

# Information for Involuntary Patients



**1. If you are an involuntary patient in hospital the Mental Health Commission will do three things for you:**

We will provide a solicitor for you free of charge. He or she will meet you to help prepare for your mental health tribunal hearing;

We will arrange for a consultant psychiatrist to examine you and discuss your case with you. He or she will write a report about your case. Your solicitor will get a copy of the report. This consultant psychiatrist will be independent from the hospital;

We will arrange for your case to be reviewed by a mental health tribunal.

All of this will happen within 21 days of the date of your admission or renewal order or within 21 days of receipt of your request for a review.

**2. What is a mental health tribunal?**

Under the Mental Health Act, everyone who is involuntarily admitted to a hospital has their case reviewed by a mental health tribunal. The tribunal involves a group of trained and independent people who will look at your involuntary admission to decide if it followed the law and will make sure that your rights are protected.

**3. How do I bring my case before a mental health tribunal if I am admitted involuntarily?**

If you are admitted involuntarily, the Mental Health Commission automatically refers your case to a mental health tribunal.

**4. Who sits on a mental health tribunal?**

Each mental health tribunal is made up of three people:

a chairperson (who is a barrister or a solicitor);

a consultant psychiatrist (who is not your consultant psychiatrist); and

a third person (someone who is not a registered medical practitioner, registered nurse, psychiatrist or solicitor/barrister).

**5. How will I know when the mental health tribunal is ready to hear my case?**

The Mental Health Commission will contact you and your solicitor to let you know where and when the review will take place.

**6. If I am discharged or become a voluntary patient before my mental health tribunal hearing, can I still have a hearing?**

Yes, you can, but you must write to us to request a hearing within 14 days of your discharge or your becoming a voluntary patient. Your consultant psychiatrist will give you this information. The solicitor assigned to you will continue to represent you free of charge.

**7. How will I know the decision of the mental health tribunal?**

You will be told the decision of the mental health tribunal at the end of the tribunal if you attend or as soon as possible afterwards. The tribunal will also tell their decision to your consultant psychiatrist and your solicitor.

**8. What if the mental health tribunal decides that I should continue to be an involuntary patient?**

If the mental health tribunal believe that the procedures for involuntary admission followed the law and that you need to stay in the hospital, their decision will be to affirm the admission or renewal order.

## 9. What if the mental health tribunal decides that I should not remain as an involuntary patient?

If the mental health tribunal decides that your case does not meet the conditions for involuntary admission, it can revoke the order and direct that you be discharged. If you wish, you may continue to stay in hospital as a voluntary patient.

## 10. Can I ask for a second review of the same order?

Yes. If the order detaining you is for a period longer than 3 months, then after 3 months, you can ask the Mental Health Commission to organise an additional review by a mental health tribunal. The Mental Health Commission can only organise this review if you specifically ask them to do so. You can discuss this with your solicitor.

## 11. What can I do if I disagree with the mental health tribunal's decision?

You may appeal the decision to the Circuit Court on the grounds that you are not suffering from a mental disorder. You should discuss this with your solicitor. You must make the appeal within 14 days of the mental health tribunal's decision.

If you appeal and are unhappy with the decision of the Circuit Court, you should also discuss this with your solicitor.

For more detailed information you may wish to refer to "Know Your Rights booklet" available on our website [www.mhcirl.ie/what-we-do/mental-health-tribunals](http://www.mhcirl.ie/what-we-do/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 Act 2001. It does not give a legal interpretation of the Act or a complete description of how it operates, so please do not rely on it for advice.