

This is an edited version of the Tribunal's decision. The patient has been allocated a pseudonym for the purposes of this Official Report

CIVIL REVIEW: Mr Qadir

TRIBUNAL:	Richard Cogswell	President
	Gregory Steele	Psychiatrist
	Sally McSwiggan	Other Member

DATE OF HEARING: 2018

PLACE: X Hospital

APPLICATION: Grant of leave of absence

REASONS EXCERPT

At the hearing

The Tribunal noted after introductions that there was an expectation, by Mr Qadir and the treating team, that if Mr Qadir did not want observing students to be present during his review then they would be automatically excluded. The President pointed out that whether or not observers were present was a matter for the Tribunal and directed that students be admitted (as it happened, the students had gone to lunch). The President made remarks to the following effect to Mr Qadir on this point.

It is really important to appreciate that this is an open hearing. It is really important to appreciate that it's a balance between private interests - your interests of your mental health and your continuing rehabilitation - and public interests and that's why hearings are open. You are protected by the fact that nobody can broadcast outside this room, what they see or hear. Anybody who walks out can't do that outside. That includes any students or press. [The President emphasizes that the press are also entitled to attend.] But what is really important for you to understand is that there is a real public interest in many of these cases, including yours, because something very serious happened [many years ago, referring to the index event]. It was a public event. It is really important to understand that. And there is a legitimate public interest in that. And also it is very important that hearings be open. That is partly for your benefit so that people can come and see that patients are being treated well. It is also for the benefit of members of the public that they can

see the processes; members of the public who might be worried about things or feel frightened. They can come in and sit in and see what questions are asked. They can see, for example, Ms W who will be asking questions of Dr A because the Minister is opposing the application. So they can see that happen. It is a very important part of the process and it is very important to understand. Because I am a judge, I am also very fussy about open court proceedings. This is not a court, it is a Tribunal. But it is very beneficial to have people able to come in and see proceedings. It is very healthy. And it is good for you and a good thing. I respect your point of view, but I don't agree with it.

Signed:

His Honour Judge Richard Cogswell SC
President

Dated: