

PART 5 : COMPULSORY TREATMENT ORDER

To be completed by the Mental Health Tribunal for Scotland

Date Application Received

The application for a compulsory treatment order was received by the Mental Health Tribunal for Scotland on Date / /

Hearing Details

A hearing to consider the above application was heard on Date / /

Before the following Tribunal members -

Convener

Medical

General

The hearing took place at:

Address

Postcode

Before determining the application, the Mental Health Tribunal for Scotland afforded the persons mentioned in section 103 (6) of the Act the opportunity to: make representations (whether orally or in writing); and leading, or producing evidence. Please shade.

	Attended hearing	Gave evidence
Patient	<input type="radio"/>	<input type="radio"/>
Patient's Named Person	<input type="radio"/>	<input type="radio"/>
Guardian of the patient	<input type="radio"/>	<input type="radio"/>
Welfare Attorney of patient	<input type="radio"/>	<input type="radio"/>
Patient's MHO	<input type="radio"/>	<input type="radio"/>
Patient's RMO	<input type="radio"/>	<input type="radio"/>
Patient's primary carer	<input type="radio"/>	<input type="radio"/>
Curator Ad Litem	<input type="radio"/>	<input type="radio"/>

List below any other persons appearing to the Tribunal to have an interest and indicate if they attended the hearing and if they gave evidence

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Before determining the application, the Mental Health Tribunal for Scotland gave notice as required under section 64(7) of the Act.



Tribunal Determination

A compulsory treatment order can be granted where ALL the following conditions (as set out in section 64(5) of the Act) are met:

- (a) that the patient has a mental disorder;
- (b) that medical treatment which would be likely to
 - (i) prevent the mental disorder worsening; or
 - (ii) alleviate any of the symptoms, or effects, of the disorder, is available to the patient;
- (c) that if the patient were not provided with such medical treatment there would be a significant risk -
 - (i) to the health, safety or welfare of the patient; or
 - (ii) to the safety of any other person;
- (d) that because of the mental disorder the patient's ability to make decisions about the provision of such medical treatment is significantly impaired;
- (e) that the making of a compulsory treatment order in respect of the patient is necessary

Complete the appropriate option**complete if - GRANTING THE CTO**

The Mental Health Tribunal for Scotland is satisfied that all of the above conditions are met and grants a compulsory treatment order.

The patient has the following mental disorder(s) as set out in section 328(1) of the Act
(Shade ALL that apply to this patient)

- mental illness
- personality disorder
- learning disability

Proceed to page 4 to detail measures authorised

complete if - REFUSING THE APPLICATION FOR A CTO

- The Mental Health Tribunal for Scotland is NOT satisfied that all of the above conditions are met, and refuses the application for a compulsory treatment order.

Proceed to Signature/ Date section on page 6

Notes**GUIDANCE FOR MEDICAL RECORDS ON THIS DETERMINATION****CTO Granted**

The measures are authorised for 6 months with effect from the date this order is signed (page 20). If the order was granted on 25th January 2006, then the measures specified will cease to be authorised at midnight at the end of 24th July 2006.

Where the patient is subject to a Transfer for Treatment Direction or Hospital Direction. The CTO will take effect from the date that the direction ceases to have effect, where this date is within 28 days of the granting of this order.

Application is refused

If the patient is subject to a short-term detention certificate or interim CTO, then the patient can be detained until the relevant certificate/order expires at which point the patient should be discharged or other arrangements made to continue treatment.



Part 5b: Recorded Matter

Complete A or B as appropriate

- A** The Mental Health Tribunal for Scotland wishes to specify as recorded matters within this order the following medical treatment, community care services, relevant services, other treatment care or service.

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OR

- B** The Tribunal does not specify any recorded matters in this compulsory treatment order.



Part 5c: Advance Statement

Complete A, B or C as appropriate

A As far as is practicable to ascertain, the patient does not have an advance statement under S275 of the Act.

OR

B As far as is practicable to ascertain: the patient has made and not withdrawn an advance statement under S275 of the Act; and the patient's current/proposed care and treatment are NOT in conflict with any wishes specified in that advance statement.

OR

C The patient has made and not withdrawn an advance statement under S275 of the Act. This advance statement IS in conflict with current/proposed care and treatment authorised by measures in this order. Please record in the box below:

- The date of the advance statement(s).
- Details of treatment that is in conflict with the advance statement and how.
- Where the conflict with the advance statement concerns treatment the patient specified wishes to receive, that they are not receiving, please provide details of this.
- Reasons for authorising measures that allow this treatment to be given/not given, despite the conflict with the advance statement, with reference to the Principles of the Act.

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Where the treatment is in conflict with the advance statement, a record of the above has been sent to:

- the patient the patient's welfare attorney
- the patient's named person (if any) the patient's guardian
- the Mental Welfare Commission (a copy of this form and any other record which has been sent to the patient/ others)

Signature/Date

Signed
by the Convener

Date
dd / mm / yyyy

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