Audit of Mental Health Tribunal Affirmed Decisions
Q3-Q4 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 – Q3-Q4 2025: 60 randomly selected decisions (where the order was affirmed) of mental health tribunals, which took place during 1 July 2025 – 31 December 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 13/20 No 7/20	Yes 12/20 No 8/20	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) 4[2] b) 0 c) 3[3]	a) 8[4] b) 0 c) 0	a) 6[5] b) 0 c) 0
3	Were Sections 9, 10, 12, 14 [23/24], 15 and 16 complied with?	18/20	16/20	18/20
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) 0 b) 0	a) 2[8]	a) 1[11] b) 0 c) 0

[1] 60 cases amount to 7.9% of MHTs that took place during this period where the order was affirmed at hearing (754 cases in total). Some hearings were held remotely via videoconference call in line with infection control procedures.

[2] Four decisions – In all four cases, the individual did not wish to attend MHT.

[3] Three decisions – 1) In the first case, the individual was asleep when MHT was due to start – LR instructed MHT could proceed. 2) In the second case, the patient had absconded from the approved centre before MHT. 3) In the third case, the individual was physically unwell and could not attend MHT.

[4] Eight decisions – In all eight cases, the individual did not wish to attend MHT.

[5] Six decisions – In all six cases, the individual did not wish to attend MHT.

[8] Two decisions – 1) In the first case, there was an issue with the Patient Notification Form (checkbox to indicate whether order had been made was left unchecked). 2) In the second case, there was an issue with the Patient Notification Form (the RCP made an error as to when they examined the patient).

[11] One decision – In this case, the MHT noted a discrepancy with the times that the Form 7 was signed by the RCP.

	a) incorrect b) not submitted to the MHC in time c) both d) other	c) 1[6] d) 1[7]	b) 1[9] c) 0 d) 1[10]	d) 1[12]
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 17/20 No 3/20[13]	Yes 17/20 No 3/20[14]	Yes 18/20 No 2/20[15]
6	Did the legal representative make a submission to the tribunal?	Yes 2/20	Yes 5/20	Yes 5/20
7	Did the MHT record a separate decision on legal submission?	Yes 2/2	Yes 5/5	Yes 5/5
8	Was the decision the subject to a Circuit Court Appeal?	2/20	1/20	4/20
9	Was the decision the subject of a High Court challenge?	0/20	0/20	0/20

[6] One decision – In this case, two Form 7s were submitted with different order end dates.
[7] One decision – In this case, no reason was provided for non-compliance.
[9] One decision – In this case, the Form 6 was not submitted to the MHC within the mandatory 24 hour period.
[10] One decision – In this case, on the Form 8, Section 11 "Compliance" indicating whether Sections 9, 10, 12, 14, 15 and 16 were complied, was not ticked.
[12] One decision – In this case, the MHT found that the Form 7 failed to specifically include a reference to the treatment being likely to benefit or alleviate the condition of the detained person.
[13] In the three decisions, the issue of mental disorder only was addressed.
[14] In the three decisions, the issue of mental disorder only was addressed.
[15] In the two decisions, the issue of mental disorder only was addressed.