

Appendix A: First tier tribunal data

The First-Tier Tribunal (Mental Health) has provided its activity and outcome statistics for the year 2022/23.

Comparing figures for ‘total discharge by Tribunal’ against ‘no discharge’, it shows that success rates for appeals remain similar to previous years’ levels. The Tribunal discharges patients in about 10% of its decisions relating to detention overall. Around 25% of appeals by restricted patients 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 compared with unrestricted patients.

Figure 12: Outcomes of applications against detention to the first-tier Tribunal (Mental Health) 2022/2023

Activity of Mental Health Tribunal

| | Section 2 | Other unrestricted | Restricted | All detained patients |
|--------------|-----------|--------------------|------------|-----------------------|
| Applications | 9,621 | 15,168 | 3,132 | 27,921 |

| | Section 2 | Other unrestricted | Restricted | All detained patients |
|--|-----------|--------------------|------------|-----------------------|
| Withdrawn applications | 1,043 | 3,690 | 1,055 | 5,788 |
| Discharges by clinician prior to hearing | 3,481 | 5,523 | 5 | 9,009 |
| Cleared at Hearing (a,b) | 7,009 | 11,443 | 2,408 | 20,860 |
| Heard (c) | 6,466 | 8,317 | 2,412 | 17,195 |

Decision of Mental Health Tribunal

| | Section 2 | Other unrestricted | Restricted | All detained patients |
|--------------------------------|-----------|--------------------|------------|-----------------------|
| Absolute Discharge | 379 | 317 | 77 | 773 |
| Delayed Discharge | 182 | 135 | 0 | 317 |
| Conditional Discharge | 0 | 0 | 350 | 350 |
| Deferred Conditional Discharge | 0 | 0 | 71 | 71 |
| Total discharge by Tribunal | 561 | 452 | 498 | 1,511 |

| | Section 2 | Other unrestricted | Restricted | All detained patients |
|--------------|-----------|--------------------|------------|-----------------------|
| No Discharge | 4,716 | 8,484 | 1,398 | 14,598 |

- a. The number of hearings and the number of applications will not match as hearings will be outstanding at the end of each financial year.
- b. Mental Health Tribunal is unable to distinguish CTO hearings disposed from the total number of other unrestricted hearing disposals.
- c. Includes all cases heard irrespective of outcome including adjourned in the reporting period.
- d. This data is based on all decisions both before and after the hearing.

Source: HM Courts and Tribunal Service

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 with the 'other unrestricted' detained group, which may be the most appropriate comparison.

Figure 13: Applications against CTOs to the First-Tier Tribunal (Mental Health), 2022/23

- Applications: 4,323
- Withdrawn applications: 866
- Hearings: 4,276
- Oral Hearings (a): 3,687
- Paper Reviews (considered on papers and therefore patient not present): 589

- Discharges by Tribunal: 135
- No discharge by Tribunal: 3,255

a. The category 'oral hearings' is based on the total number of hearings less the manual count of paper reviews.

Source: HM Courts and Tribunal Service

Note: Although care is taken when processing and analysing the data, this can change over time as the information is taken from a live system.

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