



Audit of Mental Health Tribunal Decisions

Q3-Q4 2020 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 - Q3-Q4 2020: 60 randomly selected decisions of mental health tribunals, which took place during 1 July 2020 – 31 December 2020.¹

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 16/20 No 4/20	Yes 15/20 No 4/20 ²
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, or c) no reason given		a) 3 b) 0 c) 0	a) 3 b) 0 c) 1	a) 2 b) 0 c) 2
3	The decision of the mental health tribunal i.e., Affirm/Revoke/Extend		Affirm 16/20 ³ Revoke 4/20	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?		16/20	18/20	18/20
5	Whether the MHT revoked the order as the patient was not suffering from a mental disorder?		4/20	1/20	2/20
6	Whether Sections 9, 10, 12, 14, 15 and 16 were complied with?		17/20	17/20	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?		3/20	2/20	0/20

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 One MHT did not note if patient attended or not.

³ One MHT was a Section 28 hearing.

8	Whether 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	1/20
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 19/20 No 1/20 ⁴	Yes 18/20 No 2/20	Yes 12/20 No 8/20
10	Did the MHT record the reasons for each decision?	Yes 19/20 No 1/20 ⁵	Yes 17/20 No 3/20 ⁶	Yes 8/20 No 12/20 ⁷
11	Did the legal representative make a submission to the tribunal?	Yes 2/20 No 18/20 ⁸	Yes 2/20 No 18/20	Yes 3/20 No 17/20
12	If a submission was made by the legal representative, was the order revoked based on that submission?	Yes 0/2 No 2/2	Yes 0/2 No 2/2	Yes 1/3 No 2/3
15	Did the MHT make a separate decision on legal submission?	Yes 2/2 No 0/2	Yes 1/2 No 1/2	Yes 3/3 No 0/3
16	Was the decision the subject to a Circuit Court Appeal?	0/20	0/20	1/20
17	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

⁴ One MHT did deal with the compliance matters but did not formally address in its decision.

⁵ One MHT did deal with the compliance matters but did not formally address in its decision. (same hearing as 2 above)

⁶ Three MHTs did not refer to compliance matters in their written decision and referred to mental disorder only.

⁷ Eight MHTs did not refer to compliance matters in their written decision and referred to mental disorder only.

⁸ LR referenced the case of M.R. V Cathy Byrne & Others [2007] IEHC 73