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mental health commission



Mental Health Tribunals

Claiming and Payment of Fees - A User Guide for Legal Representatives

November 2022

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Introduction

This guide provides the information on how the Mental Health Commission (the “MHC”) will make payments for Legal Representatives (LRs). All fee claims for attending mental health tribunals are posted by LRs via an electronic Work Completed Form (WCF) on CIS.

Submitting Work Completed Forms (WCFs) in CIS

A Work Completed Form (WCF) must be submitted within **21 days** of the date a case is closed. No fees will be added for a case until a valid WCF has been received. The WCF **must be submitted online via CIS**.

Please note the following deadlines:

Rule A - Form 8 - Date of case closure will be the date in which the Form 8 is first received by the MHC or, the next working day if it is received outside of normal business hours. You will have **21 days** from this date to submit the WCF.

Rule B - Form 14 - Upon receipt of a Form 14 where there is an open case, the case is placed on hold for 14 days. You will have **21 days** from the date the order is revoked to submit the WCF. This includes the 14-day on-hold period.

If you are unassigned from a case before it is completed but you are still entitled to part payment, you may submit the WCF while the case is still open. Once the case is closed, Rule A above shall apply if a Form 8 is received, and Rule B above shall apply if a Form 14 is received.

If a case placed on-hold for 14 days is reopened within the 14-day period following a Section 28 request, Rule A above will apply if a Form 8 is received, and Rule B will apply if the request is cancelled.

On your home screen in CIS there is a task called “Payment: Completed Forms”:



Click on this and you will see a list of cases where:

- You were assigned as the legal representative to the hearing associated with the case;
- A WCF has not already been received for the case;

If you click on any of the entries, you are directed to the below WCF screen:

Legal Representative - Confirmation of Work Completed

Legal Representative Name: CM Test LR 2
Case ID: 10000054
Case Status: Closed Before Hearing - Before Tribunal Hearing Day
Case Type: Admission Order
Legal Representative(N/E): New

Panel Member ID: 15000047
Closure Date:

Work Completed	Fee €
None <input type="checkbox"/>	
Papers Reviewed <input checked="" type="checkbox"/>	167
1st Patient Consultation <input checked="" type="checkbox"/> Consultation Date: [Redacted]	167
Research and Interviewing Witness <input checked="" type="checkbox"/>	167
2nd Patient Consultation <input type="checkbox"/> Consultation Date:	
Total Fee Claimed for Case #	501

I certify that I have provided the legal service as set out above and I accordingly seek payment of the appropriate fee in accordance with the terms and conditions of the provision of legal services under the Mental Health Legal Aid Scheme 2005.

Submitted Date: 15/09/2020 Wednesday, 02 September 2020

Submit Cancel

Please tick the appropriate boxes to reflect the work you have completed for the case. Please note the options available depend on the circumstances of the case.

Once you are satisfied with your selection, please click on the “Submit” button on the bottom to the right, this will submit your WCF and clear the case from the task list.

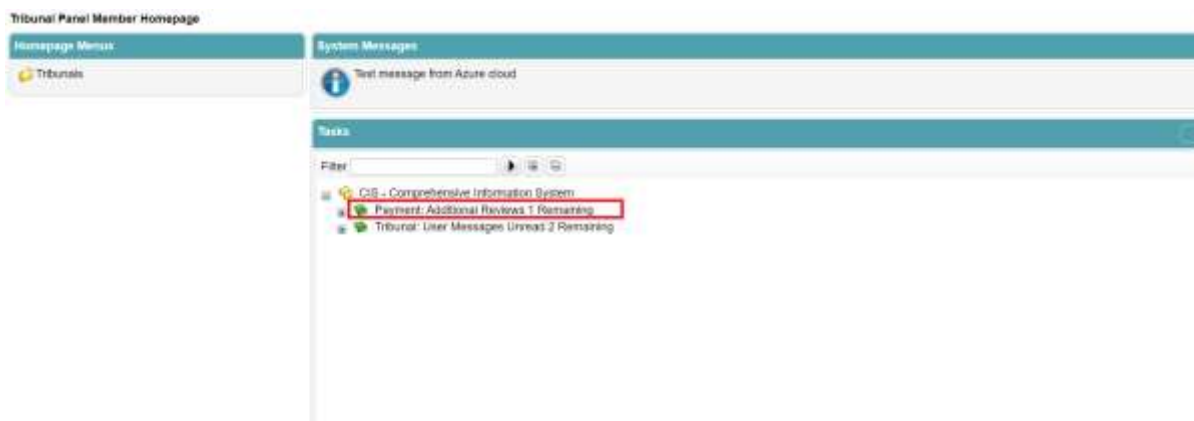
Once submitted, the WCF will be subject to approval by the MHC. You will receive an SMS informing you either that the fee will be processed for payment or an SMS informing you of the rejection and the reasons for same.

If you consider that you are entitled to a fee that is not available to select, please email fts enquiries@mhcirl.ie and state the payments you consider you should be entitled to claim and the reasons for same. Your query will be responded to by email within five days. Please include the relevant case/hearing id in your query. Please note that the 21-day period is not extended to allow for response to queries. It is in the panel members interest to submit fee queries as soon as possible to fts enquiries@mhcirl.ie.

If a WCF is rejected you will have until the end of the initial 21-day deadline to re-submit the WCF, therefore, it is in the interests of all legal representatives to follow up on all rejections promptly. The 21-day deadline will be extended in the event of a delay by the MHC in rejecting the claim.

Submitting WCFs for Additional Review Consultations

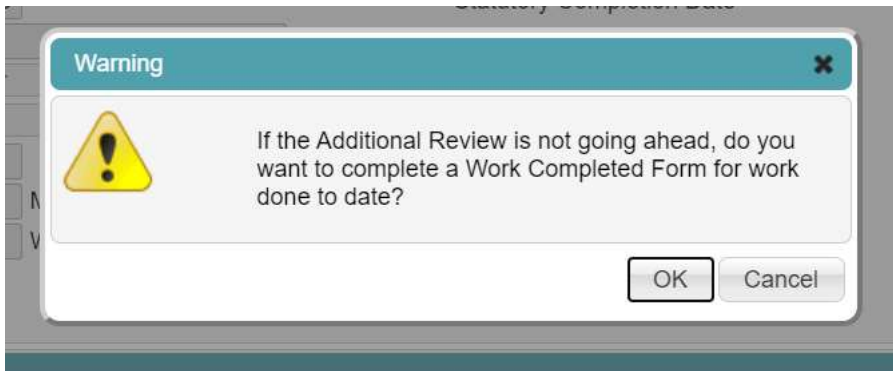
On the home screen there is a task called “Payment: Additional Reviews”



This will be a list of clients you have that are entitled to an Additional Review. The criteria are as follows:

- The patient is currently detained on a renewal order not exceeding 6 months;
- The current date is 3 months or more since the first date (opening date) of that order;
- The current date is before the expiry date of the renewal order not exceeding 6 months;
- You were the appointed legal representative to the patient for the Mental Health Tribunal which reviewed the renewal order not exceeding 6 months, where the decision of the Mental Health Tribunal was to affirm the renewal order;

Once you click on an entry you are directed to the following message:



When you click on OK you will be directed to the below WCF:

A screenshot of a web form titled "Legal Representative - Confirmation of Work Completed". The form contains several fields: "Legal Representative Name" (CM Test LR 2), "Case ID" (10000007), "Panel Member ID" (10000047), "Closure Date" (02/09/2020), "Closure Status" (Closed After Hearing), "Case Type" (Renewal Order), and "Legal Representative(H/E)" (Existing). There is a "Work Completed" section with a checkbox and a "Patient Consultation" field. A "Fee €" field is also present. At the bottom, there is a "Submitted Date" field showing "02/09/2020" and a "Submit" button.

When you are satisfied with your selection, please click on the "Submit" button on the bottom to the right, this will clear the case from the task list.

Once submitted, the WCF will be subject to approval by a member of staff. You will receive an SMS informing you either that the fee will be processed for payment or, in the event that the WCF must be rejected, an SMS informing you of the rejection and the reasons for same.

If the WCF is rejected you will have until the end date of the existing Renewal Order not exceeding 6 months to re-submit the WCF (this could be 15 days or 2 months you will need to calculate this yourself), therefore, it is in the interests of all legal representatives to follow up all rejections promptly. The deadline will be extended in the event of a delay by the MHC.

If an additional request is submitted for a client, Rule A above will apply if a Form 8 is received, and Rule B will apply if the request is cancelled.

Payment of Fees from CIS

As referred to above, once a fee has been approved by the Tribunals team it will be made available to the Finance team for final approval and processing.

Fees due for payment will be paid automatically and directly to your nominated bank account. Nothing further will be required from you.

WCFs received on or before the monthly deadline (generally 25th of each month) will be processed and paid in the next pay run unless there is an issue with the WCF. If there is an issue, you will be contacted directly

Review of Fees paid directly from CIS

You can review the breakdown of fees paid directly from CIS. To do this, log into CIS and go to CIS740 – Hearings Listing

Homepage Menus

-  Back To CIS Menus
-  CIS107 - Legal Rep Panel Member Maint
-  CIS112 - Manage my Availability
-  CIS730 - Upload Statutory Forms and Documents
-  **CIS740 - Hearings Listing**
-  CIS801 - Display Tribunal User Group Messages

Click on the “View Closed” button



IR Hearing ID	Approved Centre	Location	Patient Name	Patient ID	Hearing Date	Hearing Time	IR Report	Assigned Status	Hearing Status	Case Status	Action
1100399	Department of Psychiatry Connolly Hospital.	Academic Centre	PT_FN_10002884 PT_SN_10002889	10002889	05/11/2022	14:00	Yes	Confirmed	Scheduled	Open	View
1100453	St John of God Hospital.	Remote via Video Conference	PT_FN_10002911 PT_SN_10002911	10002911	11/11/2022	11:00	Yes	Confirmed	Scheduled	Open	View
1100493	Phoenix Care Centre.		PT_FN_10002851 PT_SN_10002851	10002851			No	Confirmed	Pending	Open	View

Records 1 to 3 of 3

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Then click on the “View Fees” button



Assigned Hearings - Closed

View Fees

This grid view will allow you to review payments made from CIS.

Case ID	Payment Codes	Payment Code Description	Payment Code € Value	Status	Rejection Reason	Export Date
11007801	LR004	Cancelled prior to hearing - Renewal - Same Solicitor - all prep work completed - LR	191.00	Approved		
11007721	LR005 B	Partial Payment - Papers reviewed - LR	167.00	Approved		
11005864	LR006	Cancelled day of hearing - Admission or Renewal - New Solicitor - LR	955.00	Approved		
11005791	LR001	Completed Hearing - Admission or Renewal - New Solicitor - LR	1196.00	Approved		
11005489	LR003	Completed Hearing - Renewal - Same Solicitor - LR	335.00	Approved		
11005317	LR001	Completed Hearing - Admission or Renewal - New Solicitor - LR	1196.00	Approved		
11005264	LR003	Completed Hearing - Renewal - Same Solicitor - LR	335.00	Approved		
11005247	LR003	Completed Hearing - Renewal - Same Solicitor - LR	335.00	Approved		
11005207	LR003	Completed Hearing - Renewal - Same Solicitor - LR	335.00	Approved		

The grid will include all payments made to you via CIS. The information in the grid can be filtered to provide specific information that you may require. The following are examples of filters you can apply to this grid.

1. You may wish to know the amount of fees paid to you in a month. You can enter the month under “Export Date” in the grid (e.g. 11/2022) and this will filter the grid to show the fees exported in that month.
2. To check the amount of fees paid to you in a year enter the year under “Export Date” in the grid and this will show only the fees exported in that year
3. To check all fees of one type paid in a year enter the fee type under “Payment Codes” (e.g. LR001) and then enter the year under “Export Date”.

When the cut-off date is the 25th of a month, the export date will be early in the following month. The export date is the date that fee amounts due are exported from CIS for payment to your account.

You can also export the information on the grid to Microsoft Excel by clicking on the downward arrow next to the “Clear Filter” button. This can be done with or without filters.

New CIS Users

Legal Representatives are required to provide Bank Account details (i.e. IBAN, BIC, bank name and branch address) to be set up for payments via CIS:

Please see attached Supplier Form in Appendix 1.

Please note that you are also obliged to notify any changes to bank details to the MHC in writing as soon as possible. Always ensure that the MHC has the most up-to-date details when submitting a claim. Any issues arising from a failure to do so shall be a matter for the Legal Representative.

Queries

All queries in relation to WCFs or fee payments should be sent to ftsqueries@mhcirl.ie. Any fee related queries that are sent to individual staff or received by post in the MHC, will be forwarded to the ftsqueries@mhcirl.ie mailbox for follow up. These will be dealt with by the staff member responsible, in the order the query is received in the mailbox. Queries will be responded to within five working days.

Given the requirement of data protection and the additional requirements of GDPR, we request that panel members do not use patient names, initials, or any identifiers apart from Case ID / Expense ID in emails sent to ftsqueries@mhcirl.ie

Appendix 1 – New Panel Member – Supplier Set Up Form



New Panel Member – Supplier Set Up Form

Dear Panel Member,

In order to ensure the accuracy of payment detail on the Mental Health Commission's system, please confirm the following details:

Supplier Name:	
Address:	
Phone Number:	
Email Address:	
PPS No:	

Bank Account Details:

Bank Name:	
Bank Address:	
Name on Account:	
Sort Code:	
Account Number:	
IBAN:	
IBAN BIC:	

Please ensure that the Mental Health Commission receives any changes to bank details on Supplier-headed paper. The Mental Health Commission will then call to confirm these new details.

For MHC Use Only

Received By: _____ Date: _____

Updated By: _____ Date: _____

Appendix 2 – Fees Payable to Legal Representatives*

NEW CASE FOR LEGAL REPRESENTATIVE (NEW ADMISSION OR RENEWAL)	
Amount Due	Payment description
€1196	Completed Tribunal
€955	Cancelled on the day of the Hearing
€167	Papers Reviewed
€191	First Patient Consultation
€167	Research and Interviewing Witnesses
€143	Second Patient Consultation
RENEWAL ORDERS (EXISTING LEGAL REPRESENTATIVE)	
Amount Due	Payment description
€355	Completed Tribunal
€267	Cancelled on the day of the hearing
€167	Papers Reviewed
€191	All prep work complete
PROPOSAL TO TRANSFER TO THE CMH/PERFORM PSYCHO-SURGERY	
Amount Due	Payment description
€1196	Completed Tribunal
€955	Cancelled on the day of the hearing
€167	Papers Reviewed
€191	1 Patient Consultation
€167	Research and Interviewing Witnesses
€143	Second Patient Consultation
ADDITIONAL REVIEWS	
Amount Due	Payment description
€191	Patient Consultation re Additional Review*
€335	Completed Tribunal (Existing Legal Representative)
€267	Cancelled on the day of the hearing (Existing Legal Rep)
€167	Papers Reviewed (Existing Legal Representative)
€191	All prep work complete (Existing Legal Representative)
€1196	Completed Tribunal (New Legal Representative)
€955	Cancelled on the day of the hearing (New Legal Rep)
€167	Papers Reviewed (New Legal Representative)

€191	First Patient Consultation (New Legal Representative)
€167	Research and Interviewing Witnesses
€143	Second Patient Consultation

* Please note this fee is to cover the consultation Legal Representatives are required to have with any of their clients who are detained under a Renewal Order that shall not exceed 6 months and where the current date is 3 months or more from the opening date of the Renewal Order but before the end date of that order. This fee is payable to Legal Representatives regardless as to whether their client wishes to proceed with an Additional Review or not. This fee may be paid either prior to the receipt of a Form 7A or may be paid upon the conclusion of the eventual Additional Review.