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|  | **Queensland Health** *Mental Health Act 2016*  **Notification to Chief Psychiatrist of Significant Non-Compliance with the Act** | |
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| ***Mental Health Act (MHA) 2016, Section 301(1)(d)***  © State of Queensland (Queensland Health) 2016  Contact: mha2016@health.qld.gov.au  [Chief Psychiatrist Policy Notification to Chief Psychiatrist of Critical Incidents and Non-Compliance with the Act](https://www.health.qld.gov.au/__data/assets/pdf_file/0020/465212/cpp-notifhttps:/www.health.qld.gov.au/__data/assets/pdf_file/0020/465212/cpp-notific-critical-incidence.pdfic-critical-incidence.pdf) | | |
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| The Chief Psychiatrist’s functions under the MHA include protecting the rights of patients and ensuring the involuntary examination, assessment, treatment, care and detention of patients complies with the MHA.  This notification informs the Chief Psychiatrist of treatment or care provided to patients in breach of the MHA with a view to identifying systemic, clinical governance and/or management issues to improve patient outcomes.  Notification to the Chief Psychiatrist of **significant or suspected significant non-compliance** (as specified in section 2) is a mandatory requirement for any person performing a function under the MHA, whether or not it resulted in harm to the patient. | | |
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| 1. **Patient’s details** | | | |
| Given name(s): | | Surname: | |
| CIMHA Consumer ID: | | Date of birth: | |
| Authorised Mental Health Service: | | | |
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| 1. **Category of Non-Compliance:** | | | |
| Non-compliance outside of the following criteria does not require notification to the Chief Psychiatrist and should be managed locally. | | | |
| Significant non-compliance:  Detention of a person other than in accordance with the MHA  Provision of a regulated treatment (e.g. electroconvulsive therapy) other than in accordance with the MHA  Seclusion, mechanical restraint, physical restraint or administration of medications other than in accordance with the MHA  Breach of an offence provision of the MHA (e.g. ill-treatment of patients, contravention of confidentiality obligations, assisting a patient to unlawfully absent themselves, giving false or misleading information to an official, obstructing an official).  Suspected significant non-compliance:  Incident yet to be determined as significant non-compliance with the MHA and may require formal investigation at service level and/or by the Chief Psychiatrist. | | | |
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| 1. **Details of incident:** | | | |
| Date breach occurred: | | Date Breach Identified: | |
| Details of breach (describe nature and extent of breach, location, parties involved, etc): | | | |
| Background (detail circumstances leading to the breach, and/or creating potential for breach): | | | |
| Other relevant information for consideration of the Chief Psychiatrist: | | | |
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| 1. **Remedial action:** | | | |
| Appropriate action should be taken to prevent the breach reoccurring and ensure ongoing compliance with the MHA e.g. staff notified of relevant legislative requirements, education/training provided, review of administrative processes.  Wherever practicable, the breach should be discussed with the patient and/or the patient’s support person(s). | | | |
| Actions planned or undertaken to remedy the breach/prevent future breach: | | | |
| Has a RiskMan incident been logged?  Yes  No | | RiskMan ID/s: | |
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| 1. **AMHS Administrator (or nominated delegate):** | | | |
| The AMHS Administrator is required to provide this notification **as soon as practicable** after becoming aware of the non-compliance by completing, or uploading a copy of, this form in CIMHA. The Office of the Chief Psychiatrist receives an automatic notification once the form is signed or uploaded.  If this event is subject to another investigation process and there are concerns about confidentiality surrounding the event, the Administrator must provide this notification by email to [MHA2016@health.qld.gov.au](mailto:MHA2016@health.qld.gov.au). This form may be uploaded in CIMHA following the outcome of the investigation.  Where the incident presents any organisational, public or media risks, the AMHS Administrator should use discretion as to whether **urgent notification** to the Chief Psychiatrist is required:  Business hours 8.30am to 4.30pm Monday to Friday via phone 07 3328 9899 and email to [MHA2016@health.qld.gov.au](mailto:MHA2016@health.qld.gov.au)   After hours via phone 0408 750 369 and email to [CP.Afterhours@health.qld.gov.au](mailto:CP.Afterhours@health.qld.gov.au)  **No further action is required in relation to this incident unless requested by the Chief Psychiatrist.** | | | |
| Signature: | | Name: | |
| Date: | |
| **TO: Chief Psychiatrist** | | | |

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