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Rebecca Macfie  
Senior Assistant Clerk  
Health and Sport Committee  
Room T3.60  
Scottish Parliament



**By email:**

Your ref:  
Our ref: id: A10009834  
12 January 2015

Dear Rebecca

**HEALTH AND SPORT COMMITTEE MEETING ON 2 DECEMBER 2014  
MENTAL HEALTH (SCOTLAND) BILL**

As you are aware, at the Health and Sport Committee's meeting on 2 December, Dr Richard Simpson indicated that it would be helpful for the Committee's consideration of the Bill and specifically Part 1, Section 1 (*Measures until application determined*) to have some idea of the precise reasons why there might be more than one Tribunal hearing before the Mental Health Tribunal is in a position to determine an application for a Compulsory Treatment Order.

I am grateful for the work undertaken by my colleagues in the Mental Health Tribunal Unit within the Scottish Tribunal Service which has enabled me to provide this information (Annex A). The information provided covers the last two financial years (2012-13 and 2013-14) and has been derived by interrogating the requisite computer system.

I do hope the Committee Members find this information is helpful to their consideration of matters. Please do not hesitate to contact me if there is any additional information the Committee might wish and we will endeavour to provide this.

Yours sincerely

*Carol Sibbald*

**CAROL SIBBALD**

## REASONS WHY A FURTHER HEARING MAY BE REQUIRED BEFORE A CTO IS DETERMINED

**Financial Year 2012-13**

Reason	Number of instances
A report needs to be provided (a required report relating to the CTO application has yet to be submitted)	32
Applicant requires additional time	19
Appointment of Curator ad Litem	67
Commission Person of Skill	6
Failure of parties to attend	75
Independent medical report	306
Other (i.e. not one of the defined reasons outlined)	27
Other party required	1
Report to be provided (Tribunal may call for a specific report to aid their consideration)	21
Respondent requires additional time	278

**Financial Year 2013-14**

Reason	Number of instances
A report needs to be provided (a required report relating to the CTO application has yet to be submitted)	19
Applicant requires additional time	22
Appointment of Curator ad Litem	67
Commission Person of Skill	2
Failure of parties to attend	65
Independent medical report	254
Other (i.e. not one of the defined reasons outlined)	27
Other party required	4
Report to be provided (Tribunal may call for a specific report to aid their consideration)	17
Respondent requires additional time	266

Points to note

- The “Applicant” in this scenario is the Mental Health Officer who is the person who submits the CTO application;
- The “Respondent” in this scenario is the individual who will be subject to the CTO;
- Commission Person of Skill – this is where the Tribunal is unsure whether the individual might benefit from having for example a Curator ad Litem appointed. In such cases the Tribunal asks for an appropriate person to assess the individual and reach a view.
- A case can have more than one reason for requiring a further hearing to be held.