



mhc
coimisiun meabhair - shláinte
mental health commission



Mental Health Tribunals

Tribunal Room Requirements

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Introduction

The purpose of this guidance document is to describe specifications for the registered proprietors of approved centres in relation to hearing rooms for tribunals to ensure that they are appropriate for the conduct of mental health tribunals (tribunals). The Mental Health Commission (MHC) requires approved centres to provide suitable accommodation in the centre that meets the recommended specifications set out in this document. In that regard, the MHC relies on Regulation 30 (1) of the Approved Centre Regulations SI 551/2006. This guidance should also be read in the context of section 49(9) of the Mental Health Acts 2001-2018 (as amended) and Regulations 21 Privacy, 22 Premises and 30 Mental Health Tribunals of the Approved Centre Regulations SI 551/2006.

Nominated Tribunal Rooms

Each approved centre must have a minimum of one nominated tribunal room. This information is to be provided as part of the registration process for approved centres and updated on the Comprehensive Information System (CIS). The MHC must be made aware of any changes to this information. Each tribunal hearing set up in an approved centre will be allocated to a specified tribunal room. This is to ensure that all parties are aware of the specific location of the tribunal within the approved centre.

Tribunal Hearings

The purpose of a dedicated tribunal room is to enable a tribunal consisting of a Tribunal Chairperson, Tribunal Consultant Psychiatrist and Tribunal Lay Member to conduct a hearing involving the patient (if they choose to attend), their legal representative, their responsible consultant psychiatrist, in an environment appropriate to the matters to be considered (as set out in section 18 of the Mental Health Acts 2001-2018). In addition to these attendees, there may also be an interpreter, witnesses who are asked to attend and support persons.

A tribunal hearing is a quasi-judicial procedure to vindicate the rights of the person involuntarily detained. Therefore, the tribunal room must reflect the importance of the proceedings for the patient and the separate and independent functions of the tribunal.

Tribunal Room Specifications

The MHC recommends that tribunal rooms should meet the following specifications;

1. The Tribunal Room (room) should be a dedicated room, within the approved centre for the purpose of holding mental health tribunal hearings, that is private, quiet, clean, and adequately sized and furnished. In exceptional circumstances, where there is no dedicated tribunal room, the approved centre will be required to confirm in writing to the MHC that tribunals shall be given priority over all other matters in relation to the use of the room.
2. The room should be located within easy reach of the patient who is attending and situated in a quiet part of the building, where interruptions and distractions are unlikely.
3. It should not be possible to hear discussions in the room to ensure confidentiality of the tribunal.

4. The room should be physically accessible by all parties.
5. The room should be of sufficient size to accommodate at least six to eight people around a large main table, keeping a minimum of 1m apart.
6. Fresh drinking water should be made available to the attendees.
7. The Tribunal Room should be clean and tidy with sufficient chairs placed around the main table.
8. There should be sufficient space to accommodate a second table for the tribunal room printer. This table should be of sufficient size to accommodate the tribunal printer and an average sized laptop.
9. There should be sufficient power sockets (suggested 6, minimum 3). In the absence of sufficient sockets, an extension cable should be provided.
10. There should be windows that open and close or adequate ventilation.
11. Ventilation in the room is important, with the goal being to achieve a gentle circulation of fresh air rather than strong air currents. It is recommended that there are 6 – 10 air changes per hour¹
12. Furthermore, adequate provision for ventilation should be made through the use of natural ventilation, mechanical ventilation, air conditioning systems or mixed mode ventilation.
13. There should be heating that is used in conjunction with ventilation systems to ensure that the temperature is appropriate at all times of the year.
14. Good natural lighting and electric lighting is recommended, which is suitable to the size of the room being used.
15. Décor should be appropriate for a formal legal hearing which discusses personal and distressing topics.
16. Toilets should be available within easy access/walking distance of the Tribunal Room.
17. There should not be access to confidential information regarding other patients.
18. There should be no CCTV or other recording devices present in the tribunal room.

Consultation Rooms

There must be a separate and private interview room next to or close by the Tribunal Room where the patient and their legal representative can meet prior to a tribunal. This room should also have adequate seating and a table for the legal representative to make notes.

Concerns

Any concerns that Tribunal Members or parties have regarding the suitability of rooms for tribunal hearings or consultations should be raised on the day of the hearing with the Mental Health Act Administrator.

If not addressed on the day, concerns raised should be communicated to the MHC, who will in turn revert to the approved centre and raise the matter nationally if so required.

¹ Please refer to the Building Regulations 1997 – 2022 and other documents published under these regulations for relevant information.