



Audit of Mental Health Tribunal Decisions
Q3-Q4 2021 Reporting

Audit Purpose

Strategic Objective 2 No. 1 in the Mental Health Commission Business Plan 2022 requires the Mental Health Tribunal (MHT) Division to audit a sample of MHT decisions within the confines of the legislative framework.

Audit – Q3-Q4 2021: 60 randomly selected decisions (where the order was affirmed) of mental health tribunals, which took place during 1 July 2021 – 31 December 2021.¹ Please note a separate audit was done of all of the revoked decisions.

Results

	Tribunal Decision Information	Answer (out of 20)			
		Dashboard	East	North-West	South
1	Did the patient attend the tribunal?		Yes 17/20 No 3/20	Yes 19/20 No 1/20	Yes 15/20 No 5/20
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, or c) neither		a) 1 b) 0 c) 2	a) 1 b) 0 c) 0	a) 4 b) 0 c) 1
3	Whether Sections 9, 10, 12, 14, 15 and 16 were complied with?		19/20	18/20	15/20
4	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 16/20 No 4/20 ²	Yes 17/20 No 3/20 ³	Yes 18/20 No 2/20 ⁴
5	Did the MHT record the reasons for each decision?		Yes 13/20 No 7/20 ⁵	Yes 15/20 No 5/20 ⁶	Yes 17/20 No 3/20 ⁷
6	Did the legal representative make a submission to the tribunal?		Yes 5/20	Yes 7/20	Yes 4/20

¹ 60 cases amount to 7.18% of affirmed hearings that took place during this period (835 cases in total). All were held remotely via conference call in line with Covid-19 procedures.

² Four MHTs only referred to mental disorder in its decision.

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

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

⁵ Seven MHTs only recorded mental disorder in the reasons for their decision.

⁶ Five MHTs only recorded mental disorder in the reasons for their decision.

⁷ Three MHTs only recorded mental disorder in the reasons for their decision.

		No 15/20	No 14/20	No 16/20
7	Did the MHT record a separate decision on legal submission?	Yes 2/5 No 3/5	Yes 6/7 No 1/7	Yes 1/4 No 3/4
8	Was the decision the subject to a Circuit Court Appeal?	1/20	5/20	2/20
9	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20