

ST3-AP-FELL-EPA7 – Report to a tribunal

Area of practice	Adult psychiatry	EPA identification	ST3-AP-FELL-EPA7
Stage of training	Stage 3 – Advanced	Version	v0.8 (EC-approved 24/07/15)
<p>The following EPA will be entrusted when your supervisor is confident that you can be trusted to perform the activity described at the required standard without more than distant (reactive) supervision. Your supervisor feels confident that you know when to ask for additional help and that you can be trusted to appropriately seek assistance in a timely manner.</p>			
Title	<i>Preparation and presentation of a treating doctor’s report to a judge or tribunal authorising treatment under mental health legislation.</i>		
Description Maximum 150 words	<p>The trainee has the ability to prepare and present a case to the tribunal, judge or panel having responsibility for authorising involuntary treatment under local mental health legislation. The trainee should perform the role of an expert witness presenting medical (psychiatric) information in a professional manner to enable the tribunal/judge to come to a decision regarding use of the mental health legislation.</p>		
Detailed description If needed	<p>There are two elements to this EPA, namely preparation of evidence prior to a hearing and oral presentation of evidence during a hearing.</p> <p>1 Preparation of evidence</p> <ul style="list-style-type: none"> • Making a decision to initiate an application for an Order under mental health legislation to the appropriate tribunal, balancing all of the clinical, ethical and legal domains that such a decision requires. • Negotiating, as much as possible, a treatment plan which includes the involuntary Order, with the patient and their family and friends (and any legal representative the patient may have) and explaining the process of involuntary treatment to the patient and their supports/advocates. • Assessment of the patient’s decision-making capacity around any treatment refused. • Gathering comprehensive information from appropriate sources (including collateral sources, family and examination of the patient concerned) whilst respecting the patient’s confidentiality. • Preparing a written report in a professional and comprehensive manner that sets out the reasons for the application, addressing the requirements of legislation. • Discussing the written and verbal evidence with other members of the treating team (who will be involved in the process) prior to the hearing. • Discussing this application and/or hearing with the patient and/or carers. <p>2 Presentation of evidence to a hearing</p> <ul style="list-style-type: none"> • Presenting evidence in a professional manner that is relevant to the decision to be made by the body. The evidence should be concise but sufficiently comprehensive to give the tribunal the expert medical information required to make a 		

	<p>decision.</p> <ul style="list-style-type: none"> Presenting evidence in front of the patient in a manner that is respectful; acknowledging when appropriate a patient's disagreement with the treating team's views. Responding to questions or challenges from the judge, chair or members of the tribunal or cross-examination by the patient or their legal representative in a way that clarifies any issues and considers any alternative views. The trainee should be prepared to explain their opinion but should also be flexible if information is provided that requires them to qualify or even change their opinion. 			
Fellowship competencies	ME	1, 2, 3, 4, 5, 7, 8	HA	1, 2
	COM	1, 2	SCH	
	COL	1, 2, 4	PROF	1, 2, 3, 5
	MAN	2, 5		
<p>Knowledge, skills and attitude required</p> <p>The following lists are neither exhaustive nor prescriptive.</p>	<p>Competence is demonstrated if the trainee has shown sufficient aspects of the knowledge, skills and attitude described below.</p> <p>Ability to apply an adequate knowledge base</p> <ul style="list-style-type: none"> Understand appropriate legislation as it applies to the individual jurisdiction. Understand the principles of least restrictive care. Understand the tests of decision-making capacity as laid out in the legislation and/or in the common law. Understand the level of detail and content needed to compose a succinct and informative report. <p>Skills</p> <ul style="list-style-type: none"> Preparation and presentation of the report (see <i>Detailed description</i> above for more information). Ability to present evidence effectively to a non-medical audience. <p>Attitude</p> <ul style="list-style-type: none"> Professional approach to the process of preparing the report. In particular, exhibiting sensitivity and tolerance to differing opinions and the necessity for legal review. Non-defensive and non-adversarial approach in interactions with the patient, tribunal and any legal representative. 			
Assessment method	Progressively assessed during individual or clinical supervision, including three appropriate WBAs.			
<p>Suggested assessment method details</p> <p>(These include, but are not limited to, WBAs)</p>	<ul style="list-style-type: none"> Case-based discussion. Professional presentation – at the relevant hearing. The supervisor must directly observe the trainee perform this task in at least one hearing (followed by feedback in supervision) to be satisfied that the above elements have been performed. 			

- | | |
|--|--|
| | <ul style="list-style-type: none">• Review of the written report, including review of the final version of the report. |
|--|--|

References

RYAN C, CALLAGHAN S & PEISAH C. The capacity to refuse psychiatric treatment: a guide to the law for clinicians and tribunal members. *Aust NZ J Psychiatry* 2015; 49: 324–33.

COL, Collaborator; COM, Communicator; HA, Health Advocate; MAN, Manager; ME, Medical Expert; PROF, Professional; SCH, Scholar