



Mental Health (Secure Facilities) Prohibited and Restricted Items and Items Requiring Approval Secure Mental Health Facility Direction 2021*

Notifiable instrument NI2021–466

made under the

Mental Health (Secure Facilities) Act 2016, s 9 (Directions—secure mental health facilities) and s 10 (Prohibited Items)

1 Name of instrument

This instrument is the *Mental Health (Secure Facilities) Prohibited and Restricted Items and Items Requiring Approval Secure Mental Health Facility Direction 2021*.

2 Commencement

This instrument commences on the day after notification.

3 Direction

I make the attached Canberra Health Services Operational Procedure in relation to Prohibited and Restricted Items and Items Requiring Approval Procedure at Dhulwa Mental Health Unit as a Secure Mental Health Facility direction.

Dave Peffer
Interim Chief Executive Officer
Canberra Health Services
29 July 2021

*Name amended under Legislation Act, s 60



Canberra Health Services

Procedure

Dhulwa Mental Health Unit: Prohibited and Restricted Items and Items Requiring Approval

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Purpose

This procedure outlines the requirements for managing prohibited and restricted items in Dhulwa Mental Health Unit (Dhulwa).

To ensure the safety and security of consumers, staff and visitors, certain items are regulated within Dhulwa under the *Mental Health (Secure Facilities) Act 2016*. These items include:

- prohibited items as declared by Canberra Health Services (CHS) Chief Executive Officer (CEO) (or appointed delegate)
- restricted items that either:
 - a specific cohort of people is approved to bring into Dhulwa, with limitations on the areas that they can be brought into and/or how they can be used, or
 - an individual consumer, staff member, contractor, accredited person, authorised person or visitor to a consumer has approval to access or bring into Dhulwa under certain conditions.

Alerts

Staff should always refer to the *Mental Health (Secure Facilities) Act 2016* for further guidance, particularly when making any decisions in relation to this Act.

The *Mental Health (Secure Facilities) Act 2016* refers to the Director-General as having specific functions, powers and reporting requirements. CHS uses the title of CEO instead of Director-General. In accordance with the *Public Sector Management Act 1994*, the position of CEO of CHS has the same functions and authority as a Director-General.

In this document, all references to the Director-General will be replaced with CEO, to reflect the language used by CHS as the person responsible.

Under s73 the *Mental Health (Secure Facilities) Act 2016*, tradespeople, with the prior approval of a Delegated Officer may take a prohibited thing into a secure mental health facility if it is necessary for the purpose of providing trade services at the facility.

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Scope

This procedure applies to all workers (see definition of terms) at Dhulwa.

This procedure applies to all consumers admitted to Dhulwa and all visitors to Dhulwa.

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The authority to declare that items are prohibited in Dhulwa is made under s10 of the *Mental Health (Secure Facilities) Act 2016*. This procedure and the items outlined in Attachment 1 has been notified as a Secure Mental Health Facility Direction (SMHF) under s9 of the *Mental Health (Secure Facilities) Act 2016*.

Certain decisions in relation to prohibited and restricted items can be made by the following people occupying these positions who have been appointed as a delegate of the CEO, and will be referred to in this Procedure as a **Delegated Officer**:

- Operational Director, Justice Health Services (JHS)
- Clinical Director, Forensic Mental Health Services (FMHS)
- Director of Nursing, MHJHADS or
- Canberra Health Services Executive on Call.

The Dhulwa Consultant Psychiatrist and Assistant Director of Nursing are **ONLY** Delegated Officers for restricted items brought in by a consumer or visitor to a consumer.

Regardless of whether an item is a prohibited or restricted item, a Delegated Officer has the power to direct that a person does not bring an item into Dhulwa if it is likely to jeopardise the security or good order at Dhulwa or to jeopardise the safety of anyone at Dhulwa. If a person does not comply with this direction, they may be requested to leave Dhulwa and/or the item they are trying to bring into Dhulwa may be seized (see below).

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Section 1 – Prohibited Items

Prohibited Items in Dhulwa are those which the CEO (or Delegated Officer) has declared cannot be brought into a secure mental health facility by anyone, except with a written exemption from a Delegated Officer (ss10 & 35, *Mental Health (Secure Facilities) Act 2016*).

The full list of prohibited items is set out in Attachment 1: *Prohibited and Restricted Items table* .

Prohibited items include things that are hazardous or illegal to possess or have harmful properties or are things that may present an unacceptable safety threat to a secure mental health facility.

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Section 2 – Restricted Items

Restricted items in Dhulwa are those which the Delegated Officer has declared, with prior approval, may be brought into a secure mental health facility with limitations.

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The restricted items are items listed in Attachment 1 which:

- a specific cohort of people may bring into Dhulwa, with limitations on the areas that they may be used i.e. plastic bags into non-clinical areas
- items an individual consumer, staff member, visitor, contractor, authorised person or visitor to a consumer under certain conditions, i.e. a staff member may bring a personal MP3 player in to play Christmas music, or a consumer may have access to a USB stick for a set period of time to save their work.

Note: See *Attachment 1: Prohibited and Restricted Items table* for list of restricted items.

2.1 Approval to bring in or access restricted items

Approval is required by a Delegated Officer prior to any person bringing a restricted item into Dhulwa, using the *Application to Bring a Restricted Item into Dhulwa form*, available from Dhulwa reception

2.1.1 Consumers

Consumers wishing to have access to restricted items in Dhulwa should raise this with their primary nurse for discussion prior to the Multi-Disciplinary Team (MDT) meeting/Ward Round (WR). Following clinical risk assessment if the MDT/WR believes that access to the items are of therapeutic value to the consumer and do not pose a risk to others in Dhulwa or the good order of Dhulwa, they may request approval from a Delegated Officer to bring the items into Dhulwa, using the *Application to Bring a Restricted Item into Dhulwa form*.

The consumer is to be informed that access to restricted items will be continually monitored and may be withdrawn by the MDT, based on risk assessment and in the event of unauthorised or inappropriate use.

Approval for a consumer to have access to restricted items, including any limitations, must be documented in the consumer’s Electronic Clinical Record (ECR) by the consumer’s primary nurse and the nature of the items recorded in their *Consumer Property and Valuables form* by the Property Manager before the items are given to the consumer. The ECR entry should be titled *Approval for Restricted Item*.

2.1.2 Staff, accredited persons and contractors

The JHS Operational Director from time to time, may distribute a Staff Direction via an all-staff email, that all staff and contractors have approval to bring certain items into Dhulwa. Any restrictions on the use, including areas where items can be used, will be clearly articulated in the approval. If the item is used in a way that contravenes these restrictions, the item will be considered to be a prohibited item and treated accordingly.

Staff Directions will be filed in a *Restricted Item Directions* folder in the staff station, so that they can be accessed by all staff, especially new staff.

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Staff, accredited persons and contractors seeking approval to bring a restricted item that does not have blanket approval into Dhulwa will need to seek approval from a Delegated Officer using the *Application to Bring a Restricted Item into Dhulwa form*, available from reception.

2.1.3 Visitors to a consumer

Visitors to consumers may request approval to bring a restricted item into Dhulwa for a consumer using the *Application to Bring a Restricted Item into Dhulwa form*, available from reception. A restricted item cannot be brought into Dhulwa without prior written approval, by a Delegated Officer.

In considering the application, the Delegated Officer will take into account the consumer’s need to access the item and the overall safety and security of Dhulwa.

After considering the application, the Delegated Officer will advise the visitor, via the *Application to Bring a Restricted Item into Dhulwa form*, if their application has been approved or rejected, including:

- Any limitations on use if the application was approved; or
- An explanation as to why the application was rejected.

If the item is approved, the Delegated Officer will provide the Security Supervisor with a copy of the approved *Dhulwa Application to Bring a Restricted Item into Dhulwa form*.

Before approved items are given to a consumer, they must be listed on the consumer’s *Clothing, Property and Valuables Form* by the Dhulwa Property Manager.

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Section 3 – Conditions of Entry

All people entering Dhulwa must be made aware of the prohibited and restricted items list and the process for seeking approval to bring a restricted item into Dhulwa. A sign listing the prohibited items is posted on the outside of the building. Please note that the authoritative list of prohibited items is contained in Attachment 1.

Further information listing prohibited and restricted items, including a copy of Attachment 1, is available through:

- Reception
- The *Dhulwa Visitor Welcome Handbook*
- On request from any staff member or security officer.

3.1 Searches

Searching of a person or property entering Dhulwa or within Dhulwa must always be conducted in accordance with the *Dhulwa Searching Policy and Dhulwa Searching Procedure*.

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Section 4 – Management of items in clinical areas

Even if approval has been given for a person to bring a restricted item into Dhulwa, these items still have the potential to be unsafe and create risk in a secure environment, especially if taken into clinical areas (i.e., areas to which consumers have access).

The MDT will therefore continuously monitor the safety and suitability of the items based on the consumer’s clinical risk assessment.

Notwithstanding the approval of access to restricted items for a consumer, reasonable limits may be imposed by the MDT on the number and type of items that a consumer may have in their possession at any one time. These limitations may be necessary to maintain the safety, security and good order of Dhulwa, and must be balanced against the rights of the consumer and the therapeutic benefits of the consumer having those items.

Note: The removal of property or possessions from a consumer without their consent constitutes a seizure of a consumer’s property. The consumer must be provided with a *Reviewable Decision Notice and Receipt of Seizure of Property* and the *Dhulwa Reviewable Decisions Notice – Information for Patients, Guardian and Nominated People* brochure available in the Dhulwa forms folder, (s67, *Mental Health (Secure Facilities) Act 2016*).

Seized items may be forfeited from the consumer in some circumstances (i.e., if possession of the item is illegal, or if the item is inherently unsafe).

See the *Dhulwa Search Procedure* for more information.

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Section 5 – Discovery of a prohibited or unapproved restricted item - Consumers

If a consumer is found to be in possession of a prohibited item, or unapproved restricted item, the first priority is to ensure the safety of everyone in the immediate vicinity.

If the item does not pose an immediate threat to the safety, security or good order of Dhulwa (i.e. discovering the consumer has five CDs in their room when they have approval to have four), staff should manage the situation consistent with therapeutic and relational security principles and bring the situation to the attention of the MDT/WR.

If the item does pose an immediate threat to the safety, security or good order of Dhulwa, staff must notify the Assistant Director of Nursing (ADON) or Nurse in Charge (NIC) (after

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hours) and the Security Supervisor immediately. The ADON or NIC (after hours) and/or Security Supervisor will notify the After-Hours Hospital Manager (after hours).

5.1 Seizure of a prohibited or unapproved restricted item

If a prohibited or unapproved restricted item is found it may be seized in accordance with division 4.6 of the *Mental Health (Secure Facilities) Act 2016*.

If an item is seized from a consumer:

- The NIC must ensure that the consumer is informed of why the item has been removed and under what circumstances (if any) it will returned, i.e., the item is on the prohibited or restricted items list
- The consumer’s allocated nurse, preferably in conjunction with members of the MDT, must review the Treatment, Placement, Restrictions, Implementation and Monitoring (TPRIM)
- Consideration should be given to placing the consumer on a higher level of observation, if deemed necessary.

5.1.1 Receipt for seized item

If a prohibited or unapproved restricted item is seized, the owner must be provided with a receipt. The receipt must include:

- Description of the thing seized
- Explanation of why the thing was seized
- Statement about the effect of section 55 (forfeiture)

5.1.2 Reviewable Decisions: Seizure of Property

The seizure of an item or items of a consumer’s property is a reviewable decision. If an item or items of the consumer’s property is seized, the consumer must be provided with a *Reviewable Decision Notice and Receipt of Seizure of Property* and the *Dhulwa Reviewable Decisions Notice – Information for Patients, Guardians and Nominated people* brochure, available in the Dhulwa forms folder, (s67 *Mental Health (Secure Facilities) Act 2016*).

A copy of the *Reviewable Decision Notice and Receipt of Seizure of Property* and the *Dhulwa Reviewable Decisions Notice – Information for Patients, Guardians and Nominated people* brochure must be provided to the:

- Patient
- guardian (if the consumer has one)
- nominated person (if the consumer has one)
- Public Advocate - as a Commissioner exercising their functions under the *Human Rights Commission Act 2005*.

A copy of the notice should be saved onto the consumer’s ECR.

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5.2 Documentation

If a prohibited or unapproved restricted item is seized, the following documentation must be completed:

- The *Dhulwa Clinical Search Register*
- A *Reviewable Decision Notice and Receipt of Seizure of Property* as outlined above
- The *Consumers Clothing, Property and Valuables Form* (located on the Clinical Forms Register) should be updated, including a note of where the seized item is stored
- A description of the event and the type of items involved must be recorded in the consumer’s ECR
- A clinical incident Riskman report.

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Section 6 – Discovery of a Prohibited or unapproved restricted item – Staff, contactors, authorised person, accredited person and visitors to a consumer

Where Dhulwa Security Officers become aware that a staff member, contractor, accredited person or visitor to a consumer is attempting to bring a prohibited or unapproved restricted item into Dhulwa, they will advise the person that the item is a prohibited or an unapproved restricted item.

If the item:

- Poses an immediate risk to the safety, security or good order of Dhulwa, or is illegal to possess — direct the person to leave.
 - The Security Officer will record information about the item found and the identity of the person in the Security Log. The Security Officer must then provide this information to the ADON and the Security Supervisor.
 - A Delegated Officer and Security Supervisor will decide whether the person can enter Dhulwa after the attempt to bring in a prohibited or unapproved restricted item.
- Does not pose an immediate risk to the safety, security or good order of Dhulwa, and is not illegal to possess — direct the person to store the item in their vehicle or a locker at Dhulwa reception or to seek approval to bring the item into Dhulwa (using the *Application to Bring a Restricted Item into Dhulwa* form).

If a staff member becomes aware that any other staff member or authorised person, contractor, accredited person or visitor to a consumer is bringing, or has brought, a prohibited or unapproved restricted item into Dhulwa, the staff member must immediately inform their line manager or the ADON or NIC (after hours). The line manager or ADON or NIC (after hours) will liaise the Security Officer immediately.

The Security Officer may ask the person to leave Dhulwa. The Security Officer must consider what risks are present in asking the person to leave and then implement appropriate

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strategies to manage these risks before approaching the person (e.g. contacting ACT Policing for assistance).

If the person is already within Dhulwa, and if safe to do so, the person must be escorted by a Security Officer and an authorised health practitioner back to Dhulwa Reception where they must leave Dhulwa.

If required, a Code Black or a Grey Response may be called, dependent on the item and the identified risk. Activating a duress alarm will result in increased staff presence, which may not be in the interests of safety and security. It may be more practical to remove personnel from the area rather than bring personnel in.

6.1 Staff – additional requirements

Where a staff member is repeatedly detected in possession of a prohibited, or unapproved restricted item, the line manager, in consultation with the ADON, must:

- Formally interview the staff member and manage the staff member in accordance with the CHS ACT *Public Service Integrity Policy* and *Underperformance Policy*.
- Take any action necessary in the circumstances to protect the safety and security of Dhulwa, and
- Record details of the staff incident in Riskman.

6.2 Documentation

If an accredited person or visitor to a consumer is refused entry because they are attempting to bring a prohibited or unapproved restricted item into Dhulwa or is asked to leave Dhulwa because they have been found in possession of a prohibited or unapproved restricted item while in Dhulwa. They will be issued:

- a *Reviewable Decision Notice: Visitors* and the *Dhulwa Reviewable Decisions Notice – Reviewable Decision Notice: Information Visitors Brochure*, both available in the Dhulwa forms folder (see *Dhulwa Visitors Procedure*)

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Section 7 – Monitoring and auditing of approved restricted items

7.1 Monitoring

All Delegated Officers who approve a worker, accredited person, or visitor to a consumer to bring a restricted item into Dhulwa or a consumer to have access to a restricted item in Dhulwa are responsible for ensuring that a list of items approved by them is tabled at the monthly Security and Facilities Management meeting.

7.2 Audits

An annual audit of all approved restricted items will be conducted under the leadership of the JHS Operational Director as Chair of the Security and Facilities Management meeting. Audit results will be reported to the Justice Health Services Quality and Safety Committee.

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Evaluation

Outcome

- All person entering Dhulwa are aware of the prohibited and restricted items
- No prohibited or unapproved restricted items are brought into Dhulwa.

Measure

- Annual audit of restricted items as reported to Justice Health Services Quality and Safety Committee
- Annual review of clinical incident reports relating to restricted or prohibited items at Dhulwa.

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Related Policies, Procedures, Guidelines, Frameworks, Standards and Legislation

Policies

- CHS Work Health and Safety Policy
- CHS Work Health and Safety Management System
- CHS Incident Management Policy
- Dhulwa Searching Policy
- Underperformance Management Policy
- ACT Public Service Integrity Policy
- Occupational Violence Policy

Procedures

- CHS Incident Management Procedure
- CHS Significant Incident Procedure
- CHS Language Services – Interpreters Procedure
- Dhulwa Searching Procedure
- Dhulwa Visitor Procedure
- Occupational Violence Procedure

Standards

- Australian Charter of Healthcare Rights
- National Standards for Mental Health Services 2010
- National Safety and Quality Health Service Standards 2017

Legislation

- *Mental Health (Secure Facilities) Act 2016*
- *Work Health and Safety Act 2011*

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- *Health Records (Privacy and Access) Act 1997*
- *Human Rights Act 2004*
- *Human Rights Commission Act 2005*

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Definition of Terms

Accredited person—in relation to a consumer, means each of the following:

- if the consumer has a guardian under the *Guardianship and Management of Property Act 1991*—the guardian
- if the consumer has a nominated person—the nominated person
- if the consumer is a child or young person—the CYP director-general
- a lawyer acting in a professional capacity
- an Official Visitor
- the Health Services Commissioner
- a Human Rights Commissioner
- the Public Advocate
- a police officer acting in a professional capacity
- a member of the Commonwealth Parliament
- a member of the Legislative Assembly
- a person prescribed by regulation under the *Mental Health (Secure Facilities) Act 2016*.

Authorised person—means a person appointed under s69 of the *Mental Health (Secure Facilities) Act 2015*.

Delegated Officer (for prohibited items)—includes the:

- Clinical Director, Forensic Mental Health Services (FMHS)
- Operational Director, Justice Health Services (JHS)
- Director of Nursing, MHJHADS
- Canberra Health Services Executive on Call
- **Note:** The Consultant Psychiatrist and Assistant Director of Nursing are **ONLY** Delegated Officers for restricted items brought in by a consumer or visitor to a consumer.

Prohibited Item—means an item that the CEO (appointed delegate) has declared cannot be brought into a secure mental health facility by anyone except with a written exemption from a delegated officer (ss10 & 35, *Mental Health (Secure Facilities) Act 2016*).

Restricted items - means an item the Delegated Officer has declared, with prior approval, may be brought into a secure mental health facility with limitations.

Seizable Item—means:

- a prohibited item

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- a restricted item where the person has not been given approval to have the item
- any item (whether prohibited or restricted) for which possession or use constitutes a criminal offence, which creates a risk to the personal safety of anyone else, which creates a risk to security or good order at the facility, or which may be used by a consumer to intimidate anyone else.

Worker at a secure mental health facility means a person working at the facility, whether as a public employee, contractor, volunteer or otherwise.

Visitor includes a person wishing to enter the facility as a visitor.

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Search Terms

Dhulwa Mental Health Unit (Dhulwa), prohibited, restricted, seizable, unapproved, Mental Health Justice Health and Alcohol & Drug Services (MHJHADS)

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Attachments

Attachment 1: Prohibited and Restricted Items and Items requiring approval table

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Policy Team ONLY to complete the following:

<i>Date Amended</i>	<i>Section Amended</i>	<i>Divisional Approval</i>	<i>Final Approval</i>
17 June 2021	Complete Review	Karen Grace, ED, MHJHADS	CHS Policy Committee

This document supersedes the following:

<i>Document Number</i>	<i>Document Name</i>
CHHS16/222	Dhulwa Mental Health Unit: Prohibited and Restricted Items

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Attachment 1: Prohibited and Restricted Items Approval Table

Table Key

x	Prohibited Item (not allowed)
<	Item must never be taken into clinical/consumer areas
✓	<p>Restricted Item are items the Delegated officer has declared, with prior approval, may be brought into the secure mental health facility with limitations:</p> <ul style="list-style-type: none"> • limitations on the areas that they may be used i.e. plastic bags into non-clinical areas, and • under certain conditions, i.e. a staff member may bring a personal MP3 player in to play Christmas music, or a consumer may have access to a USB stick for a set period of time to save their work. •
#	Item permitted by use by a tradesperson, with approval from a Delegated Officer for each period of work and while under the supervision of a Dhulwa staff member, i.e. Security Officer or Facility Manager (s73, <i>Mental Health (Secure Facilities) Act 2016</i>).

Item Description	Worker or Accredited Person	Consumer	Visitor to a Consumer
Weapons of any description Exception of weapons carried by a police officer responding to an emergency situation at Dhulwa	x	x	x
Prohibited or dangerous substances (drugs, plants, substances or precursors) or drugs of dependence, including any substance listed in Schedules 9 and 10 of the <i>Poisons Standard</i> or in Schedules 2 and 3 of the <i>Criminal Code Regulation 2005</i>)	x	x	x
Alcoholic drinks	x	x	x
Cigarettes, e-cigarettes and tobacco products	x	x	x
Chewing gum including Nicotine Replacement Therapy (NRT) gums	x	x	x
Remote-controlled aircraft or vehicles/unmanned aerial vehicles (drones)	x	x	x
Mobile communication device. Includes mobile telephone, smart telephone, tablet, smart watch, two-way radio or any item capable of making/receiving calls, SMS, emails, or wirelessly transmitting data	x	x	x
Cameras or camera equipment	x	x	x
Any video or audio recording device	x	x	x
Prams and strollers	x	x	x

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Item Description	Worker or Accredited Person	Consumer	Visitor to a Consumer
Tattooing equipment	x	x	x
Violent or offensive written or pictorial material including films, printed material and computer video games (MA15+ and unclassified material that could be considered violent or offensive)	x	x	x
Blu-Tack, drawing pins or similar items	✓<	x	x
Plastic bags and bin liners	✓<	x	x
Lighters and matches (unless for cultural or religious ceremonies)	✓<	x	x
Candles and flammable liquids (includes those brought in by Ministers of religion)	✓	x	x
Umbrellas	✓<	x	x
Neck wear (ties, scarves or lanyards)	✓<	x	x
Motorcycle helmets	✓<	x	x
Portable audio player (e.g. iPod, MP3 player, other than as part of a mobile communication device)	✓	✓	✓
CDs and DVDs	✓	✓	✓
USB stick, portable hard drive or other device that can store, download or transmit data	✓	x	x
Laptop computers, tablet computers and computer software	✓	✓	x
Electrical equipment (other than an item listed in this table)	✓<	✓	✓
Aerosols	✓<	x	x
Hair dye products (for Dhulwa approved hairdressers only)	✓	x	x
Razors, electric shavers	✓<	✓	x
Medication (unscheduled or in Schedule 2, 3, 4 and 8 of the <i>Poisons Standard</i>) and medical devices (including needles, syringes or drug delivery devices) for personal use	✓<	x	x
Supplementary/complementary medicine and vitamins (including protein powders and body building supplements)	✓<	x	x
Tools and hardware equipment	✓<	✓	x

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Item Description	Worker or Accredited Person	Consumer	Visitor to a Consumer
Chemicals and substances (listed in Schedule 5, 6 or 7 of the <i>Poisons Standard</i>) which are used for cleaning, maintenance, the provision of a trades service, or other approved purpose as part of a staff member or contractor’s role and in accordance with safety directions	✓<	✗	✗
Kitchen tools and utensils	✓<	✓	✗
Glass and ceramic items – including crockery or glassware,	✓<	✓	✓
Metal cutlery, tins, cans or containers	✓<	✓	✓

Restricted items that are not approved or are not used for their approved purpose will be treated as if they are prohibited items under *the Mental Health (Secure Facilities) Act 2016*.

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