

8: Apprehension and detention

There may be times where you show symptoms of a mental illness or mental disorder that causes concern for your immediate health and safety. In these situations, and where certain criteria are met, you can be taken to an approved mental health facility for assessment and/or treatment. Depending on the outcome of the assessment you might be detained at the facility for further assessment.

What is apprehension?

Apprehension is when a doctor, Mental Health Officer, police officer or ambulance officer takes you to a mental health facility for assessment, because they are concerned for your safety and wellbeing or the safety of others and you need immediate examination by a doctor, but you do not agree. They have the authority to do this using the least force necessary.

A police officer or authorised ambulance officer can apprehend you if:

- a) you have a mental illness or mental disorder, and
- b) you have attempted or are likely to attempt suicide or to inflict serious harm on yourself or another person.

A doctor or Mental Health Officer can apprehend you if:

- a) you have a mental illness or mental disorder, and
- b) either
 - you need immediate treatment, care, or support, or
 - you will get so unwell within three days that you will need immediate treatment, care, or support
- c) you have refused treatment, care, or support, which the Mental Health Officer or doctor believes is necessary, and
- d) you need to be detained in an approved mental health facility for your own

safety, wellbeing, or to protect someone else or the public.

What will happen if I am taken to a mental health facility?

When you are taken to a mental health facility you will be assessed by a doctor within four hours. This is called an initial examination. If this doesn't happen, the Chief Psychiatrist and Public Advocate are notified, and it is documented. You may have to stay up to a further two hours if:

- your health or safety would be at risk if you left
- you are likely to harm another person if you left, or
- you would be a risk to public safety if you left.

If you are not examined within the extra two hours and you are not a detainee at a correctional centre or place of detention, you can leave.

What does the initial examination involve?

The purpose of the initial examination is to determine if further assessment or treatment is needed.

The doctor conducting the assessment may want to discuss your current situation and background. It may involve observing your behaviour and asking about your behaviour, thoughts, feelings, and experiences. It may

also include information provided by other people, such as carers, close friends, and family.

After the assessment you may be offered community or hospital-based treatment, which you can accept voluntarily, or if you do not require ongoing treatment and care, you may leave. If you decline treatment, but your doctor is concerned about your health and safety then you can be placed under Involuntary Detention and be required to stay in hospital for up to three days.

What is Involuntary detention?

Involuntary detention (also called involuntary care) is when a doctor decides, after an initial examination, that you should stay in an approved facility because you:

- have a mental illness or mental disorder
- need immediate treatment, care, or support
- have refused treatment, care, or support
- need to be detained for your wellbeing, to protect someone else or the public, and
- cannot get adequate treatment, care or support in a way that involves less restriction on your freedom of choice and movement.

You will be examined by a second doctor. If the second doctor also agrees that detention is necessary, you may need to be detained in hospital for up to three days (this is called an 'ED3').

If you are held on an ED3, you will continue to be reviewed during that time, and be offered treatment, care, and support. If you no longer meet the criteria for detention you can be discharged from the Order. If you continue to meet the criteria for detention after the three days, the Chief Psychiatrist (or their delegate)

can apply to the ACT Civil and Administrative Tribunal (ACAT) for an extension. Emergency detention can be extended a maximum of eleven more days (this is called an 'ED11').

What happens during involuntary detention?

If you are detained (kept at a facility against your wishes), you will be given treatment, care, and support. You should receive a physical examination and a psychiatric examination within 24 hours.

You will be provided with information about your rights. Your rights include:

- that you can get a second opinion from another doctor about planned treatment
- that you can get legal advice (get help from a lawyer)
- that you can talk to the Public Advocate, and
- that you can talk to other people that you want to (e.g. nominated person or guardian).
- You will also be asked if you have a nominated person, Advance Agreement or Advance Consent Direction.

Who will be told about my detention?

If you are detained, the following people will be told:

- ACAT
- your parents, or the people who have parental responsibility for you (if you are a child)
- your guardian (if you have one)
- the person who holds power of attorney for you (if you have one)
- your nominated person (if you have one)

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- your health attorney (if you have one), and
- the Public Advocate.
- you can also advise if there are any others you wish to be told.

When will I be discharged?

The service will always work with you to keep any detention as short as is safely possible.

You can apply to ACAT to review your detention Order, which may or may not involve a hearing.

You can be discharged from the mental health facility:

- if, after a review, ACAT overturns the Order, or
- when your mental illness or mental disorder has improved, and you no longer meet criteria for involuntary detention, or
- when the amount of time authorised for involuntary detention has ended.

If your treating team believes that treatment is needed beyond the 14-day period of involuntary detention (ED3, plus ED11), an application for a Mental Health Order must be made.