Section 20 – Mental Health Act 2007

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Summary  Outlines the rationale for the use of the Mental Health Act 2007 Section 20 form, and the procedure to be followed when detaining a behaviourally disturbed person under Section 20 of the Act.

Applies to  All Ambulance Service of NSW staff
(bold indicates selection)
All Operational Staff
All Administration staff
All Headquarters staff
Division staff (select Aero medical, Northern, Southern, Sydney, Western)
Operations Centres (select All, Aero medical, Northern, Southern, Sydney, Western)

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Approved by  Chief Executive

Compliance with this policy directive is mandatory.
The purpose of this Standard Operating Procedure is to explain the legal obligations and procedures involved when paramedics are dealing with mentally ill or mentally disturbed persons under Section 20 of the Mental Health Act 2007 (the Act).

Section 20 (1) of the Act states “an ambulance officer who provides ambulance services in relation to a person may take the person to a declared mental health facility if the officer believes on reasonable grounds that the person appears to be mentally ill or mentally disturbed and that it would be beneficial for the person to be dealt with in accordance with the Act.”

Section 68 (a) of the Act states “people with a mental illness or mental disorder should receive the best possible care and treatment in the least restrictive environment enabling the care and treatment to be effectively given”. The decision to deprive a patient of their liberty and transport them to hospital against their wishes must be guided by Section 68 (f) of the Act which states that “any restriction on the liberty of patient and other people with a mental illness or mental disorder and any interference with their rights, dignity and self respect is to be kept to the minimum necessary in the circumstances”.

These sections indicate the need for a balanced approach between the rights of a patient to receive care (even if it is against their will at the time) and the patient’s general right to civil liberty.

The Section 20 form is a ‘double copy’ one page document which must be completed for every patient assessed in relation to Section 20 (1). The form records details of the patient assessed, identity of the paramedic exercising functions under the Act, a brief description of the circumstances leading to the request for assessment and whether police assistance was required to bring the patient to a declared mental health facility.

- The decision to detain a patient under Section 20 of the Act must only be made in circumstances where the patient’s presenting behaviour is such that they present a risk of serious harm to themselves or others, and they are unwilling to voluntarily be transported to a declared mental health facility. For a person believed to be mentally ill the term serious harm applies broadly, and does not only include physical harm.

- If the patient refuses to be voluntarily transported, they must be advised that they are being taken to a declared mental health facility under Section 20 of the Mental Health Act 2007.

- Police assistance must be requested if it is felt that the patient’s behaviour presents a risk to their own safety, or to the safety of the paramedics or the general public.

- The relevant Occupational Health and Safety procedures and Ambulance Service clinical protocols and procedures to support, treat and transport the patient to a declared mental health facility must be followed.

- The Operations Centre should be requested to advise the receiving hospital that a patient is being transported under Section 20 of the Act.

- On arrival at the facility give the hospital copy (grey) of the completed Section 20 form to the triage nurse.
• Complete the PHCR ensuring that all the details on the Section 20 forms are consistent with those recorded on the PHCR.

• Complete Research Box b2 to record that the patient was transported under Section 20 of the Mental Health Act 2007.

• Attach the office copy (blue) of the Section 20 form to the office copy of the PHCR.