Audit of Mental Health Tribunal Affirmed Decisions
Q3-Q4 2023 Reporting

Audit Purpose

Strategic Objective 2 No. 1 in the Mental Health Commission Business Plan 2024 requires the Mental Health Tribunal (MHT) Division to audit a sample of MHT decisions within the confines of the legislative framework.

Audit – Q3-Q4 2024: 60 randomly selected decisions (where the order was affirmed) of mental health tribunals, which took place during 1 July 2023 – 31 December 2023[1]. Please note a separate audit is 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 9/20 No 11/20	Yes 14/20 No 6/20	Yes 14/20 No 6/20
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) other	a) 10 b) 0 c) 1[2]	a) 5 b) 0 c) 1[3]	a) 6 b) 0 c) 0
3	Were Sections 9, 10, 12, 14 [23/24], 15 and 16 complied with?	20/20	20/20	20/20
4	Where Sections 9, 10, 12, 14 [23/24], 15 and 16 were not complied with, but the failure to comply did not affect the substance of the order, were the issues due to the statutory forms being: a) incorrect b) not submitted to the MHC in time c) both d) other	a) 0 b) 0 c) 0 d) 0	a) 0 b) 0 c) 0 d) 0	a) 0 b) 0 c) 0 d) 0

[1] 60 cases amount to 8.2% of MHTs that took place during this period where the order was affirmed at hearing (727 cases in total). Some hearings were held remotely via videoconference call in line with Covid-19 procedures.

[2] No instructions could be obtained by the LR from the patient regarding their wish to attend tribunal.

[3] Patient would not engage with LR and therefore no instruction could be obtained by the LR from the patient.

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 18/20[4] No 3/20[5]	Yes 16[6]/20 No 4/20[7]	Yes 17[8]/20 No 4/20[9]
6	Did the legal representative make a submission to the tribunal?	Yes 7/20	Yes 5/20	Yes 9/20
7	Did the MHT record a separate decision on legal submission?	Yes 7/7	Yes 5/5	Yes 9/9
8	Was the decision the subject to a Circuit Court Appeal?	0/20	4/20	2/20
9	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

[4] Two decisions -1. The MHT noted the LR did not have any submissions on the paperwork but they made no formal decision on the matter; 2. There is no reference at all in the decision on the issues of compliance

[5] In three decisions the issue of mental disorder only was addressed

[6] Four decisions -1, 2 and 4. The MHT noted the LR did not have any submissions on the paperwork but they made no formal decision on the matter; 3. There is no reference at all in the decision on the issues of compliance.

[7] In four decisions the issue of mental disorder only was addressed

[8] Three decisions -1, 2 and 3. The MHT noted the LR did not have any submissions on the paperwork but they made no formal decision on the matter.

[9] In four decisions the issue of mental disorder only was addressed