

**Mental Health and Wellbeing Act 2022
Sections 212 and 214**

**MHWA 120
Leave of absence
for compulsory patient**

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Mental Health Statewide UR Number

Local Patient Identifier

FAMILY NAME

GIVEN NAMES

DATE OF BIRTH

SEX

GENDER

Place patient identification label above

Instructions to complete this form

- This form must be completed by an Authorised Psychiatrist or Delegate whenever a compulsory patient will be absent overnight or longer periods, and at other times at the discretion of the Authorised Psychiatrist or Delegate.
- The conditions of the leave must specify actions to take in the case of relapse or crisis; including 24-hour contact details (see point 4).

GIVEN NAMES

FAMILY NAME (BLOCK LETTERS)

a patient of:

who is subject to:

Designated Mental Health Service

an Inpatient Temporary Treatment Order

an Inpatient Assessment Order

an Inpatient Treatment Order

an Inpatient Court Assessment Order.

(please cross one option only)

1. I **grant** the person leave of absence from:

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to:

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for the purpose of:

treatment

medical treatment

other (please specify):

(please cross one option only)

at:

name of destination

address of destination

2. I have had regard to the purpose of the leave and the need to ensure the health and safety of the person and the safety of any other person and the need to minimise the risk of serious harm to those persons.
3. I have given proper consideration to the decision-making principles for treatment and interventions.
4. The conditions of the leave are: _____

5. I have had regard to :

the views and preferences of the person and their reasons

the person's advance statement of preferences

the views and preferences expressed by the nominated support person

the views of a parent, if the person is under the age of 16 years

please indicate all persons consulted

the views of any guardian of the person

the views of a carer, if granting leave will directly affect the carer and the care relationship

the views of the Secretary, Department of Families, Fairness and Housing if that Secretary has parental responsibility for the person under a Relevant Child Protection Order

Signature:

signature of Authorised Psychiatrist or Delegate

Date:

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Given Names:

Family Name:



MHWA120

ROLLS AUSTRALIA 1300 600 192

**JULY
2023**

Original – medical record

Copy – patient

Leave of absence for compulsory patient

MHWA 120

Next steps

After completing this form:

1. **tell** the person that leave of absence has been granted;
2. **explain** the purpose, duration and effect of the leave of absence, including any conditions of the leave;
3. **give** the person a copy of this form;
4. **notify** the following persons (as applicable) that leave of absence has been granted:
 - the person's nominated person
 - a parent if the person is under the age of 16 years;
 - any carer, if granting leave will directly affect the carer and the care relationship;
 - the person's guardian;
 - the Secretary, Department of Fairness, Families and Housing if that Secretary has parental responsibility for the person under a Relevant Child Protection Order.
5. **ensure** appropriate supports are provided to assist the person/s to understand this information;

Notes

If a patient is subject to an Inpatient Treatment Order and an Intensive Monitored Supervision Order, leave may only be granted if it is necessary for the person to receive urgent or necessary medical treatment. The leave must be for a maximum period of 7 days at a time.

Decision-making principles for treatment and interventions

In granting leave of absence, you must **give proper consideration to** these principles.

Title	Principle
Care and transition to less restrictive support	Compulsory assessment and treatment is to be provided with the aim of promoting the person's recovery and transitioning them to less restrictive treatment, care and support. To this end, a person who is subject to compulsory assessment or treatment is to receive comprehensive, compassionate, safe and high-quality mental health and wellbeing services.
Consequences of compulsory assessment and treatment and restrictive interventions principle	The use of compulsory assessment and treatment or restrictive interventions significantly limits a person's human rights and may cause possible harm including— (a) serious distress experienced by the person; and (b) the disruption of the relationships, living arrangements, education or employment of the person.
No therapeutic benefit to restrictive interventions principle	The use of restrictive interventions on a person offers no inherent therapeutic benefit to the person.
Balancing of harm principle	Compulsory assessment and treatment or restrictive interventions are not to be used unless the serious harm or deterioration to be prevented is likely to be more significant than the harm to the person that may result from their use.
Autonomy principle	The will and preferences of a person are to be given effect to the greatest extent possible in all decisions about assessment, treatment, recovery and support, including when those decisions relate to compulsory assessment and treatment.

Definitions

- **'Relevant child protection order'** means:
 - (a) a therapeutic treatment (placement) order; or
 - (b) a family reunification order; or
 - (c) a care by Secretary order; or
 - (d) a long term care ordereach within the meaning of the *Children, Youth and Families Act 2005*.