



Transcript: Search of Patients and their Possessions

Name	Dialogue / Actions
Eric	<p>Hi again, Eric here. Another issue I'd like to address is the search of a patient or their possessions while in an inpatient unit of an authorised mental health service. In line with the principles of the <i>Mental Health Act 2000</i> a search of a patient or their possessions should, as far as possible, occur with the patient's consent. The patient should be provided with a full explanation of why the search is being requested and what it entails by a health practitioner. The health practitioner should be satisfied that the patient understands the explanation.</p> <p>The Mental Health Act provides authority to conduct a search of a patient and/or their possessions without the patient's consent but this authority should only be considered if it is not possible to obtain the consent, and the individual circumstances warrant a non-consensual search. These provisions apply to a voluntary or involuntary patient while they are in an inpatient unit. Any search of a patient or their possessions must only be conducted in accordance with sections 356 to 359 of the Mental Health Act.</p> <p>In circumstances where it is not possible to obtain the patient's consent, the doctor or the senior registered nurse on duty may authorise a search if the doctor or nurse is concerned that the patient is in possession of a harmful thing. This includes anything that may threaten the security or good order of the authorised mental health service, a person's health or safety or adversely affect their treatment or care (for example a gun or replica, a dangerous drug, alcohol or medication). The senior registered nurse or doctor on duty should document their decision and the reasons for the decision in the patient's file, including the factors that were taken into account.</p> <p>Before carrying out the search the doctor or nurse must tell the patient the reasons for the search and how it is to be carried out. When carrying out a search of the patient's possessions, the person conducting the search should give the patient the opportunity to be present. The search may include passing a hand held scanning device over or around the patient's possessions, opening or inspecting an item in the patient's possession, and removing any inspected item. The search must be carried out in a way that respects the patient's dignity and causes as little inconvenience as possible.</p> <p>If a search of the patient is required, it must be done by a person who is the same gender as the patient and in a part of a building that ensures the patient's privacy. The person conducting the search may pass a hand held scanner over or around the patient, remove and inspect the patient's outer clothing or shoes and all items from the pockets of their clothing. It is also possible to touch the patient's clothing to the extent reasonably necessary to detect the items in their possession and/or remove or inspect any detected item.</p> <p>Also, the person conducting the search may, with the approval of the administrator, remove and inspect all, or part of, the patient's other clothing and anything found in the clothing. The administrator can only give approval if reasonably satisfied it is necessary for carrying out an appropriate search.</p> <p>Again, the search must be carried out in a way that respects the patient's dignity to the greatest possible extent and causes as little inconvenience as is practicable in the circumstances. However, the searcher may carry out the search with the help, and using minimum force, that is necessary and reasonable</p>



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	<p>in the circumstances.</p> <p>The person carrying out the search may seize anything found during the search that they suspect is a harmful thing. The Mental Health Act outlines what the administrator must do if the seized item is a harmful thing which may involve returning it to the patient on discharge, giving it to someone else with the patient's agreement or passing it onto relevant authorities if it relates to the commission of an offence.</p> <p>Once a search is completed, the searcher must immediately make a written record that includes the reasons for the search, who authorised it, who conducted it, how it was carried out, and the results; and if anything was seized.</p>
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