

STANDARD

It is the Bay of Plenty District Health Board (BOPDHB) Mental Health & Addiction Service's (MH&AS) policy intent that any use of force is in keeping with the regulations of the Mental Health (Compulsory Assessment & Treatment) Act 1992 & Amendments s.122(a) and s.122(b)

OBJECTIVE

- To Provide staff with clear procedures to follow in the event that force may be required, in their exercise of their duties
- To ensure that use of force procedures meet legislative requirements and Health & Disability Service (Restraint Minimisation and Safe Practice Standards).
- To provide a mechanism for the recording and reporting of use of force incidents as required by the Ministry of Health and Mental Health (Compulsory Assessment & Treatment) Act 1992.

STANDARDS TO BE MET

	ACTION
1.	<ul style="list-style-type: none"> • A legitimate use of force is any taking, retaking or detention of a person, proposed patient or patient by force in circumstances where it is likely they will be a danger to him or herself, or to others, or will likely to cause serious property damage. This restriction does not apply when executing a warrant to apprehend issued under section 113A of the Mental Health (CAT) Act 1992.
2.	<p>Before using force:</p> <ul style="list-style-type: none"> • The use of de-escalation skills will always be considered, and used, if clinically appropriate. • The wishes of the person, patient/proposed patient and their caregivers will be sought wherever practicably possible and careful consideration will be given to their views. • Every effort will be made to reduce the risk of violence before the patient is transported. • The Duly Authorised Officer (DAO) may request the assistance of the Police in accordance with the provisions of s41 of the Mental Health (CAT) Act 1992.
3.	<ul style="list-style-type: none"> • If it is necessary to use force to take / or detain a patient or proposed patient the DAO or Registered Medical Officer (RMO) will give a clear request to Police to do so.
4.	<ul style="list-style-type: none"> • If it is necessary to use force to gain entry to property in an emergency the DAO or RMO will give a clear request to Police to do so. • In determining whether it is reasonably practicable to obtain a warrant, Police should consult with the DAMHS. • MH&AS will assume responsibility for making good any damage caused by such action.

Issue Date: Aug 2017	Page 1 of 2	NOTE: The electronic version of this document is the most current. Any printed copy cannot be assumed to be the current version.
Review Date: Aug 2020	Version No: 5	
Protocol Steward: DAMHS	Authorised by: Business Leader & Clinical Director, MH&AS	

ACTION	
5.	<ul style="list-style-type: none"> • When force is used, a report recording the exact circumstance will be collated. The Use of Force report will be completed and signed by the DAO who makes the use of force request. • The Use of Force report will include a copy of the relevant notes from the patient's health record detailing; <ul style="list-style-type: none"> - The date, time, and place that force was used - Why force was required - What type of force was applied and by whom - Any injury to patients or staff members involved - Any action or follow-up required as a result of force being used - The use of force form. • The completed documentation will be forwarded to the DAMHS as soon as is practicable. • See: UoF-MHA Use of Force Report S122(b)
6.	<ul style="list-style-type: none"> • When force is used, a Restraint Use / Review form is to be completed
7.	<ul style="list-style-type: none"> • If an injury has been incurred as a result of applying personal restraint, an Incident Management form is to be completed • Any damage caused in the effort to gain entry to property will be recorded on the Incident Management Form.

REFERENCES

- Crimes Act 1961
- [Guidelines for the Role and Function of Duly Authorised Officers: Mental Health \(Compulsory Assessment and Treatment\) Act 1992. Wellington: Ministry of Health. 2012.](#)
- Health & Disability Service (Restraint Minimisation and Safe Practice Standards NZS 8134.2:2008 Standards New Zealand
- Mental Health (Compulsory Assessment & Treatment) Act 1992 & Amendments
- [Memorandum of Understanding between the NZ Police & Director of Mental Health, 2012.](#)

ASSOCIATED DOCUMENTS

- [Bay of Plenty District Health Board policy 1.2.4 Restraint Minimisation & Safe Practice](#)
- [Bay of Plenty District Health Board Mental Health & Addiction Services protocol MHAS.A1.2 Restraint Minimisation – Mental Health Services](#)
- [Bay of Plenty District Health Board Mental Health & Addiction Services protocol MHAS.A1.45 Seclusion in MH](#)
- [UoF-MHA Use of Force Report S122\(b\)](#)
- [Bay of Plenty District Health Board Incident Management system](#)

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