Audit of Mental Health Tribunal Affirmed Decisions
Q1-Q2 2024 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 – Q1-Q2 2024: 60 randomly selected decisions (where the order was affirmed) of mental health tribunals, which took place during 1 January 2024 – 30 June 2024[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 15/20 No 5/20	Yes 13/20 No 7/20	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) other	a) 5 b) 0 c) 0	a) 7 b) 0 c) 0	a) 3 b) 0 c) 0
3	Were Sections 9, 10, 12, 14 [23/24], 15 and 16 complied with?	20/20	19/20	19/20
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) 1 b) 0 c) 0 d) 0	a) 1 b) 0 c) 0 d) 0

[1] 60 cases amount to 7.7% of MHTs that took place during this period where the order was affirmed at hearing (778 cases in total). Some hearings were held remotely via videoconference call in line with Covid-19 procedures.

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 19[2]/20 No 1/20	Yes 16[3]/20 No 4/20	Yes 16[4]/20 No 4/20
6	Did the legal representative make a submission to the tribunal?	Yes 7/20	Yes 9/20	Yes 1/20
7	Did the MHT record a separate decision on legal submission?	Yes 7/7	Yes 5/9	Yes 1/1
8	Was the decision the subject to a Circuit Court Appeal?	0/20	0/20	0/20
9	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

[2] In one decision the issue of mental disorder only was addressed.
[3] In four decisions the issue of mental disorder only was addressed.
[4] In four decisions the issue of mental disorder only was addressed.