



## Department of Health

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13 NOV 2014



Office of the Secretary

e3546827

Ms Melissa Purdy  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3004

Dear Ms Purdy

**RE: COR 2011 000293 – Investigation into the death of TMY**

Thank you for providing me a copy of the findings made without inquest, including recommendations, into the death of TMY received on 13 August 2014.

In response to the relevant recommendation made by the Coroner:

**Recommendation:**

*The Chief Commissioner of Police, Monash Health, and the Department of Health investigate the feasibility of requiring the Mental Disorder Transfer Form to record the signature of the person to whom custody has been transferred, as well as the date and time of transfer.*

**Response**

Partial implementation of the coroner's recommendation is proposed.

The Department of Health has a devolved system of governance in which health services (including Monash Health) as independent legal entities are responsible for the development of individual clinical policies and procedures.

Release from custody arrangements do currently include the recording by police of the name and designation of the individual to whom, on behalf of the health service, custody is transferred, on the Victoria Police *Mental Disorder Transfer Report* – known as the VP form L42. This practitioner is then responsible for applying the policies of the health service in determining the disposition of the patient. As identified in the coroner's finding, the Victoria Police form L42 does not capture the date and time of transfer, and the Department would support that form being augmented to include those details, in accordance with the coroner's recommendation.

Recording of the signature of the person to whom custody has been transferred is considered to pose operational difficulties in the emergency setting. The person to whom custody is transferred – that is, the health professional responsible for accepting the person into the service and determining the initial treatment the person receives - is not always present when custody is transferred. The date and time recorded on the form should be the date and time when Victoria Police transfer custody to the health service, and are free to leave. After a person has arrived at a health service it may take some time for all necessary arrangements to

be in place to ensure the service is able to safely provide treatment to the person (including security arrangements). It is only after those arrangements are in place that Victoria Police transfer custody to the health service. The responsible health service professional may not remain present or available during the intervening time, since there will be competing operational and clinical demands on his/her time.

The department supports the establishment of processes to support timely clinical review and patient handover between health professionals, and health professionals and emergency service personnel, in this case Victoria Police.

An example of this is the *Department of Health and Victoria Police Protocol for Mental Health* (the protocol) which is the guiding policy document informing the intersection of care between Victoria Police and hospital staff responding to the needs of the mental health patient. The protocol establishes effective liaison between police, mental health services, ambulance and hospital emergency departments at all levels, and is operationalised through local Emergency Services Liaison Committee's (ESLC's) based at area mental health services across Victoria. These committees comprise senior staff from the local police, ambulance, hospital emergency department and mental health services, as well as consumer and carer representatives.

The role of the committees includes to:

- develop and update local protocols for inter-agency service cooperation and coordination
- address operational service issues, including any use of force, restraint or police transport.

You may be interested to note that the 2010 protocol is currently undergoing review to ensure that it is commensurate with the *Mental Health Act 2014* (the Act). In the interim, a joint communication from Paul Smith, Deputy Secretary, Mental Health, Wellbeing and Ageing (MHWA) Division, Department of Health, and Assistant Commissioner Luke Cornelius, Victoria Police, was addressed to the ESLC's to facilitate development of localised 'release from custody' arrangements at hospitals.

As part of the Act, police may release from custody a person they have apprehended under Section 351 of the Act into the care of hospital staff before the assessment is complete. This is subject to the following considerations:

- *If there are no significant safety concerns* – police can transfer care to hospital staff and the person is released from police custody. If care is transferred, hospital staff will be responsible to arrange for the person to be assessed by a registered medical practitioner or mental health practitioner.
- *If there are significant safety concerns* – police, by agreement with hospital staff should remain until the assessment by a registered medical practitioner or mental health practitioner is complete.

ESLCs are ideally placed to assist mental health services, emergency departments and police to implement these new arrangements and in developing local 'release from custody' models across Victoria. In addition to the joint letter, the Department of Health and Victoria Police have developed a set of Guiding Principles and a decision-making tool designed to guide, inform and promote discussion within ESLC's.

Yours sincerely



**Dr Pradeep Philip**  
Secretary