

Title	Describe legal restrictions, apply safe practice, and manage legislative requirements in forensic mental health services		
Level	4	Credits	4

Purpose	People credited with this unit standard are able to: describe legal restrictions on forensic mental health patients supported by forensic mental health services and the impact of these restrictions on patients' wellbeing and recovery; and apply safe practice and manage legislative requirements when working in forensic mental health services.
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Classification	Health, Disability, and Aged Support > Mental Health and Addiction Support
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Available grade	Achieved
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Guidance Information

- 1 Legislation relevant to this unit standard includes:
 Alcoholism and Drug Addiction Act 1966;
 Children, Young Persons, and Their Families Act 1989;
 Criminal Justice Act 1985;
 Criminal Procedure (Mentally Impaired Persons) Act 2003;
 Health and Disability Commissioner (Code of Health and Disability Services Consumers' Rights) Regulations 1996;
 Health Practitioners Competence Assurance Act 2003;
 Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003;
 Mental Health (Compulsory Assessment and Treatment) Act 1992;
 Misuse of Drugs Act 1975;
 Privacy Act 1993;
 Protection of Personal and Property Rights Act 1988.
- 2 New Zealand Standards relevant to this unit standard include:
 NZS 8134.0:2008 *Health and disability services Standards – Health and disability services (general) Standard*;
 NZS 8134.1:2008 *Health and disability services Standards – Health and disability services (core) Standards*;
 NZS 8134.2:2008 *Health and disability services Standards – Health and disability services (restraint minimisation and safe practice) Standards*;
 NZS 8134.3:2008 *Health and disability services Standards – Health and disability services (infection prevention and control) Standards*.
 All standards are available from <http://www.standards.co.nz>.

3 Primary references

Evans, C., Humberstone, V., Maniapoto, W., McKenna, B., Simpson S., van Altvorst, S., Wack, R. (2006). *Assessment and management of risk to others: Guidelines and development of training toolkit*. Auckland: Mental Health Programmes Limited; Ministry of Health. (2006). *Assessment and management of risk to others: Trainee workbook*. Auckland: Mental Health Programmes Limited; Ministry of Health. (2006). *Assessment and management of risk to others: Trainer's manual*. Auckland: Mental Health Programmes Limited; all available at <https://www.tepou.co.nz/>.

4 References

American Psychiatric Association. (2000). *Diagnostic and statistical manual of mental disorders – DSM-IV-TR* (4th ed., Text revision). Washington DC; available at <https://www.psychiatry.org/>.
Ministry of Health. (1998). *Guidelines for clinical risk assessment and management in mental health services*. Wellington: Ministry of Health in partnership with the Health Funding Authority; available at <http://www.moh.govt.nz>.
Ministry of Health. (2008). *Let's get real: Real Skills for people working in mental health and addiction*. Wellington; available at <http://www.moh.govt.nz>.
Te Pou o Te Whakaaro Nui, Le Va, Pasifika within Te Pou. (2009). *Real Skills Plus Seitapu – Working with Pacific Peoples*. Auckland; available at <http://www.leva.co.nz>; or <http://www.tepou.co.nz>; or www.moh.govt.nz/mentalhealth.

5 Support should aim to: maintain, improve, or restore a person's independence and/or interdependence; utilise the person's existing strengths; and, where possible, utilise the resources of the local community.

6 This unit standard cannot be assessed against in a simulated environment. For assessment, candidates must demonstrate competence in the workplace through paid or unpaid employment, or in placements in a service provider workplace negotiated by an education provider.

7 Support provided for forensic mental health patients may include natural supports.

8 Candidates' practice must reflect appropriate values, processes, and protocols in relation to working with Māori and Pacific peoples and/or people from other cultures, in a range of settings and environments.

9 Definitions

Contributions in the context of this unit standard refers to the type and level of agreed input that the candidate will provide into supporting forensic mental health patients' wellbeing and recovery. This input will be given under broad guidance and assessment, and in accordance with the candidate's designated role within a forensic multi-disciplinary team. A candidate's contribution will include reflective practice on the nature and level of input provided, and self-evaluation as to the quality and effectiveness of this input in assisting forensic mental health patients to achieve and maintain optimum levels of wellbeing, and to progress their recovery.

Forensic mental health patients in the context of this unit standard are mental health patients who come within the four special patient categories. The four special patient categories are:

a patients on short-term remand;

- b remand and sentenced prisoners who require assessment and treatment in hospital;
- c those who are under disability [Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003];
- d those who juries decide are 'not guilty by reason of insanity'.

Legal restrictions in relevant legislation that applies to forensic mental health patients refers to legal restrictions in the: Criminal Justice Act 1985, Criminal Procedure (Mentally Impaired Persons) Act 2003, Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, and Mental Health (Compulsory Assessment and Treatment) Act 1992.

Natural supports refers to any assistance, relationships, or interactions provided to forensic mental health patients by family/whānau, friends, peers, co-workers, or community volunteers. In a specifically Māori context, natural supports may include but are not limited to: kaumātua, kuia, tohunga, whānau, iwi, and hapū.

Organisation's policies and procedures are the policies and procedures of the employing organisation of the candidate and include ethical codes, standards, and other organisational requirements.

Patient in the context of this unit standard refers to a person accessing services in a mental health or addiction setting. Patients may also be known as consumers, clients, service users, tūroro, or tangata whai ora in particular contexts and settings.

Safe practice in the context of forensic mental health services refers to the establishment and maintenance of a setting and context in which the forensic mental health services provide – and the forensic mental health patient receives – support that prevents or reduces the risk and/or likelihood of physical and emotional harm, and which promotes the patient's health, comfort, safety, and wellbeing at all times.

Strategies refers to culturally, emotionally, psychologically, socially, and/or spiritually based strategies.

Outcomes and performance criteria

Outcome 1

Describe legal restrictions on forensic mental health patients supported by forensic mental health services and the impact of these restrictions on patients' wellbeing and recovery.

Range legal restrictions in relevant legislation that applies to forensic mental health patients supported by forensic mental health services.

Performance criteria

1.1 Legal restrictions on forensic mental health patients supported by forensic mental health services are described.

Range evidence is required for legal restrictions on three patients who are supported by forensic mental health services.

1.2 Legal restrictions on forensic mental health patients supported by forensic mental health services are described in terms of their impact on patients' wellbeing and recovery.

Range may include but is not limited to – the impact on patients’ future goals, their family/whānau, freedom of movement, stigmatisation and discrimination within the community. Evidence is required for the three patients described in performance criterion 1.1.

Outcome 2

Apply safe practice and manage legislative requirements when working in forensic mental health services.

Range evidence is required for working with three forensic mental health patients supported by forensic mental health services.

Performance criteria

2.1 Work in forensic mental health services is carried out in accordance with legislative requirements, the guidance in the primary references, and safe practice.

2.2 Strategies are used to manage legislative requirements, including legal restrictions on forensic mental health patients, maintain safe practice, and encourage patients’ wellbeing and recovery in accordance with the guidance in the primary references and references.

Range evidence is required for three different strategies.

2.3 Contributions are made to support forensic mental health patients’ wellbeing and recovery in accordance with the boundaries of the candidate’s role and the organisation’s policies and procedures.

This unit standard is expiring. Assessment against the standard must take place by the last date for assessment set out below.

Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	21 July 2011	31 December 2022
Revision	2	17 May 2012	31 December 2022
Review	3	27 February 2020	31 December 2022

Consent and Moderation Requirements (CMR) reference	0024
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.