

Mental Health Accreditation Scheme

Code of Practice

When representing a party in proceedings covered by the Mental Health Act 1983:

- 1. subject to paragraph 2, to not normally delegate the preparation, supervision, conduct or presentation of the case, but to deal with it personally
- 2. in each case to consider whether it is in the best interests of the client to instruct another advocate in relation to the preparation of the case
- 3. in addition to the provisions of the Solicitors' Code of Conduct, where it is in the best interests of my client, or becomes necessary, to instruct another advocate:
 - 3.1 To consider and advise the client on whom should be instructed in their best interests.
 - 3.2 To ensure that, save in exceptional circumstances, any advocate that is instructed will either be
 - 3.2.1 another Mental Health Accreditation Scheme member, or
 - 3.2.2 a member of the Bar on my practice's approved counsel list who has appropriate experience of tribunal cases.
 - 3.3 And to obtain an undertaking from that advocate to:
 - 3.3.1 attend and conduct the matter personally unless an unavoidable professional engagement arises
 - 3.3.2 take all reasonable steps to ensure that so far as reasonably practicable a conflicting professional engagement does not arise
- 4. To abide by the advice and best practice issued by the Law Society in its Practice Note of 19 May 2011, which can be found on our website.