



**Audit of Mental Health Tribunal Decisions**  
**Q2 2019 Reporting**

## Audit Purpose

Strategic Objective 2 No. 15 in the Mental Health Commission Business Plan 2019 requires the Mental Health Tribunal (MHT) Division to audit a sample of MHT decisions within the confines of the legislative framework.

Audit - Q2 2019: 30 randomly selected decisions of mental health tribunals, which took place during 1 July 2018 – 31 December 2018.<sup>1</sup>

## Results

	Tribunal Decision Information	Answer (out of 10)		
		Dashboard	East	South
1	The Decision of the mental health tribunal i.e. Affirm/Revoke/Extend.	Affirm 10/10	Affirm 8/10	Affirm 8/10
		Revoke 0/10	Revoke 2/10	Revoke 2/10
2	Whether the MHT affirmed the order as the patient was suffering from a mental disorder.	9/10	8/10	8/10
3	Whether the MHT revoked the order as the patient was not suffering from a mental disorder.	0/10	1/10	0/10
4	Whether Sections 9, 10, 12, 14, 15 and 16 were complied with.	9/10	8/10	8/10
5	Whether Sections 9, 10, 12, 14, 15 and 16 were not complied with but the failure to comply did not affect the substance of the order.	10/10	1/10	0/10
6	Whether Sections 9, 10, 12, 14, 15 and 16 were not complied with and the failure did affect the substance of the order.	1/10	1/10	2/10
7	Did the legal representative make a submission to the tribunal	2/10	3/10	7/10
8	If a submission was made by the legal representative, was the order revoked based on their submission.	1/10	1/10	2/10
9	Was the decision the subject to a Circuit Court Appeal?	1/10	0/10	1/10
10	Was the decision the subject of a High Court challenge?	0/10	0/10	0/10

<sup>1</sup> 30 cases is 2.7% of hearings that took place during this period.

## Conclusion

Of the 30 cases reviewed:

1. 1 was revoked as there was no mental disorder.
2. 4 were revoked due to non- compliance issues noted below;
  - Renewal Order made under Section 15(2) instead of 15(3) (patient's fifth renewal).
  - Previous order revoked by RCP however, the patient was not afforded opportunity to leave the approved centre between the revocation date and re-admission date.
  - Husband signed Form 1 however, he had been living apart (abroad) from patient for a number of years.
  - 10 minutes difference in patient examination and completion of Form. Order revoked for this reason.
3. 25 cases affirmed due to mental disorder.