

# Key Performance Indicators Report 1 January to 31 March 2019

## Caseflow

In the 2018-19 year to date the Tribunal has listed 10,480 patient hearings and conducted 6,526 patient hearings. This represents a 4% increase in listings and a 6% increase in hearings compared with the same period in 2017-18. Most matters which are listed but do not proceed to hearing are either cancelled because the patient's Order has been revoked or are rescheduled to facilitate the attendance of parties and support persons.

### Matters determined as a percentage of all matters heard

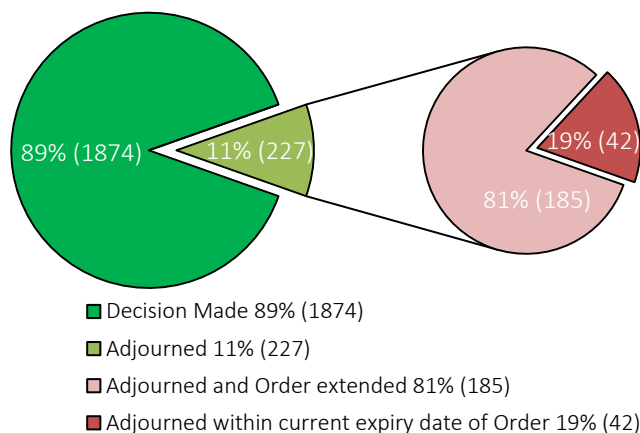
In the January to March 2019 period, 89% of hearing requests (1,874) were determined and 11% (227) were adjourned. The number of pending matters remained steady at less than 1% of the total caseload.

In this quarter, nine variation hearings were conducted more than 28 days after the variation of the Order. In eight of these cases, the Tribunal adjourned the hearing beyond the 28-day limit. It did so knowing that the hearing would occur outside the statutory timeline but for the reason that proceeding with the hearing on the day would have been unfair to the patient. One matter was conducted out of time due to Tribunal error. Additionally, one ECT application was listed within seven days rather than five days due to administrative oversight.

Further, there were two matters where a hearing was not conducted before a patient's Order expired. One matter was listed out of time due to an administrative error by the Tribunal. The other matter was not listed due to an administrative error by the health service.

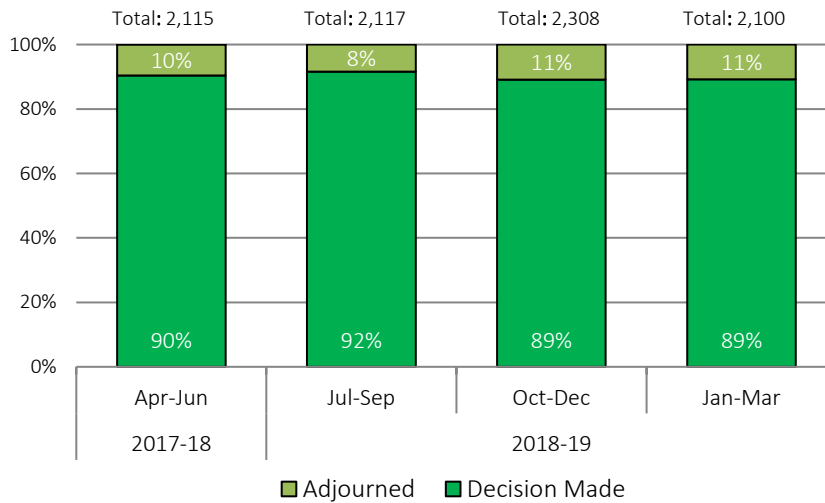
### Proportion of matters adjourned

Between January and March 2019, 81% (185) of adjourned matters extended the Order. The primary reason for the Tribunal granting an adjournment with extension was in relation to procedural fairness (including allowing time to enable the patient's participation).

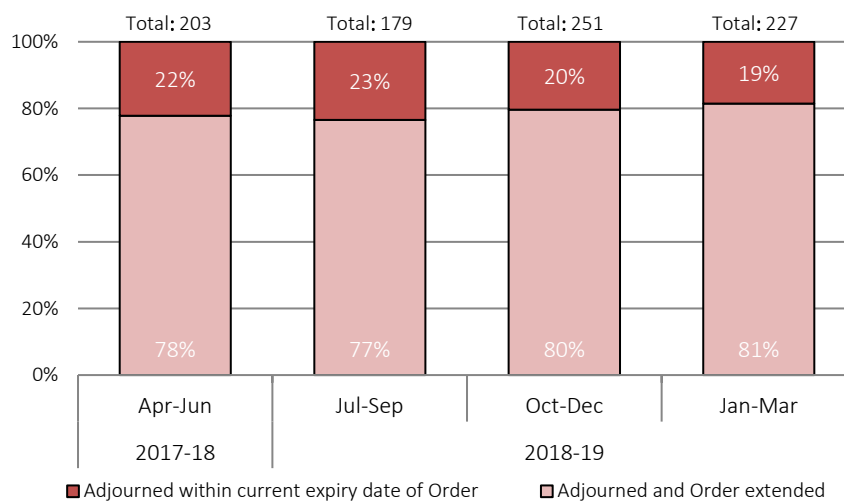


## Key Performance Indicators Report 1 January to 31 March 2019

### Comparison of matters determined and adjourned



### Comparison of matters adjourned with and without Order being extended



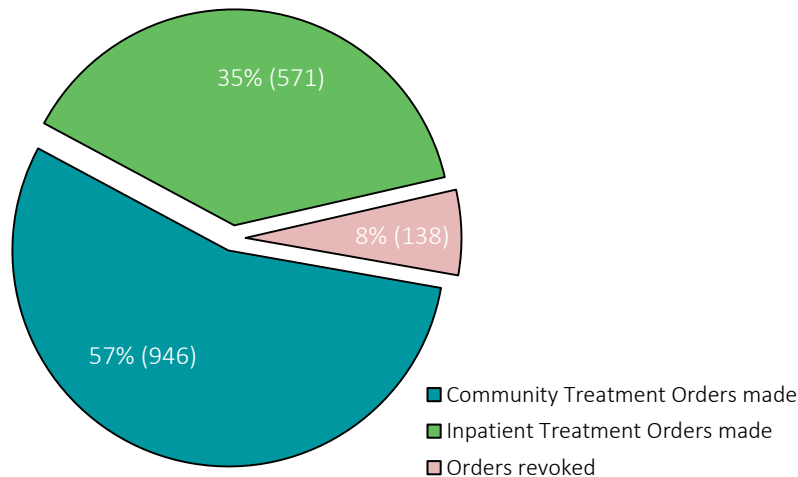
## Key Performance Indicators Report 1 January to 31 March 2019

### Tribunal Orders

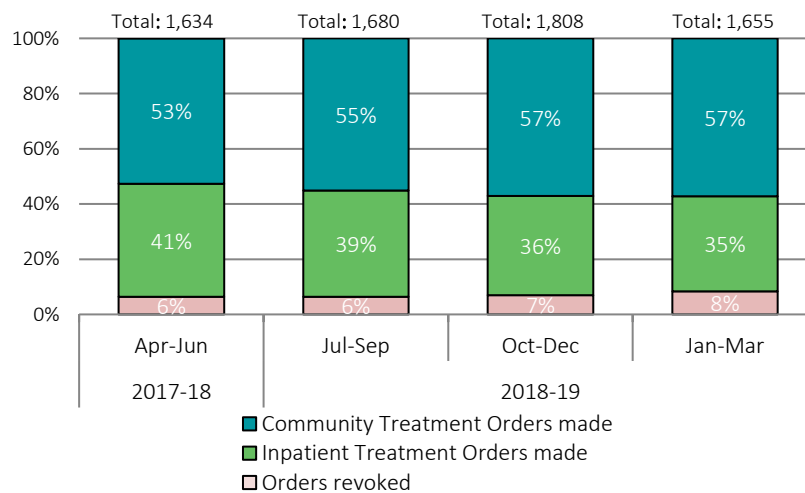
#### Treatment Order determinations made by the Tribunal

When the Tribunal makes a Treatment Order, the Tribunal must determine the category of the Order (Community Treatment Order or Inpatient Treatment Order) based on the circumstances at the time of the hearing.

Between January and March 2019, the Tribunal made 946 Community Treatment Orders, 571 Inpatient Treatment Orders and revoked 138 Temporary Treatment Orders / Treatment Orders.



#### Comparison of Tribunal determinations

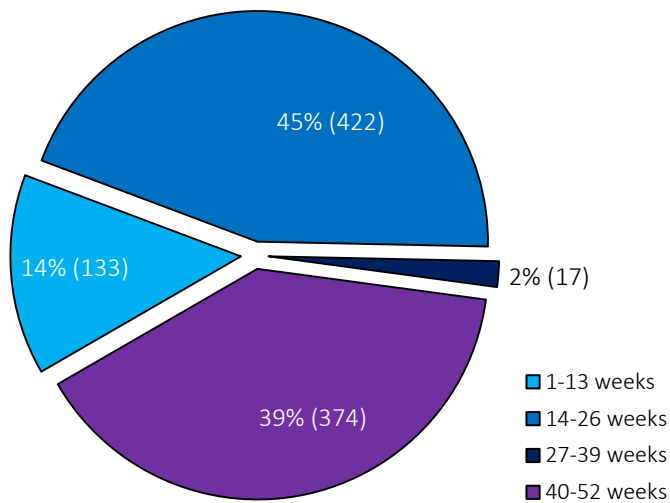


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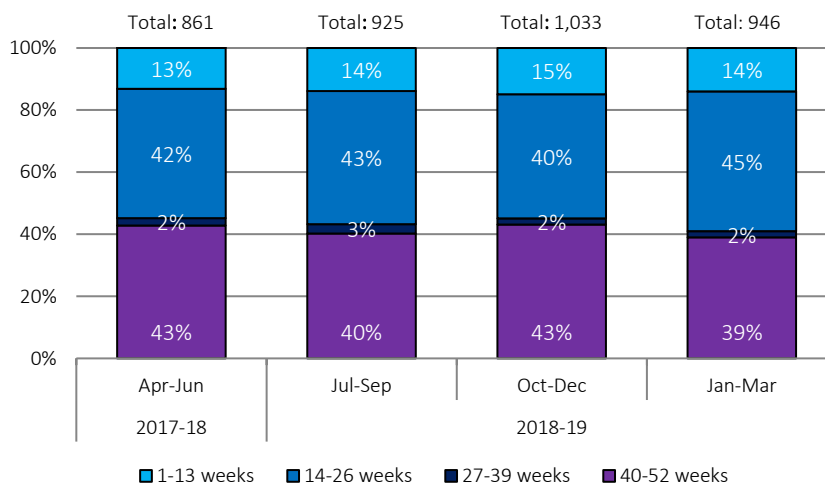
### Duration of Orders made

When the Tribunal makes an Order, the Tribunal must also set the duration of the Order.

### Duration of Community Treatment Orders

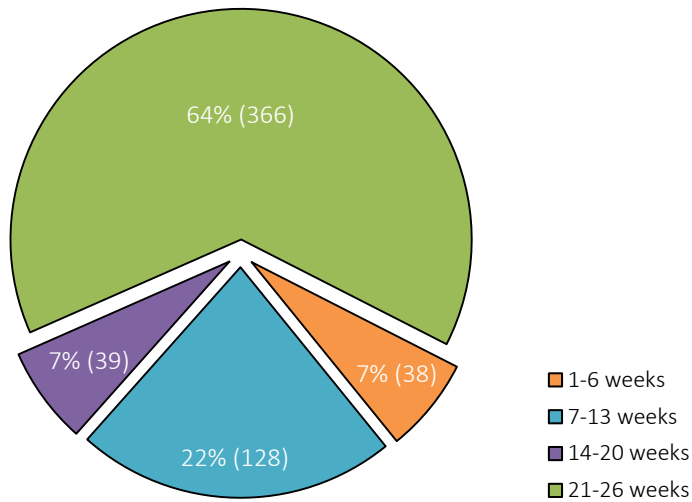


### Comparison of Community Treatment Order duration

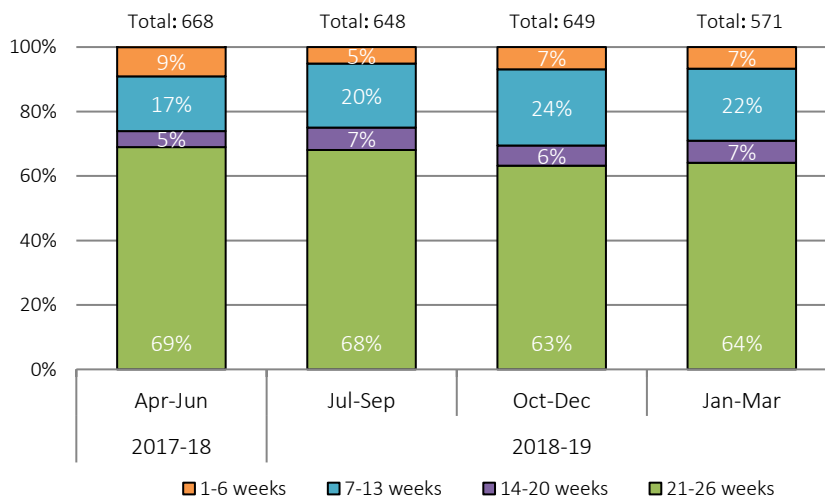


## Key Performance Indicators Report 1 January to 31 March 2019

### Duration of Inpatient Treatment Orders



### Comparison of Inpatient Treatment Order duration



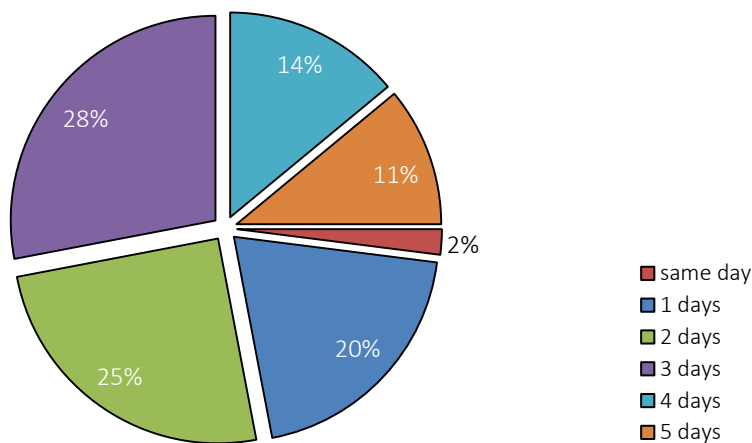
## Key Performance Indicators Report 1 January to 31 March 2019

### ECT Orders

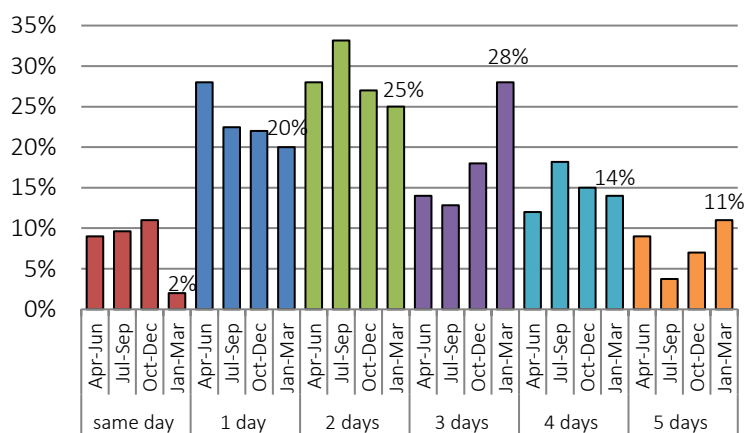
#### Elapsed time from receipt of ECT application to hearing

The Tribunal must list and complete the hearing of an application for ECT as soon as practicable and within five business days after receiving the application. The Tribunal Registry aims to list and hear matters within the timeframe requested by the health service and liaises with health services when listing hearings to ensure patients receive procedural fairness.

In the January to March 2019 quarter, 22% of ECT applications were listed for hearing on the same day or within one day of the application being received. This represents a significant decline from an average of 37% over the previous 12 months. This is partly explained by a change of practice in the Tribunal. Urgent matters are still handled expeditiously, but based on advice from the Tribunal Advisory Group, and our consideration of the recent Supreme Court decision that examined the ECT provisions of the Mental Health Act,<sup>1</sup> the Tribunal will, where appropriate, seek to allow more time for preparation and participation by consumers and carers.



#### Comparison of elapsed time from receipt of ECT application to hearing

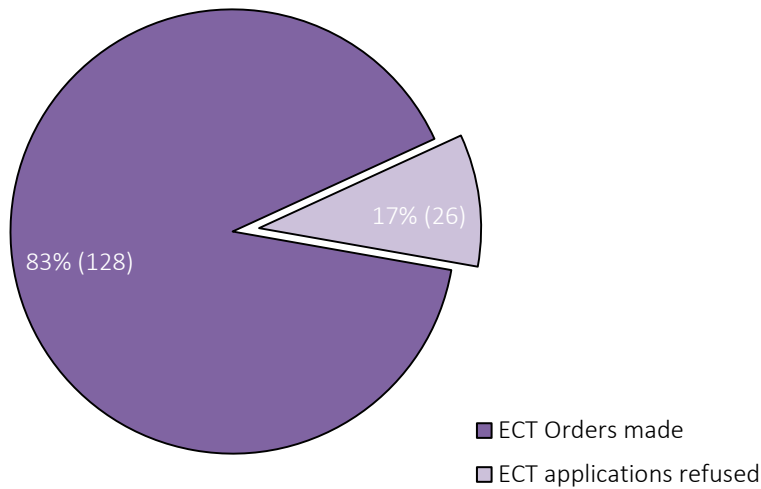


<sup>1</sup> *PBU & NJE v Mental Health Tribunal* [2018] VSC 564.

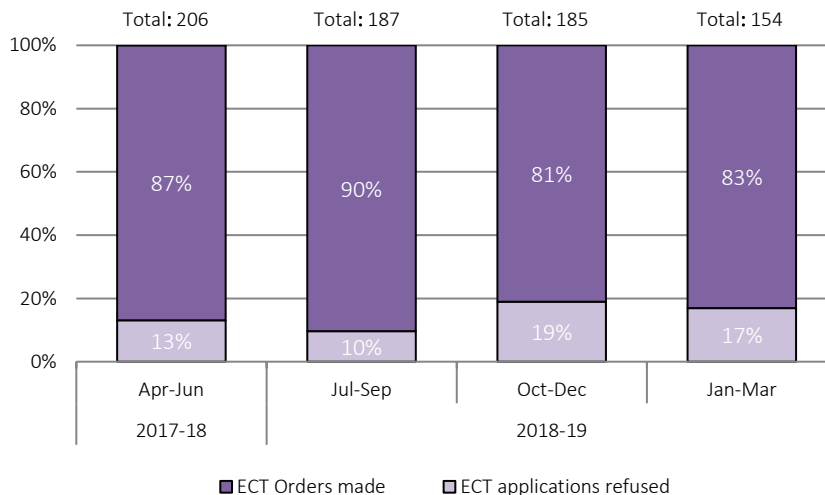
## Key Performance Indicators Report 1 January to 31 March 2019

### ECT Orders made and applications refused by the Tribunal

Between January and March 2019, the Tribunal heard 154 applications for ECT Orders. Of those, 128 (83%) ECT Orders were made and 26 (17%) ECT applications were refused.



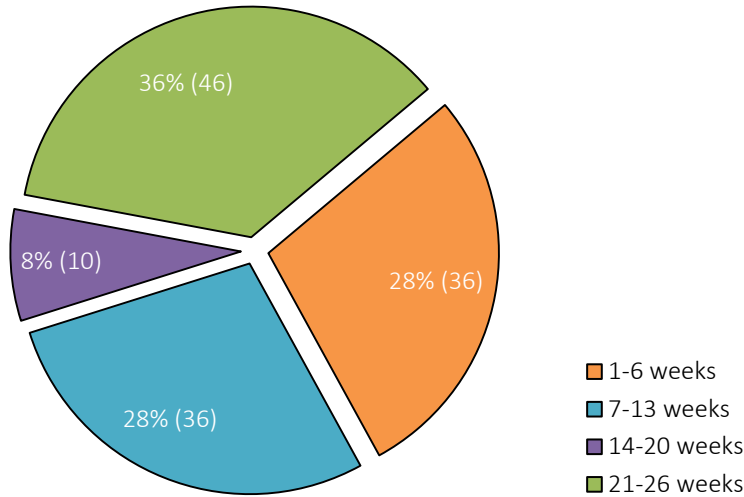
### Comparison of Tribunal ECT determinations



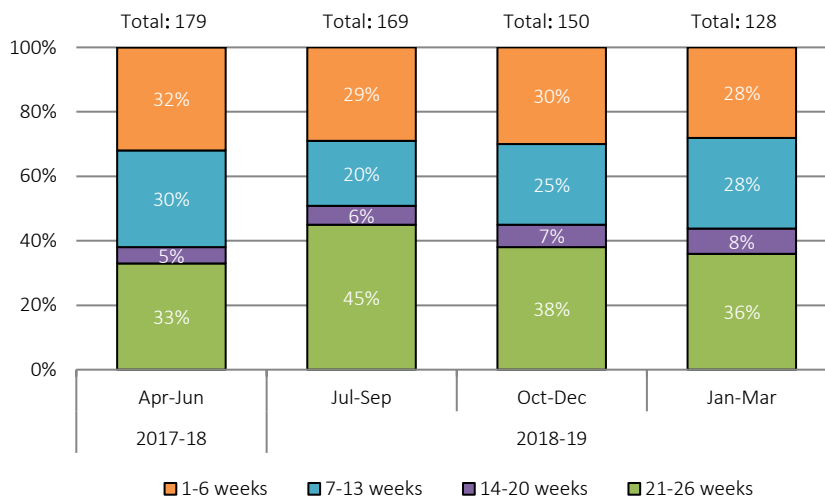
## Key Performance Indicators Report 1 January to 31 March 2019

### Duration of ECT Orders

When making an ECT Order, the Tribunal must set the duration of the Order and the maximum number of ECT treatments that can be administered under the Order.



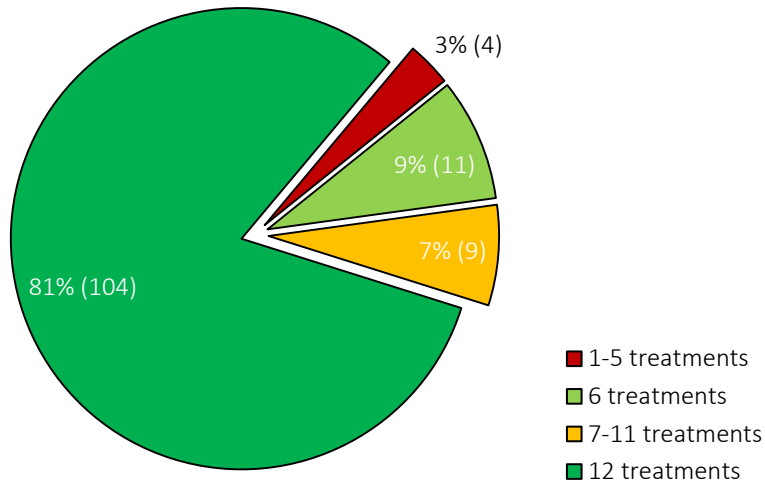
### Comparison of ECT Order duration



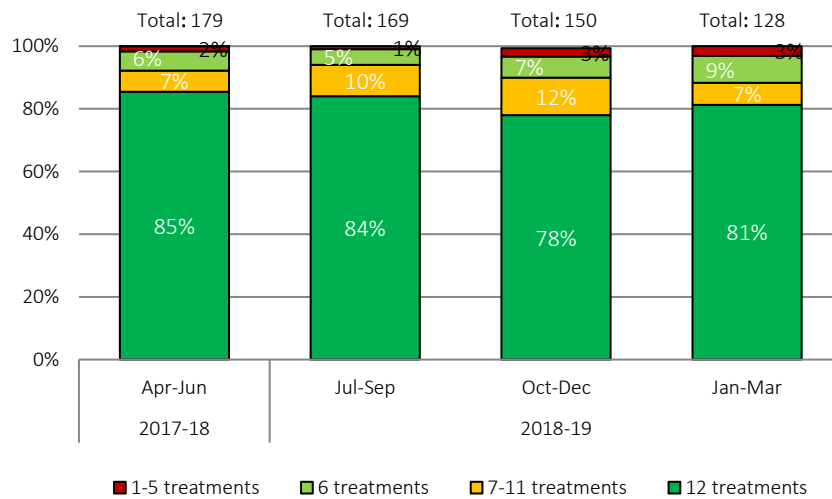


## Key Performance Indicators Report 1 January to 31 March 2019

Number of treatments authorised through ECT Orders



Comparison of treatments authorised through ECT Orders

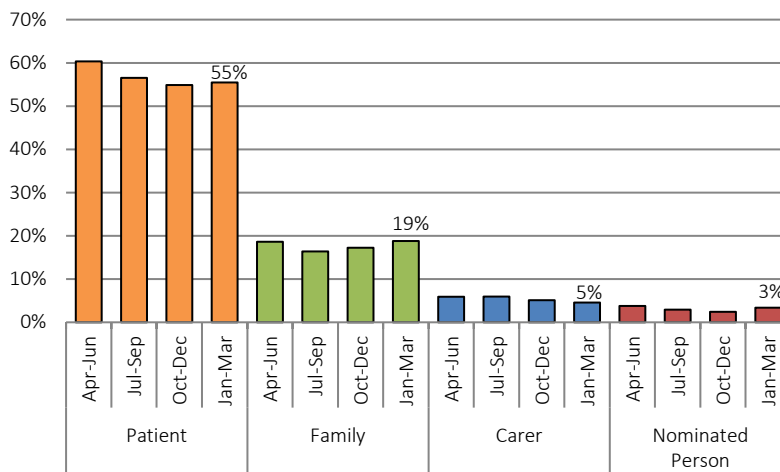


## Key Performance Indicators Report 1 January to 31 March 2019

### Attendance at hearings and feedback received by the Tribunal

#### Attendance

#### Comparison of attendance by patients and those who support them



#### Feedback

During the quarter the Tribunal received two complaints. The complaints related to the hearing process and were handled and finalised in accordance with the Tribunal's feedback and complaints process which is available on the Tribunal's website.