

Appendix A: First-Tier Tribunal (Mental Health)

This is the 2021/22 edition of
Monitoring the Mental Health Act

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The First-Tier Tribunal (Mental Health) has provided their activity and outcome statistics for the year 2021/22.

Comparing figures for 'total discharge by Tribunal' against 'no discharge', it appears that success rates for appeals remain at previous years' levels. The Tribunal discharges patients in about 10% of its decisions relating to detention overall. Around 30% of restricted patients' appeals result in some form of discharge decision, in most cases using the powers given to the Tribunal to order the conditional discharge of restricted patients. Patients detained under the assessment and treatment power (section 2) are roughly twice as likely to successfully appeal as patients detained under treatment powers (section 3 and unrestricted hospital orders).

Figure 17a: Outcomes of applications against detention to the first-tier Tribunal (Mental Health), 2021/22 - Activity of Mental Health Tribunal

| | Section 2 | Other unrestricted | Restricted | All detained patients |
|--|-----------|--------------------|------------|-----------------------|
| Applications | 10,101 | 15,719 | 3,175 | 28,995 |
| Withdrawn applications | 1,167 | 3,867 | 1,040 | 6,074 |
| Discharges by clinician prior to hearing | 3,793 | 5,507 | 31 | 9,331 |
| Cleared at Hearing | 7,242 | 11,878 | 2,427 | 21,547 |
| Heard | 6,670 | 8,530 | 2,446 | 17,646 |

Notes:

- The number of hearings and the number of applications will not match as hearings will be outstanding at the end of each financial year
- MHT are unable to distinguish CTO hearings disposed from the total number of other unrestricted hearing disposals
- Numbers for 'Heard' includes all cases heard irrespective of outcome, including adjourned in the reporting period

Source: HM Courts and Tribunal Service, Analysis and Performance Team

Figure 17b: Outcomes of applications against detention to the first-tier Tribunal (Mental Health), 2021/22 - Decisions of Mental Health Tribunal

| | Section 2 | Other unrestricted | Restricted | All detained patients |
|--------------------------------|-----------|--------------------|------------|-----------------------|
| Absolute Discharge | 349 | 303 | 77 | 729 |
| Delayed Discharge | 239 | 114 | 0 | 353 |
| Conditional Discharge | 0 | 0 | 404 | 404 |
| Deferred Conditional Discharge | 0 | 0 | 102 | 102 |
| Total discharge by Tribunal | 588 | 417 | 583 | 1,588 |
| No Discharge | 4,865 | 8,748 | 1,350 | 14,963 |

Note:

- This data is based on all decisions both before and after the hearing

Source: HM Courts and Tribunal Service, Analysis and Performance Team

Just under 4% of decisions in relation to community treatment orders (CTOs) discharge the patient. This is generally less successful than detained patients overall, but only slightly less when compared to the 'other unrestricted' detained group, which may be the most appropriate comparison.

Figure 18: Applications against CTOs to the First-Tier Tribunal (Mental Health), 2021/22

| | |
|--|-------------|
| | 2021/ 22 |
| Applications | 4,754 |
| Withdrawn applications | 912 |
| Hearings | 4,597 |
| Oral Hearings | 3,935 |
| Paper Reviews (considered on papers and therefore patient not present) | 662 |
| Discharges by Tribunal | 137 |
| No discharge by Tribunal | 3,422 |

Notes:

- The category 'oral hearings' is based upon the total number of hearings less the manual count of paper reviews
- Although care is taken when processing and analysing the data, this can change over time as the information is taken from a live system

Data: HM Courts and Tribunal Service, Analysis and Performance Team.