

## Detaining for the Purposes of Assessment

Purpose	To clarify the process for temporary detention under the <i>Mental Health Act 2013</i>
Approved form	<a href="#">C04 – Detaining for Assessment</a>
Who can detain and appropriate reasons	A <b>Mental Health Officer (MHO) or Police Officer</b> may detain if they <b>reasonably believe</b> that – <ul style="list-style-type: none"> <li>The person has a mental illness; <b>AND</b></li> <li>The person should be assessed against the assessment criteria; <b>AND</b></li> <li>The person's safety or the safety of other persons is likely to be at risk if the person is not so detained.</li> </ul>
For detention	<ul style="list-style-type: none"> <li>No form of warrant is required.</li> <li>There is no requirement to confirm if another process under this or any other Act is occurring in relation to the patient.</li> <li>There is no requirement for a Police Officer to exercise clinical judgement when forming a reasonable belief.</li> </ul>
Transport and Handover	A person who temporarily detains a person; <ul style="list-style-type: none"> <li>Must escort the person to an approved assessment centre (if not already at one), with as little delay and discomfort as possible.</li> <li>May ask any MHO at the approved assessment centre to accept handover and continue to detain the person.</li> <li>A MHO who is asked to continue to detain a person must accept handover unless it is unsafe to do so in the circumstances.</li> </ul>
Authorised detention period	A <b>maximum of 4 hours</b> from the time that a member of staff responsible for the triaging of patients at the approved assessment centre (approved hospital), is made aware of their arrival at, or of detention at the centre/hospital.
Practice Requirements	Staff at the Approved assessment centre/hospital must ensure that the person: <ul style="list-style-type: none"> <li>Receives a copy of the form (C04) and a statement of rights</li> <li>Is assessed by a Medical Practitioner as soon as practicable and within the authorised detaining period (4 hours).</li> <li>If the authorised detaining period expires before a Medical Practitioner is able to assess the person, they must be formally released, ending the detaining period.</li> <li>Following release, if the MHO or Police officer considers that assessment under the Act is still necessary, then fresh consideration may be given at that new point of time.</li> </ul> <p><b>Treatment, seclusion or restraint cannot be authorised during temporary detention.</b></p>
When does detention end?	<ul style="list-style-type: none"> <li>If informed consent is given for assessment and treatment to continue on a voluntary basis.</li> <li>The MHO or Police Officer reasonably believe that the person no longer meets the criteria for detention.</li> <li>An assessment or treatment order is made.</li> <li>The 4 hours expires before the person is assessed by a medical practitioner.</li> </ul>
Documentation Requirements	<ul style="list-style-type: none"> <li>Complete the appropriate form (<a href="#">C04</a>)</li> <li>Provide a copy to the form and a Statement of Rights to the Patient</li> <li>Give a copy of the form to the Chief Psychiatrist and the Tribunal</li> <li>Place a copy of the form on the patient's clinical record.</li> <li>If the patient consents, give a copy to the patients support person/representative or to the parent/guardian if the patient is a child.</li> </ul>

### 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.