

Summary - Restrictive interventions in emergency departments and urgent care centres of designated mental health services

Office of the Chief Psychiatrist

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Introduction

This document summaries key information about legislative changes and new reporting obligations for staff working in emergency departments (EDs) and urgent care Centres (UCCs) of designated mental health services in Victoria.

From 1 April 2024, the use of all restrictive interventions, including chemical restraint, in these settings is reportable to the Chief Psychiatrist under the new *Mental Health and Wellbeing Act 2022* (the Act).

A more detailed [Fact sheet on Restrictive Interventions in emergency departments and urgent care centres of designated mental health services](https://www.health.vic.gov.au/chief-psychiatrist/office-of-the-chief-psychiatrist-reform-activities-and-news) <<https://www.health.vic.gov.au/chief-psychiatrist/office-of-the-chief-psychiatrist-reform-activities-and-news>> is available and should be read together with this summarised document.

If unsure your health service is a designated mental health service, read the [Fact sheet on Restrictive Interventions in designated mental health services](https://www.health.vic.gov.au/sites/default/files/2023-10/restrictive-interventions-designated-mental-health-services.pdf) <https://www.health.vic.gov.au/sites/default/files/2023-10/restrictive-interventions-designated-mental-health-services.pdf>.

Summary

- From 1 April 2024, the use of restrictive interventions on all people **receiving a mental health and wellbeing service** in the **EDs and UCCs** of **designated mental health services** must be reported to the Chief Psychiatrist.
- Through this change, legal requirements for restrictive interventions in EDs and UCCs come into alignment with the rest of Victoria's mental health and wellbeing system, including medical units, surgical units and ICUs, where these requirements already exist.
- These **legal requirements** are articulated in the *Mental Health and Wellbeing Act 2022*.
- Restrictive Interventions that must be reported are **bodily restraint** (physical and mechanical), **chemical restraint**, and **seclusion**. **Seclusion** is a restrictive intervention that is **not permitted** in **EDs and UCCs**.
- Restrictive Interventions may only be used as **a last resort**, after all reasonable and less restrictive options have been tried or considered.
- The Act has a human rights focus and contains **mental health and wellbeing principles** to guide all staff to uphold the dignity and autonomy of people living with mental illness or psychological distress.

- **Restrictive Interventions must be authorised** by an authorised psychiatrist, or if they are not reasonably available, a registered medical practitioner or a nurse in charge. The authorisation must be completed on either the **MHWA 140 Authority for use of restrictive interventions** or **MHWA 143 Authority for use of chemical restraint**. The use of the **MHWA 141 Authority for urgent physical restraint** form is likely to be rare in EDs and UCCs.
- A person subjected to restrictive interventions must be monitored in accordance with the Act and the **MHWA 142 Restrictive interventions observation** form completed.
- **Clinical documentation** must occur as soon as practicable.
- Restrictive Interventions data must be entered on **CMI-ODS**. The health service must identify the person/position responsible for this and ensure data entry is carried out.
- The **authorised psychiatrist** is responsible for **submitting monthly restrictive intervention data** to the Chief Psychiatrist. Failure to comply is a breach of the Act. **Staff in EDs and UCCs** will assist the authorised psychiatrist with their obligations to complete forms MHWA 140, 141, 142 and/or 143 **accurately and on time**.
- The Chief Psychiatrist has **useful resources** to assist ED and UCC staff.

Further information

The Act is available for download from the [Victorian Legislation website](https://www.legislation.vic.gov.au/in-force/acts/mental-health-and-wellbeing-act-2022/001) <https://www.legislation.vic.gov.au/in-force/acts/mental-health-and-wellbeing-act-2022/001>.

The [Mental Health and Wellbeing Act 2022 handbook](https://www.health.vic.gov.au/mental-health-and-wellbeing-act) <https://www.health.vic.gov.au/mental-health-and-wellbeing-act> is available for download from the Health Department's website.

The [Chief Psychiatrist's Interim Guideline on Restrictive Interventions](#) and the [Chief Psychiatrist's reporting directive on Restrictive Interventions](#) are available for download on the Chief Psychiatrist's website.

eLearning modules on the Mental Health and Wellbeing Act 2022 can be accessed by creating account on [Mental Health Professional Online Development](https://elearning.mhpod.gov.au/) <https://elearning.mhpod.gov.au/> and then following this pathway from dashboard: Topic library > Jurisdiction specific topics > Victoria > Mental Health and Wellbeing Act 2022.

[Safewards](https://www.safercare.vic.gov.au/best-practice-improvement/improvement-projects/mental-health-wellbeing/safewards-victoria-trial) <https://www.safercare.vic.gov.au/best-practice-improvement/improvement-projects/mental-health-wellbeing/safewards-victoria-trial>

Queries relating to restrictive interventions can be emailed to the Office of the Chief Psychiatrist ocp@health.vic.gov.au.

To receive this document in another format, phone 1300 767 299, using the National Relay Service 13 36 77 if required, or email ocp@health.vic.gov.au

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Available at [Office of the Chief Psychiatrist – Reform activities and news](https://www.health.vic.gov.au/chief-psychiatrist/office-of-the-chief-psychiatrist-reform-activities-and-news) <https://www.health.vic.gov.au/chief-psychiatrist/office-of-the-chief-psychiatrist-reform-activities-and-news>