



OPERATIONAL CIRCULAR

Enquiries to:	Janet Peacock 9222 4079	Number:	OP 2053/06
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Subject: **COMPLETION OF A TRANSPORT ORDER (FORM 3)**
 MENTAL HEALTH ACT 1996 (SECTIONS 34,41,71,84)

Authority

The *Mental Health Act 1996* states that:

The Chief Psychiatrist has responsibility for the medical care and welfare of all involuntary patients (section 9 (1))

In respect of other patients, the Chief Psychiatrist is required to monitor the standards of psychiatric care provided throughout the State (section 9 (2))

Transport Orders

Either a medical practitioner or an authorized mental health practitioner (AMHP) may refer a person they suspect of having a mental illness and who would meet the criteria for involuntary status for an examination by a psychiatrist at an authorized hospital or other place (s.29).

If the condition of the person is such that police assistance is required and no suitable and safe alternative is available the referrer may also make a written order (Form 3 - Transport Order) authorizing a police officer to apprehend and transport the referred person (s.34).

A Form 3 may also be completed when a psychiatrist has examined a referred person in another place and referred them on to an authorized hospital (Form 5, s.41); or when a Supervising Psychiatrist revokes a CTO authorizing that the patient be taken to an authorized hospital (Form 11, s.71); or when a patient on a CTO has failed to comply with an Order to Attend and police take the person to a place as indicated on the form for treatment (Form 14, s.84).

In any of the above circumstances where police involvement is required the condition of the person/patient must be such that police assistance is required and no suitable alternative is available. It **should not be custom and practice to complete a Form 3** (Transport Order) when completing a Form 1 (Referral for Examination).

Essentially a Transport Order should only be completed when either the person or others may be at risk of harm if the Police were not involved in the transportation. The types of behaviour identified in the *Protocol between the Police and the Mental Health Division* include aggressive or unpredictable behaviour, a high risk of absconding, or refusing to attend.

A Transport Order should not be completed at the request of another agency such as the Ambulance Service unless the condition of the referred person requires police assistance. The Ambulance Service may transport referred persons only on a Form 1.

Provision of information

The referrer will provide to the police adequate information to assist the police in making their own risk assessment. The police will then be in a position to decide when and how the referred person should be transported to the authorized hospital. This can be done verbally. There is also a space provided on the Form 3 '*Special factors or other important details*'. This section should be completed providing the police with important information regarding risk issues. The information provided will further assist the police in their decisions as to the form of transport and number of police required.

Additionally the police may require the completion of a Police Priority Form. This form, the result of consultation between the Police and the Office of Mental Health, is designed to assist the police in prioritising the transport. The priority form may be faxed to the relevant police service. If no faxing service is available the information on the form can be given via the telephone.

Police **should not** be provided with a copy of the Form 1 as it may contain confidential information on matters, which do not concern the issue of safe transport.

Completing a Form 3

The referrer must complete a Form 3 and at some point a referred person/patient must be given a copy of the order. If it is not possible to give the referred person/patient a copy of the order at the time of transport it must be provided later.

Medical practitioners or AMHPs who refer a person and complete a Transport Order tick Box 1 on the form. The other three boxes are for a psychiatrist to tick in those particular circumstances outlined on the form.

A Form 3 for a person to be transported to an authorized hospital lasts for 72 hours from the time it was made. If the place of referral is a non-authorized facility then the Form 3 lasts for 24 hours from the time it was made. These time lines indicate that Police assistance is required as soon as practicable. If the referred person/patient has not been received at the authorized hospital or the person not transported to the non-authorized facility within those time frames, the Form 3 lapses. The Form 1 continues to be valid for up to seven (7) days from the time it was made.

The referrer (the clinician who completed the Form 1) may complete another Form 3 if the person has not been apprehended and transported. Only the referrer is able to complete a Form 3. If a Form 1 is completed and a Form 3 required at a later stage only the referring practitioner who completed the Form 1 may complete the Form 3.

If the referrer is not available to complete a Form 3 or a new Form 3 the other Form 3 having expired then it would be necessary for a medical or AMHP to complete a fresh examination and complete a new Form 1 along with the Form 3 if police assistance is required.

Responsibility

The Form 3 authorizes the police to apprehend and transport, it does not compel them to take these actions. However, if the police fail to act when authorized they may be held liable for any subsequent serious incident or traumatic event.

Police are responsible for the referred person from the time they apprehend them under the Form 3 until they are received in an Authorized Hospital.

Although the police have overall responsibility for the person during this process their presence and the form of transport may be negotiated with mental health service staff. This is particularly relevant when a referred person is being transported from a rural region to the metropolitan area and a break in the transport may be necessary.

Referred persons may be transported by health department vehicle, ambulance, Royal Flying Doctor Service or in a police vehicle. However no matter the form of the transport the police remain responsible with assistance from mental health services.

Not acting on a Form 3

For further information Operational Circular No OP 2054/06 'Not acting on a Form 1 ('Referral for Examination by a Psychiatrist') and Form 3 ('Transport Order').

Further Details

Information about Completion of Transport Orders can be found in the *Supplement to the Clinicians Guide, Mental Health Act 1996*. The Supplement is available on the Chief Psychiatrist's website: www.chiefpsychiatrist.health.wa.gov.au or a copy may be obtained by contacting the office on 9222 4462.

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