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Information Pack:

00340: Salaried Legal Member, Mental Health
Review Tribunal

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INTRODUCTION

The Judicial Appointments Commission (JAC) is now inviting applications for the post of Salaried Legal Member of the Mental Health Review Tribunal (MHRT). The closing date for applications is 29 January 2008. The JAC has been asked to create two lists of people suitable for appointment to this position, a list of twelve people for the Northern Region and a list of ten people for the Southern Region. There are eleven immediate vacancies to be filled from these lists, six in the Northern Region and five in the Southern Region. Other appointments may be made as vacancies arise. Candidates should indicate on the application form for which region they wish to be considered.

This pack contains the information that you need about the selection exercise. It includes eligibility criteria and the job description. It also describes the selection process that the JAC will follow, with relevant dates and advice on how to prepare for the various stages of this process.

Before you can be considered for appointment, there are eligibility requirements that you must meet. The JAC is also required to assess your character. Before applying you should read these requirements and the guidelines that the JAC uses to assess character. These can be found on our website (www.judicialappointments.gov.uk) along with outline terms and conditions of service and terms of appointment for these posts.

The independent JAC selects candidates for judicial office. It does so on merit, through fair and open competition, from the widest range of eligible candidates.

ARE YOU ELIGIBLE?

To be eligible for appointment as a Salaried Legal Member of the MHRT you must meet the following requirements.

Statutory requirement

Under section 1 of Schedule 2 to the Mental Health Act 1983, each of the Mental Health Review Tribunals shall consist of –

(a) a number of persons appointed by the Lord Chancellor and having such legal experience as the Lord Chancellor considers suitable.

The Lord Chancellor and Secretary of State will normally consider as having suitable legal experience only persons who hold a seven-year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.

Under section 71(3)(c), a "general qualification" means a right of audience in relation to any class of proceedings in any part of the Supreme Court or all proceedings in the county courts or magistrates' courts.

Previous service in a judicial office

The Lord Chancellor normally expects applicants to have served in a judicial office in a fee-paid capacity for at least two years or to have completed 30 sitting days since appointment.

Age

There is no upper or lower age limit for candidates apart from the statutory retirement age of 70. The age at which someone is appointed as a Salaried Legal Member of the MHRT must allow for a reasonable length of service before retirement, usually about three years.

Nationality

You must complete a declaration of your nationality in the Application Form. In order to qualify for this post, you must be a citizen of:

- the United Kingdom; or
- another Commonwealth country; or
- the Republic of Ireland.

Character

The JAC is required by statute to appoint only persons of good character. In order to make these assessments we have developed Good Character Guidance which you can find on our website at www.judicialappointments.gov.uk. You can also write to us to request a copy (see the 'Contacts and Further Information' section of this Information Pack for our contact details).

The Good Character Guidance gives you some indication as to whether anything in your past conduct or present circumstances might affect your application for judicial appointment. You should read it carefully before completing the Application Form.

Good character questions and declarations

You are required to answer a number of questions related to good character in the Application Form and must make appropriate declarations as requested.

Applicants for judicial appointments are not protected by sections 4(2) and 4(3) of the Rehabilitation of Offenders Act 1974. Any convictions which would normally be regarded as having expired under that Act should therefore be declared in writing (Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975). You must provide details of all offences for which you have been convicted or cautioned. Details should include the nature of each offence, date of conviction or caution and the penalty imposed.

Where proceedings of any kind are pending, you should give details of the offence with which you have been charged or the disciplinary process you are subject to and, if known, the date when the case or action may be heard. It is important that you inform us of the outcome of any case or action concluded while your application is under consideration. Similarly, if you are charged with any offence or any action is brought against you after submitting your application you should inform us immediately (see the 'Contacts and Further Information' section of this Information Pack).

In all cases, please provide as much detail as you can and indicate if there are any mitigating factors that you think the JAC should take into account in assessing your good character.

Good character checks

The JAC will also carry out checks on all candidates whom it intends to recommend for appointment. Further information about these checks will be provided separately to relevant candidates.

Failure to have declared any matters that come to light from these checks may prejudice the outcome of your application.

Disqualification

You should note that the House of Commons Disqualification Act 1975 applies to this office.

REASONABLE ADJUSTMENTS

We wish to ensure that the selection process operates fairly, and we welcome applications from candidates with disabilities.

The JAC is committed to considering any reasonable adjustments needed to ensure that you can participate in the selection process fairly. The Application Form asks you to identify any arrangements and adjustments you may require. Requests will be considered on a case-by-case basis and the information given will not be used in selection decisions.

If you are recommended for appointment, reasonable adjustments will be considered if you have a disability under the meaning of the Disability Discrimination Act. Any reasonable adjustments to enable you to take up appointment will be discussed separately with you by the Tribunal after the JAC has made its recommendation.

JOB DESCRIPTION

The following information has been provided by the Ministry of Justice.

I. PURPOSE OF OFFICE

The purpose of judicial office is to administer justice according to law, without fear or favour, affection or ill will.

II. JURISDICTION

Mental Health Review Tribunals (MHRTs) are independent judicial bodies responsible for deciding upon the necessity for the continued compulsory detention of mentally disordered patients in hospital or the continuation of guardianship or aftercare under supervision. Their powers and duties are set out in the Mental Health Act 1983, as amended by the Mental Health (Patients in the Community) Act 1995. Their procedures are defined in the Mental Health Review Tribunal Rules 1983 (also as subsequently amended) (and from October 2008, the Mental Health Act 2007).

All patients detained under the provisions of the Mental Health Act 1983 or subject to guardianship or aftercare under supervision have the right to seek a review of their case by applying to the Tribunal. Furthermore, if a restricted patient has not made an application to the tribunal as specified in the Act then the Secretary of State for Justice is obliged to refer the case to the Tribunal and in the case of a non restricted patient the obligation falls on the hospital managers. These provisions ensure that all cases are subject to regular review.

The criteria which the Tribunal must apply when considering whether to discharge a patient, are laid down in the Act. The Tribunal may also order a patient's discharge on a future date or recommend that he or she be given leave of absence, be transferred to another hospital, or be transferred into guardianship or aftercare supervision. It also has the power to reclassify a patient (i.e. to substitute another category of mental disorder for the one under which he or she is detained). The Tribunal has the discretion to discharge unrestricted patients on any grounds, but this discretion is rarely used in practice. The Tribunal has different powers and procedures in respect of restricted patients (i.e. those who have been accused or convicted of criminal offences

and on whom the Crown Court has imposed restrictions on discharge). Unless patients request otherwise, hearings are held in private (usually in the hospital where the patient is detained), though a member of the Council on Tribunals is entitled to be present as an observer. Members are appointed on a national basis and can be asked to go to different venues across the country.

There are two Mental Health Review Tribunal Regions in England and one covering the whole of Wales. Each Tribunal has one Chairman (referred to as the 'Regional Chairman') and a number of legal, medical and lay members. At any hearing, the Tribunal will be composed of at least three members including at least one from each of the three categories. The legal member always presides over the hearing. In cases concerning restricted patients, the legal member must have been designated to hear such cases.

Upon implementation of the Tribunals, Courts and Enforcement Act in October 2008, it is proposed that the MHRT will enter the Health, Education and Social Care Chamber, of the First Tier tribunal chambers, headed by a Chamber President.

III. MAIN ACTIVITIES

A Salaried Legal Member will have the following responsibilities:

- To carry out as directed any of the powers currently vested in the Regional Chairmen and as from October 2008 any of the powers then vested in the Chamber President.
- To play a full role in the case management of all cases as allocated by the Chamber President, including the identification and/or resolution of practical issues before the hearing and to ensure that those cases on which s/he is not sitting as Salaried Legal Member are handed over to the appointed Chairman in a timely and well prepared form.
- To ensure the timely delivery of written decisions in all cases on which s/he sits as a Salaried Legal Member.
- To advise fee-paid Tribunal members on matters of law and procedure where appropriate.
- To sit as Salaried Legal Member in all cases as allocated by the Chamber President.
- To develop and participate in a range of other judicial activities as directed by the Chamber President, including assistance in the development of best practice guidance, practice protocols, development and leadership of the MHRT members' training programme, the appraisal and mentoring schemes, and the MHRT website.
- To work with the administration in the identification of particular Lay and Medical members for appointment in cases requiring specialist knowledge and skills where appropriate.
- To assist the Chamber President in wider policy matters, including those involving other stakeholders e.g. Trusts, mental health lawyers, and Social Services.
- To identify and liaise with key stakeholders in the region to which s/he is allocated by the Chamber President.
- To attend meetings with other senior MHRT judiciary as required.
- To deputise for the Chamber President as required.

IV. OTHER RESPONSIBILITIES

Being fully conversant with the Mental Health Act 1983, Mental Health Review Tribunal Rules 1983 and other relevant legislation (and from October 2008, the Mental Health Act 2007), and keeping abreast of legal developments.

Attending training courses and meetings of members of the Tribunal from time to time, to discuss current procedure and practice.

Successful candidates may be required to travel where the need arises.

Further information about the terms and conditions can be found on our website at:
<http://www.judicialappointments.gov.uk/>

THE SELECTION PROCESS

Application form

Details of the qualities and abilities against which you will be assessed are set out in the Application Form. You can draw on your full range of work and personal experience to demonstrate these qualities and abilities including, for example, voluntary work or any publication to which you have contributed. Please be specific in giving information.

Timetable

Closing date for applications	29 January 2008
Provisional dates for qualifying tests	31 March to 4 April 2008
Provisional dates for selection days	19 May to 2 June 2008

Shortlisting

The first step in the process is a qualifying test. For further information about tests, please see our website at www.judicialappointments.gov.uk.

Following the test, if you are shortlisted, you will be invited to a selection day. Further details will be sent with your invitation to attend.

References

We may seek information from people who are well placed to comment on how you meet the qualities and abilities. Referees are usually approached before the selection day takes place and will be encouraged to draw on appraisal material if it is available. The material provided by referees will usually inform decisions at selection day, and final selection decisions by Commissioners.

Candidate nominated

You are invited to nominate up to three referees who know you well either personally or professionally.

JAC nominated

The JAC may also request references from those identified in the section of this pack titled 'JAC nominated referees'.

Please provide the name, title, position and address of your relevant judicial and professional referees. You may also tell us if you do not wish us to approach the relevant professional referee now, but you must give reasons. If you do not currently hold a judicial office and have excluded your relevant professional referee, you must suggest an alternative referee who is familiar with your work.

Conflict of interest

The Judicial Appointments Commissioners are listed at the back of this pack. You should not nominate a Commissioner as a referee. You should also state in the Application Form if you are in any way related to, or known to, any of the Commissioners and give details.

Outcome of the selection exercise

You will be advised of the outcome of your application in writing.

If you are unsuccessful, you can request a written explanation. You should make this request within six weeks of the date of the letter informing you that you have not been successful. We will aim to respond to your request within four working weeks.

Medical examination

You may be asked to undergo a medical examination before taking up an appointment.

Complaints procedure

If you are dissatisfied with any aspect of the way your application has been handled, please refer to the JAC's published complaints procedure, which is available from our website, or in writing on request.

CONTACTS AND FURTHER INFORMATION

Obtaining an application form

All the information about applying for this selection exercise is available at www.judicialappointments.gov.uk (current selection exercises).

The Application Form for this selection exercise can be obtained electronically by downloading it from the website.

Please contact the Judicial Appointments Applications Service (JAAS) team at the JAC if you wish to request a hard copy of the Application Form or Information Pack, or if you have any questions about eligibility or about submitting your application.

If you need the form and/or pack in a different format, for example Braille, please contact the JAAS team.

Acknowledgement of your application

You should receive an acknowledgement of your application within five working days of receipt. If you do not, please contact the JAAS team by telephone or e-mail.

Contact details

1. JAAS

Reference: 00340 (Please use this reference on all communications)

Judicial Appointments Commission
2nd Floor, Steel House
11 Tothill Street
London
SW1H 9LH

DX 149822 WESTMINSTER 6

E-mail: jaas@jac.gsi.gov.uk
Telephone: 020 7210 0123

2. Selection Exercise Team:

Anna Norris	020 7210 0111	Selection Exercise Manager
Chukwuma Uju	020 7210 0106	Higher Executive Officer
Sean Conway	020 7210 0117	Executive Officer

E-mail: sean.conway@jac.gsi.gov.uk

Fax: 020 7210 0134

3. Director:

David Truscott 020 7210 0567

JAC NOMINATED REFEREES

The JAC may request references from those categories listed below.

Judicial referees

If you hold a judicial office not in this list, please contact the JAC so that we can consider who should be nominated as your judicial referee.

If you sit on a Tribunal, the Tribunal President or equivalent.

If you are a Recorder, the Resident Judge, the Designated Civil Judge or the Designated Family Judge in the court(s) where you sit most often.

If you are a District Judge or Deputy District Judge, the local Designated Civil Judge.

If you are a District Judge (Magistrates' Courts) or Deputy District Judge (Magistrates' Courts), the Senior District Judge (Magistrates' Courts).

Professional referee

If you are a solicitor, your managing partner or relevant equity partner.

If you are a barrister, your Head of Chambers.

If you are employed, your line manager or equivalent.

JAC COMMISSIONERS

Chairman of the JAC

Baroness Usha Prashar CBE

Members

Dame Lorna Boreland-Kelly DBE

Professor Dame Hazel Genn DBE QC

Mr Justice John Goldring

Lady Justice Heather Hallett DBE

Her Honour Judge Frances Kirkham

Sir Geoffrey Inkin OBE

Mr Edward Nally

Ms Sara Nathan

District Judge Charles Newman

His Honour Judge David Pearl

Mr Francis Plowden

Ms Harriet Spicer

Mr Jonathan Sumption OBE QC

Lord Justice Roger Toulson