



Policy for the Annual Professional Checks for Legal Representatives on the MHC Panel

MHC – Mental Health Tribunals

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1.0 Policy Statement and Scope

- 1.1 This policy outlines the appropriate checks to be carried out in relation to solicitors who are on the Mental Health Commission's Legal Representatives Panel.
- 1.2 This policy applies to all solicitors on the Mental Health Commission's Legal Representatives Panel.
- 1.3 This policy will be subject to amendment and review periodically. The MHC aims to review and update its policies every two years, save where required to update sooner.

2.0 Definitions

- 2.1 *Commission:* Mental Health Commission as established under Section 32 of the Mental Health Acts 2001-2018 (the 2001 Act).
- 2.2 *Legal Representative (LR):* Legal representative means a barrister or a solicitor. The legal representative is assigned to a patient under the Mental Health Commission Legal Aid Scheme. The legal representative represents the patient at their Mental Health Tribunal (MHT).
- 2.3 *Mental Health Legal Aid Scheme:* Mental Health Legal Aid Scheme 2005 set up in accordance with Section 33(3) of the 2001 Act.
- 2.4 *On-hold:* No new cases will be assigned to the legal representative (including new cases where the legal representative had previously been assigned to a case for the same patient) and the legal representative shall be unassigned from all active cases.
- 2.5 *CIS (Comprehensive Information System):* All work in relation to MHTs is done via CIS which is an online system. All documents to be included are those relating to admissions, renewals, transfers, proposals to transfer to the Central Mental Hospital, proposals to perform psychosurgery, revocations, and decisions of MHTs. These are uploaded to CIS from Approved Centres via CIS Document Inbox.

3.0 Responsibility

- 3.1 General Counsel for the MHC (DSS) / Division Lead for the MHT Team: Overall responsibility for the Division and any issues arising, including but not limited to ensuring compliance with the 2001 Act, queries / complaints by patients and Panel Members, managing Court challenges including Judicial Review hearings, Article 40 applications and any other proceedings, identifying risk and systemic concerns and addressing same and promoting improvements and efficiencies. Streamlining processes and procedures. Leading on implementation of business plan, strategic objectives, and projects.
- 3.2 Paralegal: Providing day-to-day legal support to General Counsel for the MHC. Responsibility for the collection and validation / verification of the professional checks.
- 3.3 Mental Health Tribunals Manager: Overseeing and managing the day-to-day operational activity of the Mental Health Tribunals Division to ensure that MHTs are arranged within their Statutory timeframes and in line with MHT SOPs. Oversee quality control. Oversee the continued development of best practices, processes, systems, and procedures to enable the division to carry out its statutory functions efficiently and effectively.
- 3.4 Tribunal Executive Officer (TEO): Managing the day-to-day operations within the Tribunals Team, assigning duties, ensuring adequate cover in place, monitoring of fee payments to MHT Panel Members, assignments of ICPs and LRs.

4.0 Process Overview

- 4.1 The Commission is required to carry out certain checks in relation to legal representatives on an annual basis.
- 4.2 The Commission must receive up to date copies of the following documents from legal representatives:
1. Professional Indemnity Insurance Cover,
 2. Written confirmation that a completed application for a practising certificate for the following year has been filed with the Law Society of Ireland,
 3. Practising Certificate issued by The Law Society of Ireland, and Tax Clearance Access Number and PPSN.
- 4.3 There is a three-stage process to collect this information:
1. **30 November:** Written confirmation of professional indemnity insurance cover to be received by 17:00 on 30 November each year.
 2. **31 December:** Written confirmation that an application for a practicing certificate for the following year has been filed with the Law Society of Ireland to be received by 17:00 on 31 December each year.
 3. **28 February:** A copy of the legal representative's practicing certificate as issued by The Law Society of Ireland and their up-to-date Tax Clearance access number and PPSN to be received by 17:00 on 28 February each year.

IMPORTANT:

Please note that a legal representative should not accept any cases from the Commission at any stage of the process if he / she has not successfully completed that stage of the process within the time period required.

5.0 Stage 1 – Professional indemnity Insurance

- 5.1 CIS will automatically issue an email to all legal representatives on **1 November each** year requesting submission of their up-to-date professional indemnity insurance details for the forthcoming year. The renewal date for professional indemnity insurance is 1 December each year and legal representatives with up-to-date policies will receive confirmation of cover from their insurers prior to 1 December.
- 5.2 On **23 November**, CIS will automatically issue a reminder email to all legal representatives who have not provided up to date professional indemnity insurance details.
- 5.3 If the relevant professional indemnity insurance details are not provided by **17:00 on 30 November**, CIS will issue a final email advising that the legal representative has been placed on hold (**See Appendix A for the wording of these emails**).

IMPORTANT:

- a. For information on how to upload a document to CIS please see paragraph 8 of this policy.
- b. Confirmation of your up-to-date professional indemnity insurance must include your policy number or it will be rejected.

6.0 Stage 2 – Confirmation of Practising Certificate Application

- 6.1 CIS will automatically issue an email to all legal representatives on **10 December** requesting confirmation in writing that they have applied to The Law Society of Ireland for their practising certificate for the upcoming year. **The Commission only requires proof of the application, not the actual certificate, before the year end.**
- 6.2 On **21 December**, the CIS will automatically issue a reminder email to all legal representatives who have not provided confirmation in writing that they have applied for their practising certificate.
- 6.3 If the confirmation in writing is not provided **by 17:00 on 31 December**, CIS will issue a final email advising that the legal representative has been placed on hold. **(See Appendix B for the wording of these emails).**
- 6.4 The Commission are advised by The Law Society of Ireland that confirmation of practising certificate application can be provided by way of:
1. Automatic confirmation email if making an application through credit / debit card online, or
 2. Screenshot of online application history if applying by paper / online by EFT or cheque.

IMPORTANT:

- a. For information on how to upload a document to CIS please see paragraph 8 of this policy.
- b. Confirmation of your application for a practising certificate must provide the following information or it will be rejected:
 - i. If by way of email, it must show your name (or application number), date and that it was sent from The Law Society of Ireland.
 - ii. If by way of screenshot, it must show your name, and state either *Submitted or Approved or Submitted, awaiting payment (Incomplete Application will not be accepted)*. Please see example of the screenshot required below:



Dashboard

My Applications

My Profile

Email Preferences

Law Directory

Application Queries

PC Renewal

My Applications

Applications you have completed online are listed below in date order to review and monitor their status until Approved or Rejected. Click the application name for details if available.

Application	Status	Date
Practising Certificate - 2023	Submitted, Awaiting Payment	29/12/2022

7.0 Stage 3 – Practising Certificate and Tax Details

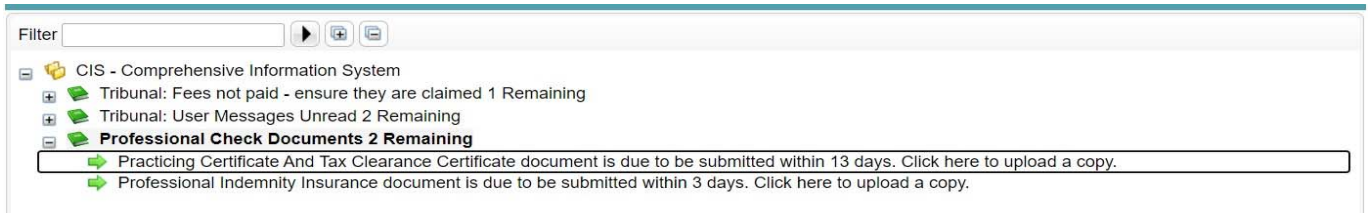
- 7.1 All legal representatives are required to provide the Commission with
- a) a copy of their practising certificate for the forthcoming year and
 - b) their up-to-date tax clearance access number and PPSN,
- by **28 February**.
- 7.2 On **1 February**, CIS will issue an automatic email to all legal representatives who have not provided their new practising certificate and up to date tax clearance access number and PPSN.
- 7.3 On **14 February**, CIS will issue an automatic reminder email to all legal representatives who have not provided their new practising certificate and up to date tax clearance access number and PPSN.
- 7.4 If the practising certificate and up to date tax clearance access number and PPSN, are not provided **by 17:00 on 28 February**, then CIS will issue a final automatic email advising that the legal representative has been placed on hold (**See Appendix C for the wording of these emails**).

IMPORTANT:

- a. A legal representative will only be taken off hold when they have complied with all stages outstanding at that time.
- b. When a document is uploaded to CIS it may be rejected. The reason for rejection will be noted on CIS. It is the responsibility of each legal representative to check the CIS system to make sure that the document has been processed.

8. Submission of Documents by Legal Representatives

- 8.1 All documentation is to be uploaded to CIS by legal representatives. No documents are to be emailed or posted to the Commission.
- 8.2 Once the first email is issued for the Professional indemnity Insurance or the Confirmation of Practising Certificate Application or the Practising Certificate & Tax Clearance Details a task shall appear on the legal representative Home Page on CIS.



- 8.3 To submit the document, the legal representative must click on the task, this will navigate you to CIS107– Legal Representative Panel Member Maintenance screen, where you will see a grid with only your details listed. **You will need to click on the arrow next to the “View” button and click on “Edit”.**

coimisiún meabhair - shláinte
mental health commission

representative Panel Member Maintenance

Home » Legal Representative Panel Member Maintenance

Full Name	Address	Panel Member Type	Panel Appointment Date	Panel Member End Date	Practicing Cert End Date	Professional Indemnity Insurance End Date	Action
Redacted	Redacted	Patient Legal Representative	13/05/2007	31/10/2030	18/03/2022		View Edit

- 8.4 Once on the details page, you will need to scroll down to the heading marked “Submit Copies of Certificates to the Mental Health Commission”.

Submit Copies of Certificates To Mental Health Commission

Choose file:

Document Type:

Comment:

- 8.5 From here the legal representative chooses a file to attach, selects the document type from the drop-down box, adds an optional comment and clicks on “Submit”. The following message appears:

Success

The attachment has been successfully submitted

Close

8.6 When a document is uploaded it will go to the documents grid, where there is a list of all documents submitted and their 'status'. The legal representative can click on "View" to review what they have just submitted.

Submitted Documents

↓

Document ID	Document Type	Comment	Date Uploaded	Status	Action
					Clear Filters
10148576	Practicing Certificate/Tax clearance (LR)		19/03/2021	Processed	View

Records 1 to 1 of 1 Page / 1

8.7 There are three statuses that documents may have:

- **Received:** This confirms that a document has been uploaded but has not yet been processed by the Commission. Please note the task list on the legal representatives homepage will remain until the Paralegal updates the status to "Processed".
- **Processed:** The document has been processed and accepted by the Commission; this removes the task list on the homepage of the legal representative.
- **Rejected:** The document has been rejected by the Commission for reasons which will be stated on the legal representatives CIS Account.

9. Retention of Data

- 9.1 The Mental Health Commission's privacy policy can be accessed here <https://www.mhcirl.ie/data-protection-and-access-requests>. It explains how your personal data is processed and retained.
- 9.2 Personal data obtained for the purpose of Annual Professional Checks shall be retained for no longer than 2 years from the date of receipt by the Mental Health Commission.

10. Change Control

The following table details changes made to this policy:

CHANGE CONTROL LOG		
Date	Description	Approved by
19 April 2023	Final Draft Agreed	General Counsel for the MHC (DSS)

Appendix A - Email Notifications for Professional Indemnity Insurance

First Email – 1 November

Re Professional Indemnity Insurance expiring on 30 November

Dear [insert name]

I refer to the above.

Your Professional Indemnity insurance is due to expire on 30 November. Please forward a copy of your new Professional Indemnity Cover before the expiry date.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded.

You will not be eligible for selection for any work on Tribunal Hearings if the up-to-date insurance documentation is not received as required. The legal representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

In the event that we have not received the relevant details from you as requested on or before the expiry date, we may have to put you “on hold” on the Panel until we receive the documentation.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Second Email – 23 November

Re Professional Indemnity Insurance expiring on 30 November

Dear [insert name]

I refer to the above and our email issued on 1 November.

Your Professional Indemnity insurance is due to expire in 7 days on 30 November. Please submit a copy of your new Professional Indemnity Cover before the expiry date.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

You will not be eligible for selection for any work on Tribunal Hearings if the up-to-date insurance documentation is not received as required.

In the event that we have not received the relevant details from you as requested on or before the expiry date, we may have to put you “on hold” on the Panel until we receive the documentation.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Third Email-1 December

Re Professional Indemnity Insurance - expired since 1 December

Dear [insert name]

I refer to the above and our emails issued on 1 November and 23 November.

We have not received the relevant details from you. Please submit a copy of your new Professional Indemnity Cover immediately.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

Please note that you shall now be put “on hold” on the Panel until we receive the documentation.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Appendix B - Email notifications for Application for Practising Certificate

First Email – 10 December

Re Application for Practising Certificate expiring on 31 December

Dear [insert name]

I refer to the above.

Please forward a copy of your application for your new Practising Certificate.

Please note that the Commission only requires proof of the application, not the actual certificate, before the year end.

Confirmation of practising certificate application can be provided by way of:

1. Automatic confirmation email from The Law Society of Ireland, or
2. Screenshot of online application history from your dashboard on your Law Society of Ireland account.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

You will not be eligible for selection for any work on Tribunal Hearings if a copy of this application is not received by 31 December.

In the event that we have not received the relevant details from you as requested on or before the expiry date, we may have to put you “on hold” on the Panel until we receive the documentation.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Second Email – 21 December

Re Application for Practising Certificate expiring 31 December

Dear [insert name]

I refer to the above.

Please forward a copy of your application for your new Practising Certificate.

Please note that the Commission only requires proof of the application, not the actual certificate, before the year end.

Confirmation of practising certificate application can be provided by way of:

1. Automatic confirmation email from The Law Society of Ireland, or
2. Screenshot of online application history from your dashboard on your Law Society of Ireland account.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

You will not be eligible for selection for any work on Tribunal Hearings if a copy of this application is not received by 31 December.

In the event that we have not received the relevant details from you as requested on or before the expiry date, we may have to put you “on hold” on the Panel until we receive the documentation.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Third Email- 1 January

Re Application for Practising Certificate expiring on 31 December

Dear [insert name]

I refer to the above.

Please forward a copy of your application for your new Practising Certificate.

Please note that the Commission only requires proof of the application, not the actual certificate, before the year end.

Confirmation of practising certificate application can be provided by way of:

1. Automatic confirmation email from The Law Society of Ireland, or
2. Screenshot of online application history from your dashboard on your Law Society of Ireland account.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

You are not now eligible for selection for any work on Tribunal Hearings as a copy of your application was not received by 31 December.

We have placed you “on hold” on the Panel until we receive the documentation.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Appendix C - Email notifications for Practising Certificate / Tax Clearance

First Email - 1 February

Re Practising Certificate for the current year and Tax Clearance Access Number and PPSN

Dear [insert name]

I refer to the above.

We would request that you now submit your Practising Certificate and Tax Clearance Access Number and PPSN on or before 28 February.

To submit the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

In the event that we have not received **both of these** documents by the requested date, we may have to put you “on hold” on the Panel until we receive it.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Second Email – 14 February

Re Practising Certificate for the current year and Tax Clearance Access Number and PPSN

Dear [insert name]

I refer to the above and our email of 1 February.

We have not received your Practising Certificate and / or Tax Clearance Access Number and PPSN. Please now arrange to submit same on or before 28 February.

To upload the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

In the event that we do not receive **both of these** documents by the requested date, we may have to put you “on hold” on the Panel until we receive it.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division

Third Email – 1 March

Re Practising Certificate for the current year and Tax Clearance Access Number and PPSN

Dear [insert name]

I refer to the above and our emails of 1 February and 14 February.

We have not received your Practising Certificate and / or Tax Clearance Access Number and PPSN.

To upload the document, click on the task on the home page of CIS requesting this document. This navigates to the screen where the document may be uploaded. The Legal Representatives Policy for Professional Checks can be found here [LR professional checks policy](#) for information on how to upload to CIS.

On the basis that we have not received **both of these documents**, we shall put you “on hold” on the Panel until we receive them.

I await hearing from you.

Yours sincerely,

Sharon Oakes
Legal Division