



Audit of Mental Health Tribunal Decisions

Q1-Q2 2021 Reporting

Audit Purpose

Strategic Objective 2 No. 1 in the Mental Health Commission Business Plan 2021 requires the Mental Health Tribunal (MHT) Division to audit a sample of MHT decisions within the confines of the legislative framework.

Audit – Q1-Q2 2021: 60 randomly selected decisions of mental health tribunals, which took place during 1 January 2021 – 30 June 2021.¹

Results

	Tribunal Decision Information	Answer (out of 20)			
		Dashboard	East	South	North-West
1	Did the patient attend the tribunal?		Yes 14/20 No 6/20	Yes 17/20 No 3/20	Yes 12/20 No 8/20
2	If no, was the reason for the patient's non-attendance that – the patient did not want to attend, or there was an application that the patient should not attend, or no reason given		a) 3 b) 0 c) 3	a) 3 b) 0 c) 0	a) 6 b) 0 c) 2
3	The decision of the mental health tribunal i.e., Affirm/Revoke/Extend		Affirm 13/20 Revoke 7/20	Affirm 14/20 Revoke 6/20	Affirm 17/20 Revoke 3/20
4	Whether the MHT affirmed the order as the patient was suffering from a mental disorder?		13/20	13/20	17/20
5A	Whether the MHT revoked the order as the patient was not suffering from a mental disorder?		5/20	2/20 ²	1/20
5B	Whether the MHT revoked the order for reasons of non-compliance		5/5	0/2	1/1
5C	Whether the MHT revoked the order on the basis of 5A and 5B		0/5	0/2	0/1
6	Whether Sections 9, 10, 12, 14, 15 and 16 were complied with?		14/20	20/20	17/20
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	0/20	1/20

¹ 60 cases is 6.3% of hearings that took place during this period. All were held remotely via conference call in line with Covid-19 procedures.

² MHT revoked one order in the best interest of patient as they could be treated in a voluntary setting.

8	Whether Sections 9, 10, 12, 14, 15 and 16 were not complied with and the failure did affect the substance of the order?	5/20	0/20	2/20
9	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 14/20 No 6/20 ³	Yes 17/20 No 3/20 ⁴	Yes 13/20 No 7/20 ⁵
10	Did the MHT record the reasons for each decision?	Yes 13/20 No 7/20 ⁶	Yes 17/20 No 3/20	Yes 12/20 No 8/20
11	Did the legal representative make a submission to the tribunal?	Yes 6/20 No 14/20	Yes 5/20 No 15/20	Yes 10/20 No 10/20
12	If a submission was made by the legal representative, was the order revoked based on that submission?	Yes 5/6 No 1/6	Yes 1/5 No 4/5	Yes 2/10 No 8/10
15	Did the MHT record a separate decision on legal submission?	Yes 6/6 No 0/6	Yes 2/5 No 3/5	Yes 5/8 No 3/3
16	Was the decision the subject to a Circuit Court Appeal?	0/20	0/20	0/20
17	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

³ Six MHTs only referred to mental disorder in its decision.

⁴ Three MHTs only referred to mental disorder in its decision.

⁵ Seven MHTs only referred to mental disorder in its decision.

⁶ Seven MHTs did deal with the compliance matters but did not formally address in its decision.