

## **Nature of the Role of the Medical Member (Consultant or Associate Specialist Psychiatrist) on the Review Tribunal for Northern Ireland**

The Bamford Review of Mental Health and Learning Disability (2007) called for the development of a single legislative framework for the reform of the current Mental Health (NI) Order 1986 and the introduction of new mental capacity legislation in Northern Ireland. The Mental Capacity Act (NI) 2016 is unique within the United Kingdom in combining mental health and capacity in one piece of legislation. It was passed by the Northern Ireland Assembly in May 2016, therefore the Review Tribunal now encompasses the remit of the former Mental Health Review Tribunal.

The Review Tribunal sits to hear cases of patients who are detained involuntarily or are subject to guardianship, under the Mental Health (Northern Ireland) Order 1986, when a) the patient or their relative applies to the Tribunal for a hearing, or b) the patient is automatically referred every two years. The Tribunal also hears cases of patients who are subject to Hospital order with or without restriction. The majority of cases heard come from general psychiatry or learning disability.

The Tribunal hearings are heard across Northern Ireland, usually in the locality where the patient is detained. Armed with written reports from the Responsible Medical Officer (RMO) and Social Worker, the Medical Member is expected to travel, on the morning of the hearing, to carry out a full psychiatric examination of the patient, peruse the medical notes and speak to the nurse or key worker who knows the patient. This allows the Medical Member to come to a preliminary view on diagnosis.

The Medical Member then presents his/her findings on the case to the Lay and Legal Members of the Tribunal before the formal hearing in the afternoon. The Medical Member will also comment on whether he/she has gained any divergence of information from that supplied in the written reports and whether he/she has any disagreements with the RMO's report. The Medical Member is also able to advise/answer questions from the Lay/Legal Member by way of explanation of any medical issues in the RMO's report.

At the formal hearing of the Tribunal the Medical Member is invited to ask any questions of the RMO and Social Worker, after they have presented their evidence.

When the evidence has been presented the Tribunal sits in private and the three Members deliberate on the case. Each gives their opinion, with reasons, on whether the evidence presented meets the criteria of the Mental Health Order (NI) 1986. The decision of the Tribunal is made by unanimous or majority verdict.

Every case raises its own particular issues. The Medical Member often has to call upon their full professional experience and knowledge to help the Tribunal understand the Medical/Psychiatric issues involved in the cases. This makes the role both interesting and rewarding. The points of law which arise in applying the Mental Health (NI) Order 1986 to each individual case are fascinating. Expert guidance on this comes from the Legal President of the Tribunal.

Consultant or Associate Specialist members of the Review Tribunal are also eligible to sit in relation to Mental Capacity cases as set out in the Mental Capacity Act 2016.

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