



Audit of Mental Health Tribunal Decisions Q3-Q4 2022 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 2022: 60 randomly selected decisions (where the order was affirmed) of mental health tribunals, which took place during 1 July 2022 – 31 December 2022¹. Please note a separate audit was done of revoked decisions.

Results

	Tribunal Decision Information	Answer (out of 20)			
		Dashboard	East	North-West	South
1	Did the patient attend the tribunal?		Yes 12/20 No 8/20	Yes 18/20 No 2/20	Yes 17/20 No 3/20
2	If no, was the reason for the patient's non-attendance that – a) the patient did not want to attend b) there was an application that the patient should not attend c) neither		a) 8 b) 0 c) 0	a) 2 b) 0 c) 0	a) 3 b) 0 c) 0
3	Were Sections 9, 10, 12, 14, 15 and 16 were complied with?		20/20	19/20	19/20
4	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, what were the issues?		N/A	Yes 1 ²	Yes 1 ³
5	Did the MHT in their written decision separately address the issues of compliance and mental disorder as required in section 18 (1) of the 2001 Act?		Yes 20/20 No 0/20	Yes 19/20 No 1/20 ⁴	Yes 20/20 No 0/20
6	Did the legal representative make a submission to the tribunal?		Yes 1/20	Yes 7/20	Yes 2/20
7	Did the MHT record a separate decision on legal submission?		Yes 1/1	Yes 7/7	Yes 2/2

¹ 60 cases amount to 7.5% of MHTs that took place during this period where the order was affirmed at hearing (798 cases in total). Some hearings were held remotely via videoconference call in line with Covid-19 procedures.

² One of the Form 8s was completed incorrectly stating that the compliance matters *did* affect the substance of the order when it should have stated that compliance matters *did not* affect the substance of the order.

³ One of the Form 8s stated that there was an alleged flaw in the Form 3 upon admission of patient, however this did not affect the substance of the order

⁴ One MHT only referred to mental disorder in its decision.

8	Was the decision the subject to a Circuit Court Appeal?	2/20	0/20	1/20
9	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20