



# Mental Health Review Tribunal for Wales Annual Report 2014 – 2015

May 2016

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

# Foreword

I am pleased to present our Annual Report for 2014-15. I hope you find it informative and useful.

It has been another challenging year for the tribunal, dealing with an increase of 7.5% of cases. In the context of increasing pressure on budgets and resources, I am particularly proud of the service which the tribunal has provided to its users and stakeholders. I hope we have achieved our aim of ensuring that everyone who applies to the tribunal feels that their case has been fairly dealt with.

The report illustrates the range of cases handled by the tribunal and how it has measured against the key performance indicators set for the administration. I would like to record my thanks to all the members and staff for their commitment and dedication.

We welcome any comments and feedback which should in the first instance be addressed to

Mental Health Review Tribunal for Wales  
2nd floor, Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Telephone: 029 2082 5328

Email: [mhrt@wales.gsi.gov.uk](mailto:mhrt@wales.gsi.gov.uk)

Carolyn Kirby  
Chair of the Tribunal

# Section 1 – About Us

## In this section, our:

- Background
- Overview of procedures
- Members of the Tribunal
- Appointments
- Training
- Contacting the Tribunal

## Background

The Mental Health Review Tribunal in Wales (MHRTW) is an independent judicial body established under the Mental Health Act 1959 operating under the provisions of the Mental Health Act 1983 as amended. MHRTW has the responsibility of hearing applications or references concerning patients detained under the Mental Health Act 1983 and deals with a large volume of applications annually.

The MHRTW is a judicial body, independent of government.

Members of MHRTW are appointed by the Lord Chancellor.

## Overview of Procedures

MHRTW provides a significant safeguard for patients who have had their liberty curtailed under the Mental Health Acts. It is for those who believe that a patient should continue to be liable to detention or remain subject to supervised community treatment to prove their case and not for the patient to disprove it. They therefore need to present the tribunal with sufficient evidence to support their case. Clinical and social reports form the backbone of this evidence and these are tested orally at hearings, usually in the presence of the patient. The procedures to be followed are clearly laid down in the MHRTW Rules 2008.

MHRTW applications and referrals broadly fall into three categories;

**Non-restricted patients** – these are hospital orders (for treatment) which have no special restrictions attached, Community Treatment Orders and Guardianship Orders.

**Restricted patients** – these are hospital orders with special restrictions made by a Court (in respect of S37/41 and CPI Act), and by the Ministry of Justice in respect of S47/49, 48/49 and S45A.

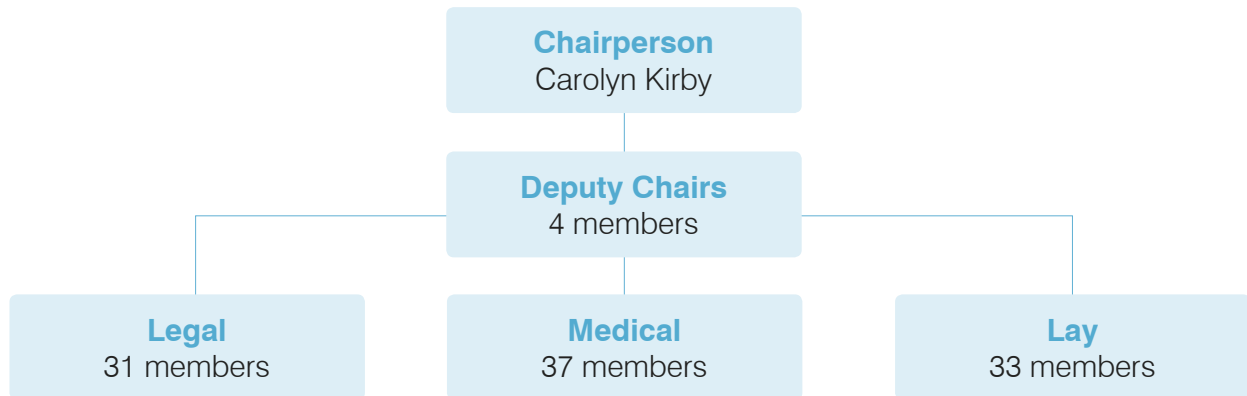
**Section 2 patients** – these are Hospital Orders primarily for assessment (but can be followed by medical treatment) for a maximum of 28 days.

Hearing arrangements can be made to take account of requirements of those attending, such as; wheelchair access, hearing assistance, interpreter etc.

Full information and guidance, about the tribunal and its procedures, is provided on the website for the Mental Health Review Tribunal for Wales. Alternatively please contact the tribunal secretariat for further information or if you would like to receive publications in a different format.

## Members of the Tribunal

MHRTW panels comprise of 3 members: a legal member, a medical member and a lay member. The current membership of MHRTW comprises.



**The role of the legal member** – The legal member’s role is to preside (i.e. take the chair) at tribunal hearings. Responsibilities also include making sure that the proceedings are conducted fairly, that the legal requirements of the Mental Health Act are properly observed and advising on any questions of law which may arise. The legal member is also responsible, in consultation with other members of the Tribunal, for drafting the reasons for the decision, and for signing the record of the decision. The legal members are required to have ‘such legal experience, as the Lord Chancellor considers suitable’.

**The role of the medical member** – The tribunal medical member has a dual role to perform. The Tribunal Rules require them to conduct an interview with the patient before the hearing and to take any steps that they consider necessary to form an opinion of the patient’s mental condition. At the hearing, they, together with the other members, have the judicial responsibility of deciding whether or not the patient should continue to be detained. The tribunal medical member is invariably a consultant psychiatrist of several years’ standing. He or she will be able to advise the other members of the Tribunal on any medical matters.

**The role of the lay member** – The lay member is not a lawyer or a psychiatrist, but brings to the Tribunal other knowledge and experience relevant to the jurisdiction of the Tribunal. The lay member may contribute knowledge of mental illness, mental health services, patient rights, and community expectations to the consideration of the patient’s case.

The tribunal is committed to providing an equally high service for both Welsh and English speakers who use the tribunal.

The day-to-day administration is largely delegated to the secretariat who deal with all the preliminary paperwork and the processing of applications to the tribunal. The secretariat acts as a point of contact for chairpersons, members and tribunal users and attends some hearings to help with the efficient running of proceedings.

## Appointments

There were no new tribunal members appointed in 2014/15.

## Training

It is important for the efficient and effective functioning of the tribunal that all tribunal members are appropriately trained and kept up to date with developments in the field of mental health law.

The MHRTW held its Annual Conference for all members in October 2014 at New House Country Hotel, Thornhill, Cardiff.

The training included presentations by Professor Phil Fennell, who gave an update on the legal aspects of mental health, and Professor Tom Burns who gave a presentation on Community Treatment Orders. Tribunal members are fully committed to keeping up to date with developments in the area of mental health law and practice. They took advantage of the opportunity given during the day to contribute their thoughts on the development of the proposed tribunal training programme.

There was a series of 4 workshops (3 in Cardiff and 1 in Mold) which concentrated on the whole tribunal process, from preliminary matters through to writing the decision by reference to the Welsh Rules and relevant case law.

## Contacting the Tribunal

The Chairman and secretariat to the tribunal can be contacted at this address:

**Tribunal Address:** Mental Health Review Tribunal for Wales  
2nd floor, Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

**Tribunal Helpline:** 029 2082 5328

**Tribunal E-mail:** [mhrt@wales.gsi.gov.uk](mailto:mhrt@wales.gsi.gov.uk)

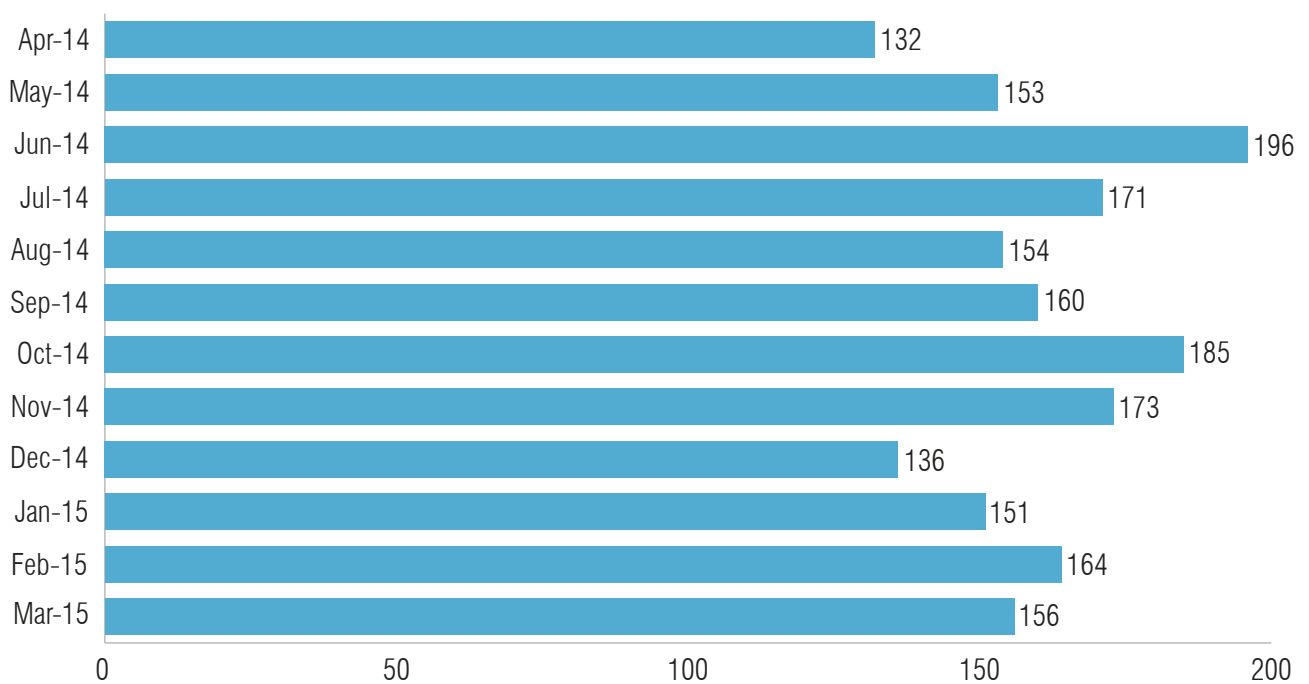
# Section 2 – Performance and Progress

## In this section, our:

- Numbers and statistics
  - Number of applications received and registered in 2014/15
  - Number of applications received by type of application 2014/15
- Achievement against key performance indicators
- Complaints

## Numbers and statistics

Chart 1: Number of applications received and registered in 2014/15



Total number received – 1931

## Number of Applications Received and Registered in 2014/15 and Type of Application

| Type of Application and Referrals | Month of Year |        |        |        |        |        |        |        |        |        |        |        |
|-----------------------------------|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                   | Apr-14        | May-14 | Jun-14 | Jul-14 | Aug-14 | Sep-14 | Oct-14 | Nov-14 | Dec-14 | Jan-15 | Feb-15 | Mar-15 |
| Non Restricted                    | 91            | 87     | 133    | 109    | 99     | 101    | 114    | 110    | 93     | 108    | 113    | 108    |
| Restricted                        | 7             | 14     | 12     | 23     | 14     | 19     | 22     | 14     | 10     | 17     | 14     | 13     |
| Section 2                         | 34            | 52     | 51     | 39     | 41     | 40     | 49     | 49     | 33     | 26     | 37     | 35     |

Total number of non-restricted cases – 1266 (66%)

Total number of restricted cases – 179 (9%)

Total number of Section 2 cases – 486 (25%)

## Achievement against key performance indicators

The MHRTW have a number of statutory deadlines to meet. These are:

- Section 2 applications listed within 7 days (but not less than 3 days due to the duty to provide 3 days notice)
- Restricted recall referrals listed between 5-8 weeks
- Section 2 decisions to be issued within 3 working days
- All other decisions to be issued with 5 working days.

Best practice guidelines are also in place for MHRTW applications and referrals as follows:

- Acknowledge all applications and referrals within 2 working days
- Non restricted cases listed within 8 weeks
- Restricted cases listed within 12 weeks.

In addition, the Organisational Development review in 2010 made recommendations to implement some further customer KPIs.

The MHRTW are working towards a system to monitor existing and proposed best practice targets so that these can be reported on in future annual reports.

## Complaints

The Tribunal received four formal complaints during the course of the year which were dealt with by the President in accordance with the tribunal's published complaints policy.

- 100% of complaints received were acknowledged with 10 days of receipt.



# Section 3 – Our Customers

## In this section, our:

- Customer satisfaction survey

### Customer satisfaction survey

The Tribunal strives to improve service delivery and aims to put our users at the heart of everything we do.

During 2016/2017 the Tribunal will consider introducing a process for user feedback.

## Section 4 – Business Priorities

### **In this section, our:**

- Business priorities for 2015/2016

It is important that the Tribunal continues to develop in order to deliver the best possible service for users.

An upgrade of the MHRTW database is essential to provide comprehensive information and statistics on tribunals and members information. The business priority for the 2015/2016 will be to upgrade the MHRTW case management database.

## Section 5 – Expenditure

### In this section, our:

- Expenditure for 2014/15

### Expenditure for Members 2014/15

Payments made to MHRTW members to end year 31 March 2015:

Members Fees and Travel & Subsistence    £2,004,969

MHRTW hearings take place either within hospitals where the patient is detained or (for community patients) at venues close to where they live. All tribunal members therefore undertake very significant travel to fulfil their duties.