



**mhc**  
coimisiun meabhair - shláinte  
mental health commission

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# **Mental Health Tribunals**

## **Code of Conduct for Panel Members**

**Version 1 – September 2023**

# Introduction

The *Mental Health Tribunal - Code of Conduct for Panel Members* is hereafter referred to as 'this Code'.

The Mental Health Commission ("Commission") is an independent statutory body established under the provisions of the Mental Health Acts 2001 - 2018 (the 2001 Act). The remit of the Commission incorporates the broad spectrum of mental health services for all ages in all settings.

The Commission has the statutory responsibility to appoint persons to be members of Mental Health Tribunals (tribunals); to establish a panel of independent consultant psychiatrists to carry out examinations under section 17 of the 2001 Act; to arrange a scheme for the granting of legal aid to patients; and to put in place the necessary arrangements for these tribunals as provided for in the 2001 Act.

The Commission considers it necessary and appropriate to have a written Code of Conduct for all members of the following five panels ("panel members").

1. A panel of practicing barristers or solicitors to serve as the Chairpersons of tribunals (Tribunal Chairpersons "TCH"),
2. A panel of consultant psychiatrists to serve as members of tribunals (Tribunal Consultant Psychiatrists "TCP"),
3. A panel of persons other than barristers, solicitors, consultant psychiatrists, registered medical practitioners or registered nurses to serve as members of tribunals (Tribunal Lay Members "TLM"),
4. A panel of consultant psychiatrists to carry out independent medical examinations under section 17 (Independent Consultant Psychiatrists "ICP"),
5. A panel of legal representatives for the granting by the Commission of legal aid to patients (Legal Representatives "LR").

This Code has been established to set out the standards of conduct to which panel members should adhere to in the performance of their duties. Each panel

member has an obligation to know, understand and comply with this Code and the values upon which this Code is based.

The Code is part of the suite of documents applicable to panel members and should be read in conjunction with the panel member's contract, Commission guidelines, policies and other applicable documents. It should not be read in isolation. A comprehensive list of guidance can be found in the [Panel Members Hub | Mental Health Commission \(mhcirl.ie\) plus any Notices issued to panel members on issues that may arise from time to time.](#)

This code and other applicable documents cannot anticipate every possible situation, however, in all cases panel members are expected to act honestly, in good faith, and in a professional and ethical manner.

The Commission reserves the right to amend this Code at any time at its discretion.

In the event of any conflict of wording, the following order of priority will apply:

1. The Mental Health Acts 2001-2018,
2. The contract entered into by the Commission with the Panel Member or the terms of conditions of engagement,
3. This code of conduct,
4. The information and guidance document, and
5. Any other related guidance documents.

# 1. Vision and Mission

This Code is based on the Commission's vision, mission and values:

**Vision:** Equity of access to person-centred mental health services and decision support services that deliver high-quality care and support.

**Mission:** Promotion and vindication of human rights in relation to mental health services and decision support services.

**Values:**

- **Person-centred** We believe in person-centred support; empowering individuals, and their supporters, to be co-creators in their care, recovery and decision-making.
- **Human Rights** Human rights underpin our approach to everything we do, the services we provide and the services we regulate.
- **Expertise** We value and respect the expertise of our team and those professionals we engage with, thereby ensuring our work is evidence-based and in line with best practice.
- **Dignity and Respect** Everyone should be treated with dignity and respect. We demonstrate this value through our interactions both within the Commission and with our external stakeholders.
- **Independence and Accountability** To successfully achieve our mission and vision we must be independent, transparent and accountable to our stakeholders and the public on whose behalf we work.
- **Quality** We commit to carrying out our functions to the highest standards and in accordance with our legal mandates.

This Code is prepared in consideration of the Commission's responsibility to promote equality, prevent unlawful discrimination and protect the human rights of service users.

The Commission, as part of its remit under the 2001 Act, ensures that all persons involuntarily detained in approved centres are independently reviewed by a Mental Health Tribunal.

Panel members are expected to act in accordance with and uphold the vision, mission and values of the Commission.

## **2. Person-centred approach**

Panel members must ensure that the patient is at the centre of the mental health tribunal process and must be informed at all times about what is happening during the tribunal process.

## **3. Human Rights**

Panel members must always have regard to and respect the human rights of the involuntarily detained patient.

## **4. Expertise**

Panel members have a responsibility to maintain the high level of professional competence and expertise required to fulfil their duties and responsibilities. Panel members are expected to pursue the development of knowledge and skills related to their work, including but not limited to participation in ongoing training provided by the Commission. Panel members are expected to maintain up to date knowledge of the 2001 Act, and any future amendments, case law and other relevant materials to include relevant guidance.

## **5. Dignity and Respect**

Panel members shall at all times conduct their duties in a professional, respectful, sensitive, courteous and punctual manner. It is of utmost importance that courtesy and respect is shown to all attendees, including other panel members, at tribunal hearings but most importantly to the patient.

Panel members must take reasonable measures to accommodate patients and other participants in the tribunal process so that they may participate as effectively as possible. Panel members may seek the assistance from the Commission in this regard and the Commission shall where at all possible assist the panel member and the patients, this may involve assistance from the approved centre or other third parties.

Panel members must exercise their duties without unlawful discrimination and are expected to take into account diversity and to adhere to a high standard of respect for human rights and equality.

Panel members should afford courtesy and respect to staff of the Commission in order to foster and maintain open engagement and a positive working environment.

## **6. Independence and accountability**

Panel members must be independent and free from influence by any party. Panel members must have an open mind and not allow themselves to be influenced by prejudice of any kind. Independence in decision-making, reporting and representation is required for the principles of fairness and natural justice to be ensured.

It is essential for panel members to maintain impartiality. This applies not only to the decision of tribunals but the entire tribunal process.

Panel members must act with honesty, integrity, high ethical standards and avoid impropriety, or the appearance of impropriety.

## **7. Conflicts of interest**

In the interests of proper standards of conduct, the activities of panel members while carrying out their roles in connection with the tribunal must always be conducted in an objective manner and reasonably be seen to be so conducted. Patients involved in the tribunal process are entitled to have confidence that their case will be dealt with in an impartial and fair manner. Conflicts of interest, or the appearance of such conflicts, must be avoided.

Panel members are expected to ensure that they disclose a conflict of interest, a potential or perceived conflict of interest, to the Commission as soon as they are aware of same.

In case of any doubt, the panel member concerned should seek the input of the General Counsel and /or the MHT Manager within the Commission.

## 8. Quality

Panel members are expected to meet any standards, guidance and quality measures set out by the Commission regarding quality decision-making, provision of services and timeliness. Panel members are expected to commit to, co-operate with and participate in quality improvement initiatives.

## 9. Confidentiality

Due to the nature of their positions, all panel members are privy to information and material, which is sensitive and/or confidential. They are required to maintain confidentiality in such matters (unless disclosure is required by law). All information received relating to work as a panel member is presumed to be confidential even where not explicitly stated.

All panel members on joining the Commission shall sign a contract which includes a clause on Confidentiality.

Full information is in the following GDPR documents which can be found at the links below on [www.mhcirl.ie](http://www.mhcirl.ie)

1. [Personal Data Security Breach Procedure for Panel Members](#)
2. [Privacy Policy for Panel Members](#)
3. [MHC GDPR Data Subject Rights Request Policy and Procedure](#)

## 10. Panel members' interests

Panel members must not use their position for personal gain. Where panel members become aware of non-compliance by themselves or others with such obligations, they should immediately bring this to the attention of General Counsel and / or the MHT Manager in the Commission with a view to having the matter addressed.

Panel members shall not accept any gifts or other advantages, hospitality or other benefits which could be construed as an attempt to gain influence or favour.

## 11. Fairness

Panel members are bound by the principles of natural justice and fairness. Panel members are expected to approach each hearing with an open mind. Panel members must:

- Commit to fairness.
- Treat all people equally in accordance with the law.
- Act professionally in the discharge of their duties.
- Make decisions based on evidence.
- Give reasons for decisions made.
- Apply fair procedures.

## 12. Breach of This Code

An alleged breach of this Code will ordinarily be dealt with in the first instance informally, for example by General Counsel for the Commission or another designated person.

If a panel member is concerned that another panel member may have allegedly breached this Code, they should raise their concerns directly with General Counsel. An alleged deliberate, serious or continued breach of this Code will be addressed by the General Counsel who will arrange for the matter to be investigated in accordance with fair procedures.

## 13. Membership of the Panels

If a panel member becomes aware at any time that they do not meet the criteria for membership of the panel they are appointed to, they must notify the Commission immediately.



## 14. Change control

The following table details changes made to **this policy**:

CHANGE CONTROL LOG		
Date	Description	Approved by
September 2023	Implementation of the Code of Conduct	General Counsel