



Audit of Mental Health Tribunal Decisions

Q3-Q4 2019 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 - Q3-Q4 2019: 60 randomly selected decisions of mental health tribunals, which took place during 1 July 2019 – 31 December 2019.¹

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 15/20 No 5/20	Yes 12/20 No 8/20
2	If the answer to No. 1 is 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) 3 b) 0 c) 3	a) 4 b) 0 c) 1	a) 5 b) 1 c) 1
3	Did the MHT Affirm or Revoke the order? Was there any extensions pursuant to section 18(4) of the MHA 2001?		Affirm 18/20 Revoke 2/20 No	Affirm 18/20 Revoke 2/20 No	Affirm 18/20 Revoke 2/20 No
4	Did the MHT affirm the order as the patient was suffering from a mental disorder?		17/20	18/20	18/20
5	Did the MHT revoke the order as the patient was not suffering from a mental disorder?		3/20	1/20 ²	2/20
6	Cases where Sections 9, 10, 12, 14, 15 and 16 complied with.		18/20	19/20	19/20
7	Case where 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.		2/20	0/20	1/20
8	Cases where Sections 9, 10, 12, 14, 15 and 16 were not complied with and the failure did affect the substance of the order?		0/20	1/20	0/20

¹ 60 cases is 5.7% of hearings that took place during this period.

² In one case, patient was suffering from a mental disorder however, the case was revoked due to a compliance issue, with the Chairperson making reference to the Supreme Court case MD.

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	Yes 15/20 No 5/20	Yes 12/20 No 8/20
10	Did the MHT record the reasons for each decision?	Yes 13/20 No 7/20	Yes 15/20 No 5/20	Yes 12/20 No 8/20

11	Did the legal representative make a submission to the tribunal?	Yes 3/20 No 17/20	Yes 3/20 No 17/20	Yes 8/20 No 12/20
12	If a submission was made by the legal representative, was the order revoked based on that submission?	Yes 1/3 No 2/3	Yes 1/3 No 2/3	N/A ³
15	Did the MHT records its decision on the legal submission?	Yes 3/3 N/A	Yes 2/3 No 1/3	Yes 6/8 No 2/8

16	Was the decision the subject to a Circuit Court Appeal?	0/20	1/20	0/20
17	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

³ No legal submissions made.