

Major Improvements in the Protection of Patient Rights Since Enactment of Mental Health Act 2001

31st July 2008. The Mental Health Commission has today published its report on the operation of Part 2 of the Mental Health Act 2001. In this major review, the Commission finds that the landmark legislation has made important improvements for the protection of individuals involuntarily admitted for mental health treatment.

The Mental Health Act 2001 required the Mental Health Commission to produce this report. The report finds that Ireland has made significant strides in protecting the human rights of individuals within the mental health system, and that the 2001 Act is in compliance with international human rights conventions.

One of the most significant changes brought about by the 2001 Act is the automatic review of involuntary admissions by a mental health tribunal. This encompasses a legal representative for the patient, an independent medical examination and a review of the involuntary admission by a three person mental health tribunal.

The overall number of involuntary admissions in 2007 was 2126. This was a 25% reduction from 2005. There were 2248 mental health tribunal hearings in 2007. These tribunals reviewed both involuntary admission orders and orders renewing such admissions.

The Mental Health Act 2001 has been described as the most significant legislative change for mental health services in Ireland for over 60 years. Dr. Edmond O'Dea, Chairman of the Mental Health Commission, noted: "The 2001 Act has introduced comprehensive human rights protections for those admitted involuntarily, thereby leading to a higher level of accountability and external scrutiny. While progress under the 2001 Act has been very encouraging, the report makes a number of recommendations for additional improvements".

The Mental Health Commission undertook an extensive evaluation of the operation of Part 2 of the Act, which deals with the involuntary admission of persons to approved centres. In addition to providing information about the implementation of reforms, the report provides an external commentary on the legislation and includes feedback from a consultation exercise with patients and service providers within the mental health services.

The review found that some changes to the 2001 Act are required. These include changes to ensure the rights of those patients being regraded from voluntary to involuntary status are protected. The review recommends the further examination of the procedures relating to the admission of a person with a mental disorder to an approved centre. The review also recommends the introduction of new capacity legislation – this would clarify how decisions are taken in relation to patients who are unable to participate in decisions about their care.

The Mental Health Commission in its report emphasised the need for research. The Commission is proposing a programme of research to further examine service user experiences before, during and after the process of involuntary admission.

The Mental Health Commission is the independent statutory body with responsibility for promoting and fostering high standards and good practices in the delivery of mental health services in Ireland.

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