



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.