



Electronic Audio Recording of Hearings Trial Report

mhrt

Mental Health Review Tribunal



Purpose

The purpose of this Report is to detail the findings of a recent electronic audio recording of hearings trial conducted by the Mental Health Review Tribunal. The electronic audio recording of hearings trial follows the initial consultation phase of the project. Details of the consultation findings can be accessed at <https://www.mhrt.qld.gov.au/information-about/electronic-audio-recording-project>

Electronic Audio Recording Trial Overview

From 7 September 2020 for a period of approximately 2 weeks, a limited number of hearings were recorded with the permission of all people in attendance at the hearing. The Tribunal's policy in relation to the trial, which outlines how the recording will be made, used, stored, and maintained can be found at <https://www.mhrt.qld.gov.au/information-about/electronic-audio-recording-project>

In addition, prior to the trial commencing an information sheet was provided to patients with their hearing notices if their hearing occurred during this period.

The purpose of the trial was to obtain feedback on the proposed technical solution for creating audio recordings including hardware, software and quality of recordings as well as assess how the recording process would impact current hearing processes. Additionally, for the trial period any attendees at the hearing were provided the opportunity to decline for the recording to take place, this feedback was also gathered.

The Tribunal selected various Tribunal Members across all categories (Legal, Medical and Community) to participate in the trial. There was 16 Members involved in the Trial. Each Member of the Trial received necessary training and the microphone required to complete the audio recording on their Queensland Health provided laptop device.

The trial was conducted across various locations including in the Tribunal office and via phone/conference. Due to COVID-19 restrictions not all hearing venues or regions were available to be part of the trial.

Trial Results

Throughout the course of the trial, 11% of hearings did not proceed with an audio recording due to an attendee declining for the recording to take place. Furthermore, 10% of hearings which were planned to be recorded did not proceed due to revocations and or operational challenges including but not limited to timing, complexity of the technology or being missed due to the change in processes.

Consent to recording hearing	Hearing Count	Percentage
Yes	177	79%
No	25	11%
N/A	22	10%
Total	224	

Attendees Refused recording	Total
Patient	9
Doctor	4
Legal Representative	4
Case Manager	1
Delegate	1
Could not establish consent	1
Total	20

Various reasons were provided by attendees for their reason for refusal of the recording to take place. Although the data did not show any robust trends in reason for refusal, there were some reasons which reoccurred more than once, including:

- Patient unable to understand the concept of the trial or recording
- Legal representatives acting on behalf of patients unable to gain instructions prior regarding recording
- Attendee did not receive communication or instruction prior to the hearing

Some reasons provided for refusal of recording

Patient unable to understand concept of recording

Patient unwell and unsure if she understood

No instructions from patient & no notice received by patient in Notice of Hearing

Patient was a minor

Did not believe that the recording will be confidential

Took instructions from patient and his family regarding recording-which they objected to

Did not receive communication prior about recording

Doctor stated he could not agree as he did not know the views of the Patient

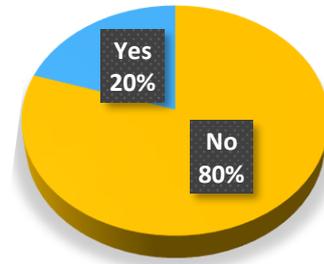
Patient confused. Declined. Really was declining to participate in hearing – intent of question was not able to be understood

Case Manager would not agree as she had not had a discussion/approval with/from team leader

Doctor mentioned it was unlawful to record and felt it was “overt coercion” on the Tribunal’s part

Impact of Audio Recording on attendee participation

Following the trial, participating Members were surveyed regarding if they believed the “recording of the hearing impacted on attendees participation or level of information sharing?”. The results showed 80% of responses indicated that there was no impact to participation or level of information sharing when the audio recording of the hearing took place.



Quality of Recordings

Throughout the trial period, the Tribunal recorded audio which varied in quality. There were some early learnings in the trial period which helped maximize the quality of the recording. This included the physical positioning of the microphone device. It was found that if the device was positioned as centred to the attendees as possible and next to the phone if any attendees dialled in, this improved the clarity of the audio.

By categorising the audio quality of each recording, it was found that 97% of recordings made were audible for the most part, with the remaining 3% of recordings made being poor quality and/or inaudible for all or the majority of the hearing. Of the 97% of audible recordings, 85% were found to be of good to excellent quality with clear audio from all attendees. The remaining 12% was of an average quality however still audible for the most part with minor interferences or indistinguishable audio. The Tribunal understands that the quality of the recording may impact the ability for a transcript to be created however through the findings in the trial, most audio files contained clear audio quality. The Tribunal has not engaged with a transcript provider to assess the audio quality of recordings made during the trial, however it is acknowledged that this may be required if the project progresses. The Tribunal has also identified the risks involved if the audio recording quality is poor (as seen in a small number of hearings in the trial) if the audio recording is to replace the written Record of Proceeding. Potential mitigating operational practices have been considered in this scenario, such as testing the microphone prior to the hearing, review of hearing audio, and expanded member note taking to capture key information provided during the hearing.

Technical Solution feedback

The Tribunal surveyed Members participating in the trial following the trial period and found that on a scale of 1 – 10 (1 = extremely difficult to use, 10 = extremely easy and user friendly), Members rated the usability of the technical solution provided at an average of 8.45 out of 10.

Feedback gathered found that Members seemed to find the technology easy to use however the change in process was more challenging. More particularly, Members were required to record the audio of the hearing as well as take written notes for the trial period which was found to be difficult.

Operational findings

Participating Members were able to provide feedback regarding the impact to operational processes during the trial. There was a consensus that the requirement to conduct the audio recording as well as take written notes was challenging. This is understood to be a challenge particular to the trial conditions and may not present as much of a challenge if the audio recording was to become the official Record of Proceeding.

The additional activities also proved strenuous to complete in the standard hearing timeframes.

