



**Audit of Mental Health Tribunal Decisions**  
**Q1-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 – Q1-Q2 2019: 30 randomly selected decisions of mental health tribunals, which took place during 1 January 2019 – 30 June 2019.<sup>1</sup> Please note as this is a random sample that a different sample may produce different results.

## 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 8/10	Affirm 6/10	Affirm 7/10
		Revoke 2/10	Revoke 4/10	Revoke 3/10
2	Whether the MHT affirmed the order as the patient was suffering from a mental disorder.	8/10	6/10	7/10
3	Whether the MHT revoked the order as the patient was not suffering from a mental disorder.	1/10 <sup>2</sup>	4/10 <sup>3</sup>	2/10 <sup>4</sup>
4	Whether Sections 9, 10, 12, 14, 15 and 16 were complied with.	5/10	8/10	10/10
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.	2/10	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.	0/10 <sup>5</sup>	1/10	0/10
7	Did the legal representative make a submission to the tribunal	3/10	2/10	2/10
8	If a submission was made by the legal representative, was the order revoked based on their submission.	1/10	1/10	1/10

<sup>1</sup> 30 cases is 3% of hearings that took place during this period.

<sup>2</sup> Refer to conclusion 3.a for tribunal decision.

<sup>3</sup> Refer to conclusion 3.b for tribunal decision.

<sup>4</sup> Refer to conclusion 3.c for tribunal decision.

<sup>5</sup> There were three samples where no option was ticked for sections 4, 5 and 6.

<b>9</b>	Was the decision the subject to a Circuit Court Appeal?	3/10	2/10	0/10
<b>9a</b>	Was the decision of the MHC affirmed by the CCA?	1/3 <sup>6</sup>	2/2	N/A
<b>10</b>	Was the decision the subject of a High Court challenge?	0/10	0/10	0/10

## Conclusion

Of the 30 cases reviewed:

1. 21 cases were affirmed.
2. 6 cases were revoked by MHT as there was no mental disorder.
3. 3 were revoked by MHT due to non-compliance issues as follows;
  - a. One Admission Order Form was completed incorrectly by an RCP i.e. incorrect date on a Form. The tribunal revoked the order on the basis of decision in **PD 10.2.14**.
  - b. Patient detained until a bed could be found in a residential home but did not meet the criteria for detention.
  - c. Patient detained under section 23/24 of the Mental Health Act but MHT revoked on the basis of Court of Appeal decision in **PL 14.2.18**.

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<sup>6</sup> Two of the Circuit Court Appeals were struck out as the order was revoked before it took place.