Mental Health Units (Use of Force) Act 2018

2018 CHAPTER 27

Reporting

6 Recording of use of force

(1) The responsible person for each mental health unit must keep a record of any use of force by staff who work in that unit in accordance with this section.

(2) Subsection (1) does not apply in cases where the use of force is negligible.

(3) Whether the use of force is "negligible" for the purposes of subsection (1) is to be determined in accordance with guidance published by the Secretary of State.

(4) Section 11(3) to (6) apply to guidance published under this section as they apply to guidance published under section 11.

(5) The record must include the following information—

(a) the reason for the use of force;

(b) the place, date and duration of the use of force;

(c) the type or types of force used on the patient;

(d) whether the type or types of force used on the patient formed part of the patient's care plan;

(e) name of the patient on whom force was used;

(f) a description of how force was used;

(g) the patient's consistent identifier;

(h) the name and job title of any member of staff who used force on the patient;

(i) the reason any person who was not a member of staff in the mental health unit was involved in the use of force on the patient;

(j) the patient's mental disorder (if known);

(k) the relevant characteristics of the patient (if known);

(l) whether the patient has a learning disability or autistic spectrum disorders;

(m) a description of the outcome of the use of force;

(n) whether the patient died or suffered any serious injury as a result of the use of force;

(o) any efforts made to avoid the need to use force on the patient;

(p) whether a notification regarding the use of force was sent to the person or persons (if any) to be notified under the patient's care plan.

(6) The responsible person must keep the record for 3 years from the date on which it was made.

(7) In subsection (5)(g) the "patient's consistent identifier" means the consistent identifier specified under section 251A of the Health and Social Care Act 2012.

(8) This section does not permit the responsible person to do anything which, but for this section, would be inconsistent with—

(a) any provision of the data protection legislation, or

(b) a common law duty of care or confidence.

(9) In subsection (8) "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(10) In subsection (5)(k) the "relevant characteristics" in relation to a patient mean—

(a) the patient's age;

(b) whether the patient has a disability, and if so, the nature of that disability;

(c) the patient's status regarding marriage or civil partnership;

(d) whether the patient is pregnant;

(e) the patient's race;

(f) the patient's religion or belief;

(g) the patient's sex;

(h) the patient's sexual orientation.

(11) Expressions used in subsection (10) and Chapter 1 of Part 2 of the Equality Act 2010 have the same meaning in that subsection as in that Chapter.