

T144

Victim representations and Victim Impact Statement

This form is for victims of a serious crime by a restricted patient detained because of mental illness.

Use this form to:

- propose conditions if the tribunal decides the patient should be released from hospital
- give a Victim Impact Statement and say whether the victim wants to attend a hearing

You can ask that some details are withheld from the patient, their representative or clinical team.

If you need help

Contact the Mental Health Review Tribunal for Wales (MHRTW) if you have questions about this form or how the tribunal works.

The helpline cannot give you legal advice.

Email:

MHRT@gov.wales

Telephone:

(0) 3000 255328

(Monday to Friday,
8:30am to 5pm)

Making representations

You can make representations for conditions if:

- the patient is being discharged from detention – you can ask for conditions to be set and tell us why
- the patient is already subject to a conditional discharge, and whether the same or different conditions are now required

Legislation

Domestic Crime Violence
Crime and Victims Act 2004;
Victim and Prisoners Act 2004

Guidance on completing this form

You can find notes to help you understand questions on the right side of the page.

Use another sheet of paper if there is not enough space for you to say everything. Add your name at the top of any additional pages.

Write clearly if you are completing this form by hand.

If you need help

Contact the Mental Health Review Tribunal for Wales (MHRTW) if you have questions about this form or how the tribunal works.

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The Mental Health Review Tribunal welcomes correspondence and phone calls in Welsh and English. This includes submitting forms, documents and written representations to the Tribunal.

1. Language Preference

Would you prefer to correspond with us in:	Welsh	English	Both
Would you prefer any verbal communication to be in:	Welsh	English	Both
Would you prefer to speak Welsh or English at your Tribunal Hearing?	Welsh	English	Both

2. Languages Spoken

What languages do you use to communicate? (Please tick all that apply)	Welsh	English	Other
Other (please state)			

3. We would like to support the use of the Welsh language in Tribunals. If you can speak Welsh, and have indicated English as your language of choice, is there a specific reason why you have chosen to communicate in English?
(Your answer will not affect the substance of your case in any way)

Section 1 – Case details

1.1 Tribunal case number

1.2 Patient details

Full name of the patient

1.3 Victim details

Full name of the victim

1.4 Victim Liaison Officer (VLO) details

Full name of the Victim Liaison Officer

Note 1.4

You must send your email and telephone number separately by email to: MHRT@gov.wales

Section 2 – Representation for conditions

2.1 Do you want to make representations for conditions for the patient if they are discharged from hospital?

Yes > go to question 2.2

No > go to Section 3

2.2 Write the proposed conditions if the patient is discharged, and why the victim wants these conditions applied.

Note 2.2

Attach an exclusion zone map if there is one. Or you can list exclusion zones in the text box.

Exclusion zones should not show the victim's address.

Representations will be disclosed to the patient, the patient's representative, and the clinical team unless you give a valid reason not to and the tribunal agrees.

The tribunal grants non-disclosure requests in limited circumstances.

You can ask the tribunal to withhold representations in question 2.3.

Use another sheet of paper if there is not enough space for you to say everything. Add your name at the top of any additional pages.

2.3 Does the victim want to ask that the proposed conditions are withheld from the patient?

Yes > go to question 2.4

No > go to Section 3

2.4 Tell the tribunal why disclosure to the patient of the victim's representations is likely to cause serious harm to the victim or some other person.

Note 2.3

Proposed conditions will be disclosed to the patient, the patient's representative, and the medical team unless you give a valid reason not to and the tribunal agrees.

The tribunal only grants non-disclosure requests in limited circumstances.

The patient may not be able to comply with conditions that they are not aware of. The tribunal will also need to decide whether non-disclosure would prevent the patient from participating effectively in the case.

2.5 Please tell the Tribunal why it would be proportionate and in the interest of justice for the tribunal not to disclose the representations for conditions to the patient.

Note 2.5

The tribunal panel, the patient, patient's representative and the clinical team will get a copy of the victim's reasons unless you've asked for non-disclosure and the tribunal agrees.

You must evidence that not disclosing the representations would not prevent the patient from complying with them.

- 2.6** If the tribunal decides that the representations and conditions should be disclosed, do you want to withdraw them?
- Yes
- No

Note 2.6

If you do not make a selection and the tribunal decides to disclose the representations and conditions, they will automatically give them to the patient.

Section 3 – Victim Impact Statement

3.1 Does the victim want to submit a Victim Impact Statement?

Yes > go to question 3.2

No > go to Section 5

3.2 Write the Victim Impact Statement:

Note for Section 3

The tribunal is only allowed to use the Victim Impact Statement to decide whether to set conditions on a patient's release and what those conditions should be. It is not permitted by law to use the statement to decide whether the patient should be released.

Victim Impact Statements will be disclosed to the patient, the patient's solicitor, and the medical team unless you give a valid reason not to. The tribunal grants non-disclosure requests in very limited circumstances.

Use another sheet of paper if there is not enough space for you to say everything. Add your name at the top of any additional pages.

3.3 Does the victim want to have the Victim Impact Statement withheld from the patient?

Yes > go to question 3.4

No > go to Section 4

3.4 Tell the tribunal how it is likely to cause serious harm to the victim or other people if the Victim Impact Statement is disclosed to the patient.

Note 3.3

The tribunal can only direct to withhold details in documents from the patient or representative if:

- disclosing that information is likely to cause someone serious harm
- it is proportionate and in the interests of justice to withhold that information

The tribunal may direct that this information is only withheld from the patient and not their representative. If this happens, the representative must not disclose this to the patient.

3.5 Please tell the tribunal why it would be proportionate and in the interest of justice for the tribunal to direct that the Victim Impact Statement should not be disclosed to the patient.

3.6 Does the victim object to the Victim Impact Statement being disclosed to **the patient's representative?**

Yes > go to question 3.7

No > go to Section 4

3.7 Tell the tribunal how it is likely to cause serious harm to the victim or other people if the Victim Impact Statement is disclosed with the patient's representative and why it would be proportionate and in the interests of justice to withhold this information

3.8 If the tribunal decides that the Victim Impact Statement, should be disclosed, **Note 3.8** do you want to withdraw it?

Yes

No

If you do not make a selection and the tribunal decides to disclose the Victim Impact Statement, they will automatically give it to the patient.

Section 4 – Hearing options

Each member of the tribunal panel receives a copy of any Victim Impact Statement given.

They will read this and any other written evidence to prepare for the hearing.

4.1 Does the victim want to attend the hearing?

This is usually over video or phone.

Yes > go to question 4.3

No > go to question 4.2

4.2 Does the victim want the Victim Impact Statement to be heard at the hearing in the victim's absence?

Yes

The victim wants the Victim Liaison Officer to read out the statement at the hearing

No

The victim does not want the statement read out at the hearing but the tribunal panel can read the statement in private to prepare for the hearing

4.3 Does the victim want to read the Victim Impact Statement at the hearing?

Yes

The victim wants to read out the statement personally

No

The victim does not want to read the statement but wants the Victim Liaison Officer to read it at the hearing in the victim's presence

4.4 Does the victim need any support to attend a hearing remotely, such as an interpreter?

Give details of what support is needed.

Note for Section 4

Victims who submit Victim Impact Statements and proposed conditions do not have to attend a hearing.

If they attend the hearing, they will attend remotely and the VLO will be with them.

If a victim attends a hearing remotely, they must leave after the statement is read as they are not involved in the case. They cannot add anything to their statement at the hearing.

The hospital witnesses, the patient and their legal representative may be present when the statement is heard. The patient and their legal representative may have already seen the statement, unless the tribunal has granted an exceptional non-disclosure order.

Note 4.4

Some people need support to access information and use our services, for example:

- help with communication, sight, hearing, speaking, interpretation or translation
- documents in alternative formats, colours or fonts

Section 5 – Summary of reasons

- 5.1** Does the victim want to have the tribunal's summary of reasons if the patient is released?

Yes > go to question 5.2

No > go to question 5.3

- 5.2** Tell the tribunal why the victim wants to have the summary of reasons if the patient is released.

Note for Section 5

If the tribunal decides to discharge the patient, they make a summary of reasons. The full decision cannot be shared, but the victim is allowed to ask for the summary of the decision.

- 5.3** Does the victim want to have the tribunal's summary of reasons even if the patient is not released?

Yes > go to question 5.4

No > go to Section 6

- 5.4** Tell the tribunal why the victim wants to have the summary of reasons if the patient is not released.

Signature

I believe that the facts stated in this form and any additional pages are true and complete.

The victim believes that the facts stated in this form and any additional pages are true and complete. I am authorised by the victim to sign this statement.

Signature

Victim

Victim Liaison Officer

Date

Day Month Year

Full name

Victim's representative (optional)



What documents are you sending with this form?

List all the documents, including additional pages, you are sending with this form:

How to send the form

You can **email** or **post** this form to the tribunal.

Send the completed form and any supporting evidence using one of the options below.

Email address

MHRT@gov.wales

Post address

MHRT Wales

PO Box 1134

Cardiff

CF11 1WX