

## Leading article: An important precedent in a secretive world

*Friday, 23 September 2011*

Albert Haines's successful fight to have the tribunal reviewing his detention in Broadmoor held in public offers a rare window into one of Britain's most secretive legal processes. It also sets an important precedent in the closed world of mental health tribunals.

Leaving aside the specifics of Mr Haines's individual case, the question his campaign raises is whether people with mental health problems should be afforded the same transparent system of justice as everyone else. The answer is that, unquestionably, they should.

Broadmoor has fought hard against Mr Haines's request, citing the potential stress to patients of public hearings and the cost of having to hold tribunals outside the high-security facility. Such concerns are valid. Equally, there are entirely justifiable reasons for closed tribunals in respect of individuals' confidentiality.

But all patients should have the opportunity to prove, if they wish, that they are capable of making a judgment about their own interests, as Mr Haines has.

The right to an open hearing is not likely to be taken up often. Of the 100,000 mental health tribunals that have taken place over the last seven years, just 10 patients have applied for public access, and the single successful request – before Mr Haines – was withdrawn because the patient changed their mind. But the numbers are not the point. The principle is. It is an option that should be available to all.

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