-services-people-told/govscot%3Adocument/independent-review-delivery-forensic-mental-health-services-people-told.pdf>
- Forensic Mental Health Services Managed Care Network – Restricted Patients and Covid-19 – 25 March 2020
<https://www.forensicnetwork.scot.nhs.uk/restricted-patients-and-covid-19-guidance-legislative-25-march-2020-2/>
- Updates on MHTS website re COVID-19
<https://www.mhtscotland.gov.uk/mhts/News/News>
- Scottish Government Guidance – Coronavirus Act 2020: Named Person – witnessing of signatures
<https://www.gov.scot/publications/coronavirus-act-2020-named-person---witnessing-of-signatures/>
- Scottish Mental Health Law Review, Newsletter – September Issue
<https://www.mentalhealthlawreview.scot/workstreams/smhlr-newsletter-september-issue/>
- British Institute of Human Rights – Reports on the impact of the Government's response to the Covid-19 for the human rights of people with care and support needs
<https://www.bih.org.uk/news/bihr-reports-covid-19>
- Public Health Scotland – Rapid review of the impact of COVID-19 on mental health – June 2020
<http://www.healthscotland.scot/media/3112/rapid-review-of-the-impact-of-covid-19-on-mental-health-july2020-english.pdf>

- Mental Health Foundation Scotland – Coronavirus: The divergence of mental health experiences during the pandemic
https://www.mentalhealth.org.uk/sites/default/files/Coronavirus%20Scotland%20-%20The%20divergence%20of%20mental%20health%20experiences%20%28Final%29_0.pdf
- SCTS COVID-19 Respond, Recover, Renew: Supporting Justice through the pandemic and beyond – August 2020
<https://www.scotcourts.gov.uk/docs/default-source/default-document-library/coronavirus-docs/covid-modelling-reports-and-other/covid-19---scts-respond-recover-renew.pdf?sfvrsn=2>

Mental Welfare Commission Publications

- Good Practice Guide: Young people in adult mental health wards – 12 June 2020
https://www.mwscot.org.uk/sites/default/files/2020-06/Admission_of_young_people_to_adult_mental_health_wards_review_12_june_2020.pdf
- COVID-19 FAQs for practitioners (version 14, 28 August 2020)
<https://www.mwscot.org.uk/sites/default/files/2020-08/Covid-19%20advice%20note%20v14%2028%20Aug%202020.pdf>
- Hope for the future – A report on a series of visits by the Mental Welfare Commission looking at care, treatment and support for people with eating disorders in Scotland – September 2020
https://www.mwscot.org.uk/sites/default/files/2020-09/EatingDisorders_ThemedVisitReport_03Sept2020_0.pdf
- Stakeholder Research, Final Report - August 2020:
https://www.mwscot.org.uk/sites/default/files/2020-08/MWC_StakeholderResearch_FinalReport_Aug2020.pdf

Please note that links to Informative Publications are included for information only. Any views expressed in these publications are those of the authors and not those of the MHTS.



Bright Idea

A member has written to tell us that he recently purchased a reusable notebook, a Rocketbook, which he has been using to note evidence. This has avoided the need to use paper and to shred papers after a hearing. The contents of the book can be saved to a computer if required, but more importantly can be washed away using a cloth provided. We should add that there are other reusable notebooks on the market.

Clerks' Contact Details

Clerk		Number	Email
Allan	Jean	07917 898 792	<p>Please email clerks at the following generic email address and <i>not</i> at their individual email address:</p> <p>MHTSHearingsOps@scotcourtribunals.gov.uk</p> <hr/> <p>Post hearing paperwork to be uploaded to:</p> <p style="text-align: center;">MHTS_FFR_Order</p> <p>on the Judicial Members' area of the MHTS website</p> <hr/> <p style="text-align: center;">Hearing Team Leaders:</p> <p style="text-align: center;">Anna Bulloch – 01698 390 040 abulloch@scotcourtribunals.gov.uk</p> <p style="text-align: center;">Sandra Devlin – 01698 390 013 sdevlin@scotcourtribunals.gov.uk</p> <p style="text-align: center;">Jeanette Thomson – 07917 898 822 jthomson3@scotcourtribunals.gov.uk</p>
Armstrong	Grant	07917 898 818	
Barclay	David	07917 898 806	
Berry	Laura	07471 350 329	
Bruce	Ian	07876 884 046	
Cherry	Alice	07884 655 908	
Colquhoun	Michael	07825 009 020	
Cowie	Paul	07917 898 801	
Deegan	Rose	07471 350 328	
Ferguson	Elaine	07917 898 813	
Harris	Richard	07469 141 130	
Higgins	Margaret	07884 655 912	
Hope	Gordon	07785 462 397	
Kilpatrick	Hannah	07884 664 658	
Lithgow	Anne	07917 898 823	
McLagan	Stuart	07584 158 127	
Miller	Mandy	07770 645 654	
Mooney	Audrey	07876 884 044	
Paterson	Chris	07715 463 790	
Paterson	Leanne	07471 350 730	
Ramsay	Jane	07917 898 809	
Sinnett	Stephanie	07786 028 852	
Swan	Alan	07557 484 869	
Webb	Kevin	07917 898 793	
Zachary	Margaret	07917 898 796	

Useful Contacts

Scheduling Team

(including re-setting Webroster and MHTS Website passwords)

schedulingmhts@scotcourtribunals.gov.uk

❖ Telephone: 01698 390073

e-Expenses Helpdesk

webrosterexpenses@scotcourtribunals.gov.uk

❖ Telephone: 01698 390090

Finance Team

opsfinancetribunals@scotcourtribunals.gov.uk

❖ Telephone: 01698 390054

President's Office

mhtspresidentsoffice@scotcourtribunals.gov.uk

Fiona Queen, PA to President and Member Liaison Officer

❖ Telephone: 01698 390033

Yvonne Bastian, President's Office Secretary

❖ Telephone: 01698 390001

Newsletter Contributions

The Tribunal welcomes contributions to the Newsletter from all members.

Members who wish to contribute to the Newsletter should contact Yvonne Bastian at MHTSPresidentsoffice@scotcourtribunals.gov.uk

The following timescales will apply for contributions*:

May edition: contributions by the end of March

September edition: contributions by the end of July

January edition: contributions by the end of November

***Contributions may require to be edited**