**Canberra Hospital and Health Services**

**OperationalProcedure**

**ACT Civil and Administrative Tribunal (ACAT) Ordered Mental Health Assessments**

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| Purpose |

To outline the procedures for:

* applying for ACAT Ordered Mental Health Assessments (ACAT OMHA)
* allocating a Multi-Disciplinary Team (MDT)
* arranging assessment appointments
* obtaining carer information where consent is available, and
* meeting reporting requirements for the Tribunal Liaison Officer (TLO), General Practitioner (GP), Carer, follow up team or other stakeholders.

These procedures meet the legislative time and notification requirements that Mental Health, Justice Health and Alcohol and Drug Services (MHJHADS) staff must meet when managing ACAT OMHA appointments.

The legislation requirements are set out in Part 4.1 of the *Mental Health Act 2015.*

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| Scope |

All MHJHADS staff are to adhere to this Procedure.

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| Section 1 – Roles and Responsibilities |

MHJHADS is committed to, and has an obligation to provide appointments for mental health assessments with Psychiatrists in the community teams, as ordered by ACAT.

All clinicians, medical staff and the Tribunal Liaison Officer must be aware of their legal responsibilities under the *Mental Health Act 2015* (the Act) for all persons who are subject to an Assessment order of the ACAT.

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| Section 2 – Procedure |

Where a team receives information in regard to an individual’s mental health and the possible need for an ACAT OMHA, a discussion should occur within the MDT, including a psychiatrist, the allocated clinician (e.g clinical manager), and preferably the Team Leader. If it is then considered that an ACAT OMHA would be appropriate, the following procedure must be followed:

* 1. The allocated clinician will prepare and lodge an application for an ACAT OMHA.
  2. The ACAT registrar will assess and make a decision on the application and advise the MHJHADS Tribunal Liaison Officer (TLO) of the outcome which may include:

1. referring the matter to the ACAT President to make a decision, or
2. a request to obtain an assessment of the person subject to the application, or
3. holding a conference or hearing in relation to the matter.
   1. Application for an ACAT OMHA can also be made by the person themselves, other members of the community (e.g. family) or a referring officer (e.g. police).

**Issuing an ACAT OMHA**

* 1. If an ACAT OMHA is to be issued, ACAT will contact the TLO to arrange an assessment appointment with a community team.
  2. The TLO will use the electronic clinical record system to assign a team; preference will be given to a team in the area in which the person is living and appropriate to the age of the person.
  3. The TLO will notify the MDT via a message sent through the electronic clinical record, that a person under an ACAT OMHA has been assigned to them.
  4. The allocated clinician will make an assessment appointment for the person subject to an ACAT OMHA within seven (7) days of an order being made.
  5. The TLO will advise ACAT formally of the name of the doctor, the time and date of the assessment and the location. ACAT then issue the ACAT OMHA to the person.
  6. The MDT will be informed of the assessment appointment via a message through the electronic clinical record.
  7. A member of the MDT will place the appointment on the team’s whiteboard and the person’s mental health status will continue to be monitored and assessed by the team, as clinically indicated.
  8. ACAT will provide a copy of the application and ACAT OMHA to the person subject to the assessment, their assessing doctor, the Public Advocate and the Chief Psychiatrist.
  9. The appointment time must not be changed without prior approval of ACAT. Where issues arise, the Psychiatrist or Team Leader must contact the TLO who will liaise with ACAT to arrange a new appointment time. If approved, ACAT will issue an Amended Mental Health Assessment Order.

**Follow up to the Assessment Appointment**

* 1. Once the person subject to an ACAT OMHA has attended their scheduled assessment appointment, the Psychiatrist will provide their assessment report within seven (7) days to:
* the person
* if the person is a child, the people holding parental responsibility for the child
* the *Referring Officer* (e.g. Police Officer, see Definition of Terms)
* Public Advocate, and
* ACAT.

This report must recommend follow up action as indicated, including any treatment and/or application for a Psychiatric Treatment Order. If the Psychiatrist is unable to provide the assessment report within seven (7) days, they must (prior to the initial seven (7) days expiring) apply to ACAT to seek an extension of a further seven (7) days. This can be facilitated through the Tribunal Liaison Officer. The application must state the reason(s) why an extension is sought.

* 1. If the person subject to an ACAT OMHA does not attend their assessment appointment, the Psychiatrist or the office manager will notify the TLO of their non-attendance. The TLO will notify ACAT in writing and make a file note in the clinical record. Although not required by legislation, it is good practice to also notify the Public Advocate and the person’s carer.
  2. The person’s non attendance will be discussed at the next MDT meeting and include an assessment of their level of risk and plans for follow-up which will be documented in the clinical record.
  3. Dependent on the reason for the non-attendance ACAT may decide to order another assessment appointment or issue a Removal Order where a person can be apprehended and taken to an approved mental health facility (see Definition of Terms) for an ACAT AMHA for assessment.

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| Implementation and Evaluation |

* An ‘All MHJHADS staff’ email will be sent out to notify staff of this Procedure when initially placed on the Policy Register and ad hoc reminders as necessary. The Procedure will also be tabled at Team and Program Level Meetings, as well as included in inservice training and as part of local area orientation.
* TLO to provide an annual report to the MHJHADS Strategic Executive and Business Planning Committee.
* The annual report to include the following information (as a minimum):
* Number of ACAT Ordered Mental Health Assessments appointments made.
* Psychiatrists providing their assessment report to the Public Advocate and ACAT within seven (7) days after the scheduled ACAT OMHA.
* Extensions requested on ACAT OMHA assessment reports provided by Psychiatrist and compliance with the required processes and timeframes.
* Number of persons subject to an ACAT OMHA that fail to attend scheduled assessments and compliance with the stipulated reporting requirements.

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| Related Policies, Procedures, Guidelines and Legislation |

**Legislation**

* *Mental Health Act 2015*
* *Carers Recognition Act 2010*
* *Human Rights Act 2004*
* *Health Records (Privacy & Access) Act 1997*

**Policies**

* Mental Health, Justice Health and Alcohol and Drug Services Procedure: Daily Clinical Meetings in Community Mental Health Settings.
* Mental Health, Justice Health and Alcohol and Drug Services - Care of Persons subject to Psychiatric Treatment Orders (PTOs) procedure.

**Standards**

* National Standards for Mental Health Services 2010

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| Definition of Terms |

* ***Application*** is an application to the Tribunal, and includes a referral under section 35.
* Approved mental health facility is a facility approved by the Minister under s. 261 of the *Mental Health Act 2015*. This is a facility to which persons may be taken under a Psychiatric Treatment Order, Emergency Apprehension, and Contravention of a Mental Health Order.
* ***Assessment*** is a psychiatric, psychological assessment or medical investigations if appropriate.
* ***Decision*** includes an order.
* ***Order*** includes the variation or revocation of an order.
* ***Presidential Member*** is the President of the Tribunal.
* ***Psychiatric Treatment Order*** is an application made under section 58.
* ***Psychiatrist*** is a doctor who holds postgraduate qualifications in psychiatry.
* ***Referring Officer*** is

1. the police officer—
2. who arrests the person in connection with an offence; or
3. who is satisfied that there are sufficient grounds on which to charge the person in connection with an offence; or
4. who charges the person in connection with an offence; or
5. a member of the staff of the director of public prosecutions who is responsible for the prosecution of an offence against the person; or
6. if the person is required to accept supervision by someone else as a condition of bail under the *Bail Act 1992*—that other person.

* ***Registrar*** is the registrar of the Tribunal
* ***Tribunal*** is the ACT Civil & Administrative Tribunal

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| Search Terms |

ACT Civil & Administrative Tribunal, ACAT, Assessment Orde, Mental Health Assessment Order, Psychiatric Treatment Order, PTO, Removal Order, Tribunal

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