Audit of Mental Health Tribunal Affirmed Decisions
Q1-Q2 2025 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 2025: 60 randomly selected decisions (where the order was affirmed) of mental health tribunals, which took place during 1 January 2025 – 30 June 2025[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 14/20 No 6/20	Yes 15/20 No 5/20	Yes 13/20 No 7/20
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) 6 b) 0 c) 0	a) 3 b) 0 c) 2[2]	a) 5 b) 0 c) 2[3]
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	a) 0 b) 0 c) 0 d) 0	a) 0 b) 0 c) 0 d) 1[4]	a) 0 b) 0 c) 0

[1] 60 cases amount to 8.3% of MHTs that took place during this period where the order was affirmed at hearing (718 cases in total). Some hearings were held remotely via videoconference call in line with Covid-19 procedures.

[2] Two decisions – in one case, the individual had a medical issue which would have made attendance at the MHT challenging - written instructions given to the LR. In another case, the individual was physically unwell and could not attend MHT

[3] Two decisions – in one case, the individual was too unwell to attend MHT. In another case, the individual did not attend and it was not clear if they had the capacity to understand that they were involuntarily detained.

[4] In one decision, the MHT engaged the powers under Section 18 to cure the defect on the Form 8.

	c) both d) other			d) 1[5]
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[6]/20 No 1/20	Yes 15[7]/20 No 5/20	Yes 18[8]/20 No 2/20
6	Did the legal representative make a submission to the tribunal?	Yes 2/20	Yes 6/20	Yes 2/20
7	Did the MHT record a separate decision on legal submission?	Yes 2/2	Yes 6/6	Yes 2/2
8	Was the decision the subject to a Circuit Court Appeal?	1/20	1/20	2/20
9	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

[5] In one decision, the MHT held that the Form 5 was compliant, the ICP did meet with the detained person and that the correct process was used to bring the person to the approved centre.

[6] In one decision the issue of compliance was not directly addressed.

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

[8] In two decisions the issue of mental disorder only was addressed.