

SECLUSION AND RESTRAINT OF CHILDREN

Guidance

This advisory provides guidance on the seclusion and restraint of children in approved facilities under the Mental Health Act 2013 (the Act). It **must be used in conjunction with the Standing Orders issued for Seclusion and Restraint** as they explain the legislative requirements staff need to undertake to fulfill their responsibilities under the Act, including in relation to children. These standing orders are available below:

- Chief Psychiatrist Standing Order 9 – Seclusion
- Chief Psychiatrist Standing Order 10 – Physical Restraint
- Chief Psychiatrist Standing Order 10A – Mechanical Restraint
- Chief Psychiatrist Standing Order 10B – Chemical Restraint

Advice Specific to Children

When can a child be secluded or restrained	For a child to be secluded or restrained under the Act, they must be an involuntary patient in an approved facility, which includes all Approved Hospitals and the Secure Mental Health Unit, Wilfred Lopes Centre.
Who can authorise seclusion or restraint of a child?	<p>Only the Chief Psychiatrist or their delegate can authorise seclusion or restraint of a child.</p> <p>Can a child who is a voluntary inpatient be secluded or restrained?</p> <p>NO</p> <p>Can anyone (Including the child) give consent for a child to be secluded or restrained?</p> <p>NO</p> <p>Can a parent/guardian give consent for a child to be secluded or restrained?</p> <p>NO</p>
Implementation	If the use of seclusion or restraint becomes necessary, the delegate of the Chief Psychiatrist should, as far as possible, seek the views of the child and their parent on the decision to seclude or restrain, and seek the support of the child's parent to assist the child to understand the nature of seclusion or restraint and why the decision has been made.
Forms	The delegate of the Chief Psychiatrist must complete: <ul style="list-style-type: none"> • Approved Form 9 (Seclusion) • Approved Form 10 (Restraint)

Definitions

Child	For the purposes of the Act, a person who has not attained the age of 18 years.
Seclusion	The confinement of a person including a child, alone, in a room or an area that the person cannot freely exit.
Physical Restraint	The use of bodily force that controls a person's freedom of movement.
Mechanical Restraint	the use of a device that controls a person's freedom of movement. Only devices approved in advance by the Chief Psychiatrist can be used (see mechanical restraint standing order for approved devices).
Chemical Restraint	Medication given primarily to control a person's behaviour, rather than to treat a mental illness or physical condition. It is NOT chemical restraint to prescribe medication for the treatment of a mental illness. For example, to use benzodiazepines for the treatment of insomnia or anxiety, or to use antipsychotic medication for the management of agitation in a person with a mental illness.
A Delegate of the Chief Psychiatrist	a person who is authorised to undertake certain powers and functions under the Act which will be set out in an Instrument of Delegation (in this case to restrain and seclude). Delegates of the Chief Psychiatrist with authority to perform functions under Section 56 and 57 or 94 and 95 have authority for the seclusion or restraint of a child.
Voluntary inpatient	Is a patient who has been admitted to an approved facility voluntarily to receive treatment for a mental illness; and Is receiving that treatment on the basis of informed consent (including informed consent by a parent)

Guidance for approved facilities and persons in charge

- Ensure policies and protocols are aligned with this guideline.
- Provide education and training programs that support provisions in this guideline.
- Ensure appropriate documentation is maintained.