



**Audit of Mental Health Tribunal Decisions**  
**Q1-Q2 2020 Reporting**

## Audit Purpose

Strategic Objective 2 No. 6 in the Mental Health Commission Business Plan 2020 requires the Mental Health Tribunal (MHT) Division to audit a sample of MHT decisions within the confines of the legislative framework.

Audit – Q1-Q2 2020: 60 randomly selected decisions of mental health tribunals, which took place during 1 January 2020 – 30 June 2020.<sup>1</sup>

## Results

	Tribunal Decision Information	Answer (out of 20)			
		Dashboard	East	South	North-West
1	Did the patient attend the tribunal?		Yes 17/20 No 3/20	Yes 15/20 No 5/20	Yes 16/20 No 4/20
2	If no, was the reason for the patient's non-attendance that – a) the patient did not want to attend, or b) there was an application that the patient should not attend? c) no reason given		a) 2 b) 0 c) 1	a) 3 b) 1 c) 1	a) 3 b) 0 c) 1
3	The decision of the mental health tribunal i.e. Affirm/Revoke/Extend		Affirm 15/20 Revoke 5/20	Affirm 18/20 Revoke 2/20	Affirm 18/20 Revoke 2/20
4	Whether the MHT affirmed the order as the patient was suffering from a mental disorder?		15/20	18/20	18/20
5	Whether the MHT revoked the order as the patient was not suffering from a mental disorder?		5/20	2/20	2/20
6	Whether Sections 9, 10, 12, 14, 15 and 16 were complied with?		17/20 <sup>2</sup>	19/20	19/20
7	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?		1/20	1/20	0/20

<sup>1</sup> 60 cases is 6.1% of hearings that took place during this period. 38 hearings were held remotely via conference call in line with Covid-19 procedures.

<sup>2</sup> One decision did not tick any option on the Form 8 nor did they mention compliance in the written decision.

<b>8</b>	Whether Sections 9, 10, 12, 14, 15 and 16 were not complied with and the failure did affect the substance of the order?	1/20	0/20	1/20
<b>9</b>	Did the MHT in their written decision address the issues of compliance and mental disorder as required in section 18 (1) of the 2001 Act?	Yes 12/20 No 7/20	Yes 6/20 No 12/20	Yes 17/20 No 3/20
<b>10</b>	Did the MHT record the reasons for each decision?	Yes 10/20 No 8/20 <sup>3</sup>	Yes 4/20 No 12/20	Yes 19/20 No 3/20
<b>11</b>	Did the legal representative make a submission to the tribunal?	Yes 2/20 No 18/20	Yes 4/20 No 16/20	Yes 3/20 No 17/20
<b>12</b>	If a submission was made by the legal representative, was the order revoked based on that submission?	Yes 1/2 No 1/2	Yes 0/4 No 4/4	Yes 1/3 No 2/3
<b>15</b>	Did the MHT make a separate decision on legal submission?	Yes 2/2 No 0/2	Yes 0/4 No 4/4	Yes 1/3 No 2/3
<b>16</b>	Was the decision the subject to a Circuit Court Appeal?	0/20	2/20	2/20
<b>17</b>	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

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<sup>3</sup> One MHT did deal with the compliance matters but did not formally address in its decision.