

Treatment in the Community

Involuntary patients under the *Mental Health Act 2016* may be treated as an inpatient in an authorised mental health service (AMHS) or go into the community on a limited or ongoing basis. The Act outlines how treatment in the community is to be authorised for different types of involuntary patients.

What is treatment in the community?

Treatment in the community is either:

- limited community treatment (LCT) for patients on an inpatient category, or
- a community category of a treatment authority, forensic order or treatment support order.

LCT must be for a period of not more than 7 days.

There are various types of LCT, such as leave in the grounds and buildings of an AMHS, escorted leave outside of an AMHS, or overnight leave.

The purpose of LCT is to support a patient's recovery by transitioning the patient to living in the community with the appropriate treatment and care.

Under a community category, a person receives treatment and care while living in the community on an ongoing basis.

Who has treatment in the community?

Treatment in the community applies to a person subject to a treatment authority, forensic order or treatment support order.

Classified patients or persons subject to judicial orders may receive limited community treatment in the form of escorted on-ground leave only.

Persons on treatment authorities

An authorised doctor must decide the category for a person's treatment authority – either inpatient or community.

However, a person must be treated under a community category unless the person's treatment and care needs, the safety and welfare of the patient, and the safety of others, cannot be met that way.

If the authorised doctor decides the category is inpatient, the doctor must decide whether to authorise LCT.

In deciding LCT, the authorised doctor must have regard to the person's circumstances, such as the person's mental state and social support, and the purpose of LCT.

An authorised doctor must undertake a regular assessment of a patient to decide whether the treatment authority should remain and, if so, the extent of treatment in the community.

Persons on forensic orders

When making a forensic order, the Mental Health Court must decide the category of order – either inpatient or community.

The Court may decide a community category only if there is not an unacceptable risk to the safety of the community, including the risk of serious harm to other persons or property.

If the court decides the forensic order is inpatient, the court must also decide:

- whether or not the person is to have LCT and, if so, the extent of the LCT
- whether or not an authorised doctor may change the treatment in the community at a future time, and the extent of the treatment in the community.

If the court decides the category of a forensic order is community, the court must also decide whether or not an authorised doctor may change treatment in the community at a future time, for example, by changing the category to inpatient with LCT.

Persons on treatment support orders

When making a treatment support order, the Mental Health Court must decide the category of order – either inpatient or community.

As with treatment authorities, the person must be treated under a community category unless the person's treatment and care needs, the safety and welfare of the patient, and the safety of others cannot be met that way.

If the Court decides the category is to be an inpatient category, the court may also approve LCT for the person.

If the Court decides to make a community category, or approves LCT, the Court must also decide whether or not an authorised doctor may reduce the extent of treatment in the community at a future time.

Mental Health Review Tribunal

The Mental Health Review Tribunal reviews treatment authorities, forensic orders and treatment support orders. The Tribunal can also make treatment support orders when a forensic order is reviewed.

In reviewing a treatment authority, the Tribunal can increase the amount of treatment in the community, and decide whether or not an authorised doctor may reduce this at a future time.

In reviewing a forensic order, the Tribunal can make the same decisions that the Mental Health Court can make in relation to treatment in the community.

In reviewing or making a treatment support order, the Tribunal can increase the amount of treatment in the community, and decide whether or not an authorised doctor may reduce this at a future time.

Authorised doctors

The decisions of authorised doctors in relation to treatment in the community must be consistent with the decisions of the Mental Health Court and the Tribunal.

For treatment authorities, this means that an authorised doctor cannot reduce the extent of treatment in the community if the Tribunal has ordered that this not occur.

For treatment support orders, this means that an authorised doctor cannot reduce the extent of treatment in the community if the Court or Tribunal has ordered that this not occur.

For forensic orders, this means that an authorised doctor cannot change the extent of treatment in the community unless the Court or Tribunal has approved that an authorised doctor may do so.

However, an authorised doctor can change a category of an authority or order from community to inpatient contrary to a decision of the Court or Tribunal, if there has been a material change in the patient's mental state and the patient requires urgent treatment as an inpatient. This decision must then be referred to the Tribunal for review.

Treatment in the community

It is important that patients understand what is to happen when they receive treatment and care in the community outside of an AMHS.

The Act requires authorised doctors to decide the treatment and care the patient is to receive in the community, and the patient's obligations, such as attending appointments.

The doctor must explain these matters to the patient, record them in the patients' health records, and give the patient a written document summarising these matters.

The Act requires that these matters also be discussed with the patient's support persons.

Temporary absences

Temporary absences apply to inpatients who are forensic patients, classified patients or patients subject to judicial orders. The chief psychiatrist may approve a temporary absence for specific purposes such as attending medical appointments, to appear before a court, or on compassionate grounds.