

Information for Involuntary Patients - The impact of Covid-19 on the mental health tribunal process

As a result of the Covid-19 public health emergency certain changes have had to be made to the review process for patients who are involuntarily detained.

For more detailed information you may wish to refer to "Your guide to the Mental Health Act 2001" available on our website www.mhcirl.ie/Mental_Health_Tribunals/ or you can ask for a copy at your hospital.

You can contact the Mental Health Tribunal division within the Mental Health Commission on **01 636 2400**.

Please note: The leaflet is only a guide to the Mental Health Acts 2001-2018 (as amended). It is not a legal interpretation of changes, so please do not rely on it for advice.

Please be assured that you will still have your mental health tribunal review and the key protections relating to the review remain in place.

You will still –

- have a solicitor to represent you,
- a second opinion from another consultant psychiatrist, and
- there will still be an independent decision about your need to stay in hospital.

You will continue to receive information on your rights and information on your care.

In summary, the changes are as follows -

1. We expect that your solicitor may not be able to speak with you in person in the hospital. If not, he or she will speak to you either by telephone or video link before and after your mental health tribunal.
2. The independent consultant psychiatrist who meets you to discuss your case, will not meet you in the hospital. Instead, he or she will do his or her review with you either by telephone or video link.
3. If your treating consultant is not able to attend the mental health tribunal due to the public health emergency, he or she will give a report to the mental health tribunal. This report will provide his or her opinion about why you need to stay in hospital.
4. The mental health tribunal may be a three person panel or a one person panel. This will depend on whether there is enough panel members available due to the public health emergency. If a decision is made to have a one member panel, we will tell you. The one member panel will be a solicitor or barrister.
5. The mental health tribunal will not take place in the hospital. Instead, it will take place by telephone. Your solicitor will be on that call and will represent you. If you would like to make a submission in writing to the mental health tribunal you can do so. Your solicitor will talk to you about this.
6. The decision of the mental health tribunal will be sent to Mental Health Commission and we will immediately send it to the mental health act administrator in the hospital and your solicitor.