

Guidance for Legal Representatives and Tribunal Panel Members re Access to Electronic Patient Records for Hearings in East London

1.0 Background

- 1.1 Representatives of Her Majesty's Courts and Tribunals Service and the Mental Health Lawyers Association met with senior managers in the Trust to discuss how legal representatives and Tribunal Panel Members could more easily gain access to detained patient's electronic records.
- 1.2 Whilst being mindful of security issues and the disruption caused in clinical areas by legal representatives attempting to gain access to records there, the Trust has introduced a booking system so that legal representatives and Tribunal Panel Members can attend to view electronic records at an allotted time in a place away from the immediate clinical area.
- 1.3 A significant advantage about this system is that legal representatives and Tribunal Panel Members can make appointments to view more than one record on the one site, no matter where the patient is located.

2.0 Procedure

- 2.1 These procedures apply to accessing patient records in respect of Mental Health Tribunals and Hospital Managers Hearings only. Unless there are exceptional circumstances, legal representatives and Tribunal Medical Members should not access electronic patient records on the wards. The exact procedure varies according to each of the Trust's sites (see appendix 1) but is broadly:
 - a) The instruction from the Patient to the legal representative (and the Responsible Clinician agreement form) should be sent to the Mental Health Law office.
 - b) The Tribunal Panel Member or Patient's legal representative must make an appointment with one of the designated members of staff in the locality, who will then check if the appropriate permissions have been given where relevant.
 - c) When the Legal Representative or Tribunal Panel Member arrives for the appointment and appropriate identification has been verified and the Trust member of staff is satisfied that there is authority to view the records, he/she will be seated at a designated work station and reminded that only those records that they requested to look at may be accessed.
 - d) In the case of a legal representative, we would expect to see either a dedicated identification badge issued by the firm or a headed letter from the principal solicitor confirming that the person works for that firm, along with formal identification such as driving licence, passport etc.
 - e) For Tribunal Panel Members we would like to see the identification badges issued by the Tribunal Service.
 - f) The Trust member of staff will then log in to the electronic patient record system and the particular patient record. The legal representative or Tribunal Panel

Member will be reminded of their requirement to not deviate from the correct patient record, and to seek assistance with navigation if necessary.

- g) The Trust member of staff will observe the screen that the legal representative or Tribunal Panel Member is viewing to ensure that they remain in the correct patient record(s). If there is any attempt to view a different record without the necessary permission, the session will be terminated.
- h) If the Trust member of staff needs to stop their observation for whatever reason, they will close down the patient record and log off from the system and the legal representative or Tribunal Panel Member will have to wait for their return.
- i) For patients detained under section 2, the relevant appointment procedure should still be used, but it is acknowledged that access may be required at very short notice and so it will be facilitated accordingly.
- j) In situations where the legal representative or Tribunal Medical Member has had no opportunity to access a patient's record prior to the day of the hearing, they should contact the relevant Mental Health Law office directly so that access can be arranged.
- k) For community patients subject to a Community Treatment Order or conditionally discharged from a Restriction Order, legal representatives or Tribunal Panel Member may use this booking system or continue making arrangements with local community teams if they so wish.

Appendix 1

3.1 Newham Centre for Mental Health, Coborn Centre for Adolescent Mental Health, East Ham Care Centre

- For appointments call the Mental Health Law office on 020 7540 4206
- On arrival, report to reception in Newham Centre for Mental Health and ask for the Mental Health Law office. A member of staff will show you to the designated viewing area.

3.2 Tower Hamlets Centre for Mental Health and other wards on the Mile End Hospital site

- For appointments, call the Medical Records office on 020 8121 5467. If not available, call the Mental Health Law office on 020 8121 5490/5451/5452
- On arrival, if the appointment is in the Medical Records office, go to the entrance to the management offices on the ground floor of Burdett House and press the Medical Records buzzer. A member of staff will show you to the designated viewing area.
- If the appointment is in the Mental Health Law office, report to reception in Tower Hamlets Centre for Mental Health and ask for the Mental Health Law office. A member of staff will show you to the designated viewing area.

3.3 City & Hackney Centre for Mental Health and The Lodges

- For appointments, call the Medical PA's office on 020 8510 8276. If not available, call the Mental Health Law office on 020 8510 8286/8107/8418
- On arrival, report to reception and ask for the Medical PA's to be informed of your arrival. And then proceed to the Management Offices which are on the second floor; ring the reception bell for access. A member of staff will show you to the designated viewing area. Please note that appointments with the Medical PA will only be on Wednesdays.
- If the appointment is in the Mental Health Law office, report to reception and ask for Mental Health Law office to be informed of your arrival. Then make your way to the first floor and ring the Mental Health Law buzzer for access. A member of staff will collect you and show you to the designated viewing area.

3.4 John Howard Centre

- For appointments, call the Medical Records office on 020 8510 2145. If not available, call the Mental Health Law office on 020 8510 2133/2134/2136
- On arrival, if the appointment is in the Medical Records office, report to reception and ask for Medical Records to be informed of your arrival. A member of staff will show you to the designated viewing area.
- If the appointment is in the Mental Health Law office, report to reception and ask for the Mental Health Law office to be informed of your arrival. A member of staff will collect you and show you to the designated viewing area.

3.5 Wolfson House

- For appointments, call the Medical Records office on 020 8510 2145/ 2135/ 2132
If not available, the Ward Administrator at Wolfson House on 020 3222 7206 or call the Mental Health Law office on 020 3222 7108 / 7109
- On arrival, if the appointment is in the Medical Records office, report to reception and ask for Medical Records to be informed of your arrival. A member of staff will show you to the designated viewing area.
- If the appointment is in the Mental Health Law office, report to reception and ask for Mental Health Law office to be informed of your arrival. A member of staff will collect you and show you to the designated viewing area.