

Colin Kennedy
Experienced Member of the Review Tribunal

Appointed April 2004



Professional Background

Colin Kennedy started his career with the Halifax Building Society and rose to the level of Group Financial Services Manager Northern Ireland before becoming Chief Financial Officer of one of Ireland's largest Healthcare Companies.

After selling this Company, he worked as a Consultant with various organisations and companies within the Private, Public and Voluntary Sectors. He is now Chief Executive of Jordan's Gift, a Northern Ireland Charity set up in memory of his son which helps young people who are disadvantaged as a result of disability or social need.

Colin as held the role of Experienced member of the Review Tribunal for over sixteen years.

What attracted you to apply for the role?

I was first introduced to those with mental health issues when I was acting as a Business Consultant for the Millennium Awards Scheme. I worked with adults affected by mental health issues and helped with a healthy living project. Soon after this, I witnessed mental health issues closer to home. My eldest son has a disability and as he was approaching his teenage years, I discovered that some of his peers were struggling with mental health issues as a result of worrying about their futures and their disabilities. Both of these experiences focused my interest on the topic of mental health for adults and young adults, and when I saw the advertisement offering an opportunity to work with the Mental Health Review Tribunal, I felt it would be a great opportunity to learn more and, at the same time, give something back and help.

What is a typical day like as an Experienced member of the review Tribunal?

The Review Tribunal consists of two types of Tribunal – one for those who are detained in a mental health facility in hospital because there is a substantial likelihood of serious physical harm to themselves or others as a result of their mental ill health. The other considers matters related to the deprivation of liberty (DOL) which could be in a care home or domestic setting.

The typical day for a Tribunal considering a Patient detained in a hospital setting is to arrive at the hospital at 1.30pm. There are three members on the panel; a Medical Member (a qualified Psychiatrist), a Legal Member (a qualified legal

practitioner) who acts as Chair and the Experienced Member. The Medical Member examines the Patient prior to the Hearing and then briefs and responds to questions from the other members regarding the Patient's diagnosis, the medications prescribed, the Patient's general condition and their opinion on diagnosis. At 2pm the Tribunal formally commences when all parties attend:

Patient - The Patient who is applying to be discharged from detention

Legal Representative 1 – A Lawyer representing the Patient (unless they have capacity and do not want legal representation).

Responsible Medical Officer (RMO) – The Psychiatrist who is treating the Patient

Social Worker (SW) – The Social Worker who has been working with the Patient during their detention

Legal Representative 2 – A Lawyer who is representing the Trust (i.e. representing both the RMO and the SW)

Tribunal Secretary – A member of NICTS staff who takes notes on behalf of the Tribunal

The purpose of the Tribunal is to decide whether the Patient should remain detained. It is the responsibility of the Trust to prove that the criteria is met for continued detention, the onus is not on the Patient to prove otherwise. The three members listen to evidence from the RMO and SW supporting continued detention. The Patient or their representative can challenge the evidence and will make the case for discharge of the Patient. The Patient can give evidence or address the Tribunal either directly or via their legal representative.

The three members of the panel normally adduce evidence by asking questions from all parties and following submissions from the legal representatives, retire to discuss the evidence and arrive at a decision.

What are the biggest challenges you face in the role?

I would say initially the greatest challenge is learning about the full range of mental health illnesses, symptoms, and the effects different medications can have. However, as you gain more experience in the role and overcome that learning curve, that becomes a minor issue. A more long-term challenge is managing your emotions when you are presented with individuals, especially teenagers and young adults who have been given quite a severe prognosis or when members of the public have been badly injured as a result of dealing with an individual suffering from a mental illness. As a father and not being a mental health professional, I sometimes find it very hard to separate my thoughts and feelings of compassion towards Patients, their children and their families when I am confronted with their cases. That is something that doesn't really go away, so you need to find a way to manage those thoughts and feelings.

Is the job what you imagined it would be?

Initially I wasn't quite sure what to expect, but I have thoroughly enjoyed being an Experienced member. One concern I had initially was that, as I do not have a legal or medical background, perhaps I would not be able to contribute as much as the Legal or Medical Members. I have happily found that everyone on

the panel respects and listens to each other equally, irrespective of their background, and everyone's opinions have value. My role within the Tribunal is to consider the Patient, their family, and the protection of the public from the perspective of a member of the general public, to consider if the Patient meets the criteria for continued detention and to convey my thoughts and reasons to the other members of the Tribunal. There is a great sense of teamwork amongst the Tribunal panel.

Moreover, another surprise has been the growth of our remit as Tribunal members who now find themselves reviewing cases where individuals may have suffered a deprivation of liberty. This has come about due to the partial commencement of the Mental Capacity Act (NI) 2016 on 1st December 2019. The Review Tribunal now considers cases where an individual, who lacks capacity, may have been deprived of their liberty in a care home, hospital or domestic setting.

Would you recommend a judicial role to others?

I would encourage those considering applying to apply for the role of Experienced member assuming they meet the eligibility criteria. I have found it to be thoroughly enjoyable working as part of a team, and it is very rewarding and meaningful work. You get a great sense of fulfilment in the role because you are contributing directly to society and making decisions which should assist and protect vulnerable individuals as well as protecting the public.

Do you have any advice for those considering applying for judicial appointment?

I would tell applicants not to be put off by a lack of direct experience, or doubts that you may not be able to contribute as much as a Legal or Medical member - so long as you have personal or professional experience living or working with an individual with a mental health illness then you can apply. We have Pharmacists, ex-members of the services, Social Workers and other members from various walks of life all currently working as Experienced members of the Review Tribunal.

There is an initial learning curve as it takes time to become accustomed to the various notes and papers which need to be read before a Tribunal Hearing takes place. However, there is a lot of flexibility within the role. It is very much up to the individual to decide how much time they want to dedicate to the Review Tribunal, this could be 1 or even 5 panel hearings a month depending on how much time you can or want to dedicate.