

CHIEF PSYCHIATRIST STANDARD OPERATING PROCEDURE

Notification of a contravention and authorisation to require a person to be detained

PURPOSE	To outline the process for the review and approval of requests to detain persons, under the <i>Mental Health Act 2015</i> (the Act), who contravene the conditions of their Mental Health Order (MHO).
DEFINITIONS	<p>Contravention of a Mental Health Order occurs where a person on a MHO fails to comply with the conditions of their order. For example, a person fails to attend a scheduled appointment for treatment as specified by their order, or they fail to return from leave granted by the Chief Psychiatrist.</p> <p>Chief Psychiatrist is a psychiatrist and public servant appointed by the Minister. Functions of the Chief Psychiatrist include provision of treatment, care or support, rehabilitation and protection for a person living with a mental illness who is subject to a Psychiatric Treatment Order (PTO) or a Forensic Psychiatric Treatment Order (FPTO).</p> <p>Care Coordinator is a public servant, appointed by the Minister and is responsible for coordinating the treatment, care or support for a person living with a mental disorder who is subject to a Community Care Order (CCO) or a Forensic Community Care Order (FCCO).</p> <p>The treating team are the group of people who work together to provide treatment, care or support to a person living with a mental illness or mental disorder. This includes doctors, nurses, allied health professionals and professional carers who are employed to work in a person’s home or supported accommodation.</p> <p>The Office of the Chief Psychiatrist is responsible for supporting the Chief Psychiatrist and for administrative and record keeping elements of this process.</p> <p>Approved mental health facilities:</p> <ul style="list-style-type: none"> • The Canberra Hospital (https://www.legislation.act.gov.au/View/ni/2016-30/current/PDF/2016-30.PDF) • Calvary Public Hospital Bruce, excluding the Emergency Department (https://www.legislation.act.gov.au/View/ni/2016-104/current/PDF/2016-104.PDF) • Dhulwa Mental Health Unit (https://www.legislation.act.gov.au/View/ni/2016-469/current/PDF/2016-469.PDF), and

	<ul style="list-style-type: none"> • Gawanggal Mental Health Unit Mental Health (Facility) Approval 2021 (No 2) Notifiable instruments (act.gov.au) • University of Canberra Hospital https://www.legislation.act.gov.au/ni/2018-193/ <p>Approved community care facilities:</p> <ul style="list-style-type: none"> • The Canberra Hospital https://www.legislation.act.gov.au/View/ni/2016-30/current/PDF/2016-30.PDF • Calvary Public Hospital Bruce https://www.legislation.act.gov.au/View/ni/2016-105/current/PDF/2016-105.PDF • Dhulwa Mental Health Unit https://www.legislation.act.gov.au/View/ni/2016-469/current/PDF/2016-469.PDF • University of Canberra Hospital https://www.legislation.act.gov.au/View/ni/2018-194/current/PDF/2018-194.PDF
<p>DETAILED DESCRIPTION</p>	<p>The Act states that when a person contravenes an order, the relevant official for the order (the Chief Psychiatrist for Psychiatric Treatment Order (PTO) or Forensic Psychiatrist Treatment Order (FPTO), or the Care Coordinator for CCO) or CCO) may, after certain processes are followed, make a determination requiring a person to be taken to a specific place for treatment, care or support.</p> <p>The Chief Psychiatrist and Care Coordinator are responsible for approving <i>Notification of a Contravention and Authorisation to Require a Person to be Detained</i> forms. This responsibility is not delegated.</p> <p>Contravention of an Order</p> <ol style="list-style-type: none"> 1. Within 7 days of contravention, a person who has contravened their order, is told verbally that if they do not comply, they may be apprehended and taken to an approved mental health facility. 2. If non-compliance continues, a member of the treating team must complete a <i>Contravention of Mental Health Order-Written Warning</i> form and provide a copy of this to the person. This advises that failure to comply may result in the person being apprehended and taken to an approved mental health facility (for a PTO or FPTO) or to an approved community care facility (for a CCO or FCCO). 3. If non-compliance continues, the treating team can submit a <i>Notification of Contravention and Authorisation to Require a Person to be Detained</i> form to the Chief Psychiatrist at

	<p>chiefpsychiatrist@act.gov.au the or Care Coordinator at ACTCMO@act.gov.au</p> <p>4. All sections of the form must be completed, and further information may be requested to assist the Chief Psychiatrist’s determination.</p> <p>Chief Psychiatrist/Care Coordinator review</p> <p>1. Within 24 hours of receiving the above notification form, the Chief Psychiatrist/Care Coordinator will review and either approve or decline the request.</p> <p>Approved requests</p> <p>1. If approved, the signed form will be returned to the person who initiated the request, and a copy provided to the ACT Civil and Administrative Tribunal (ACAT), the Public Advocate, the MHJHADS Tribunal Liaison Officer (TLO) and any other relevant party.</p> <p><i>Note:</i> If a person consents to receiving treatment at a place other than an approved mental health or community care facility and the relevant official is satisfied the person can be appropriately treated at a place, for example the person’s home or a community health centre, then the person does not need to be apprehended and taken to an approved facility for treatment.</p>
IMPLEMENTATION	<p>The health service will disseminate this SOP to its staff.</p> <p>A service-specific policy or procedure may be developed in line with this directive.</p>
RECORDS MANAGEMENT	<p>Records pertaining to applications requesting a person be detained, including a register, will be managed by the executive assistant to the Chief Psychiatrist in accordance with the Mental Health Act 2015, <i>Territory Records Act 2002</i> and ACTHD policy and procedures.</p>
RELATED DOCUMENTS	<ul style="list-style-type: none"> • <i>Mental Health Act 2015</i> • <i>Mental Health (Secure Facilities) Act 2016</i> • <i>Contravention of Mental Health Order - Written Warning form</i> • <i>Notification of Contravention and Authorisation to Require a Person to be Detained form</i>

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Purpose

The purpose of a Chief Psychiatrist Standard Operating Procedure (SOP) is to ensure consistent health care provision across the ACT in line with the Standard Operating Procedure. It outlines mandatory requirements across the ACT public health system, including requirements for awareness, orientation, education or training.

ACT public health system organisations must comply

A SOP requires ACT public health system organisations (including any affiliated health organisations that comprise the ACT public health system) to comply.

Implementation

- ACT public health system organisations are encouraged to develop their own policy (includes procedure, guideline, protocol or pathway) documents to comply with the SOP, if necessary.
- All ACT public health system organisations must ensure that necessary and appropriate orientation, awareness, education and training in relation to the SOP and accompanying organisation-specific policy (includes procedure, guideline, protocol, pathway) are provided to relevant staff and documentation maintained.

Further information

SOP's are approved by the Chief Psychiatrist and published on the ACT Health website www.act.health.gov.au.

SOP's are reviewed regularly and updated based on new evidence and best practice information. In addition to updating information on the ACT public health system website, a notification will be sent to the distribution list if a SOP is rescinded or superseded.

Relevance for other healthcare organisations in the ACT

Private health providers in the ACT and other relevant ACT Government Directorates involved in provision of healthcare are encouraged to consider this SOP to ensure the same standard of health care is delivered to all health care consumers in the ACT.