

# RESPONDING TO THREATS OF IMMINENT SERIOUS PHYSICAL HARM

How should I respond to issues with respect to imminent serious physical harm to a client or another person?

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## What to do if...

If a person expresses suicidal thoughts and ideation (eg threatening to hurt or kill themselves; talking or writing about death, dying or suicide), it is a normal reaction to feel shock, anger or panic.

However, by staying as **calm** as possible and demonstrating **care and empathy**, you are increasing your chances to **reassure the person, calm them down** and **take control** of the situation.

Encourage them to communicate with you and gently enquire about what support is available to the person, eg if they have told their family, GP or close friends about how they are feeling, and if you can contact any of these people right now to get to the person. **Encourage them to seek immediate help.**

If a threat is made on the phone, try to establish their current location and further details (if not known to you), such as their telephone number/address.



If you are a supervised solicitor or are unsure, notify and seek guidance from your supervising principal or solicitor.

### Use the Commentary to the ASCR,

**Rule 9.2.5**, as your decision-making guide:

“A solicitor must use common sense and ‘sound judgement’ before disclosing confidential information to prevent serious imminent physical harm to a client or another person. The solicitor should consider:

- the seriousness of the potential injury;
- the imminence and likelihood of the harm occurring;
- the absence of other ways to prevent the harm.”

## 1. Where to get help

### Crisis resources (24/7 support)

- Lifeline – 13 11 14
- Suicide Callback Service – 1300 659 467
- MensLine Australia – 1300 78 99 78



Call 000 for urgent medical attention or police attendance!

### Further support resources

- BlackDog Institute – [blackdoginstitute.org.au](http://blackdoginstitute.org.au)
- BeyondBlue – [beyondblue.org.au](http://beyondblue.org.au)
- SANE Australia – [sane.org](http://sane.org)
- RUOK – [ruok.org.au](http://ruok.org.au)

## 2. Taking care of yourself

Keep in mind that although you can offer support, you are not responsible for the actions or behaviours of someone else, and you cannot control what they might decide to do.

It is also important to remember that you are not a counsellor or mental health worker. Being confronted with a suicidal person is a stressful and challenging experience. Make sure you **reach out to someone** you trust and who can support you (e.g. a colleague or friend) to reflect on your own thoughts and feelings that may have come up in the interaction with a suicidal person.

You can also call **QLS LawCare** on 1800 177 743 for a confidential conversation with someone experienced to deal with these issues.

Turn over for some **DO'S** and **DON'TS** that are helpful to connect with the suicidal person and stabilise the situation. You will find answers to common questions on the back of this page.

### 3. What to do if...

#### ...the suicidal person is reluctant to seek help?

Keep encouraging them to see a mental health professional or contact a suicide prevention hotline immediately. Let them know that you want to make sure that they are safe and have appropriate support, and wherever possible seek their agreement to contact a support person or service on their behalf. If this is not possible, you may need to contact the police to carry out a welfare check.

#### ...the suicidal person has a weapon?

Call 000. When contacting the police, inform them that the person is suicidal and has a weapon to help them respond appropriately. Make sure you do not put yourself in any danger while offering support to the suicidal person.

#### ...you believe the suicidal person will not stay safe?

Seek their permission to contact their regular GP or mental health professional about your concerns. If possible, the health professional contacted should be someone the suicidal person already knows and trusts. If the person has a specific plan for suicide, or if they have the means to carry out their suicide plan, you can either call a mental health centre or crisis telephone line and ask for advice on the situation, or call the police to carry out a welfare check.

Be mindful that you should only disclose confidential information that is necessary to prevent imminent serious physical harm.

#### ...the person wants me to promise not to tell anyone else?

Use your common sense and sound judgement when deciding on the seriousness of the threat. If you are sufficiently convinced that the person is intending to follow through with their intentions of serious self-harm, and they refuse to give you permission to disclose this risk to another person, you are entitled to consider breaching your confidentiality in order to ensure their safety. If you are a solicitor, one of the exceptions to disclosing confidential information is to prevent "imminent serious physical harm to the client or to another person"<sup>1</sup>. You should be mindful that you should only disclose confidential information that is necessary to prevent the harm.

<sup>1</sup> Rule 9.2.5, *Australian Solicitors Conduct Rules 2012*



#### Always consider carefully whether you should keep a plan for suicide or risk of suicide a secret.

Be understanding, but keep in mind that complying with their request for secrecy around a serious and imminent threat to their safety carries a risk.

Treat the person with respect and involve them in decisions about who else knows about the suicidal crisis. You need to be honest and tell the person who you will be notifying (if you determine that you need to do so).

Keep in mind that it is much better to have the person angry at you for disclosing specific information as permitted in Rule 9.2.5 ASCR, in order to obtain help, than to lose the person to suicide.



#### What to DO

- Take the person seriously; do not ridicule, minimise or negate their thoughts and feelings
- Stay respectful, patient and calm
- Let the person know that you care about them and that you don't want anything to happen to them
- Wherever possible, stay with the person (in person or on the phone) until further help can be obtained
- Listen non-judgmentally; accept what they are saying without agreeing or disagreeing with their behaviour or point of view
- Ask open-ended questions to find out more about their thoughts and how far down they are in the planning process, eg how, when and where they are intending to take their life – the more detailed and specific the plan is, the higher the risk of acting on it
- Reassure them that there are other options and ways of coping with even the most pressing problems than suicide
- Encourage them to get appropriate professional help



#### What to AVOID

- Do not get into an argument or debate with the person about their suicidal thoughts
- Do not discuss whether suicide is morally right or wrong
- Do not use threats or guilt to stop the person (eg "this is so selfish; you are going to ruin your family's lives")
- Do not try to give them superficial reassurance (eg "you'll be fine", "just cheer up a bit", "but you have everything going for you")
- Do not use judgemental language (avoid saying "commit suicide" as this suggests a crime and moral wrongdoing – say "to suicide" or "take one's life" instead)
- Do not treat this as attention-seeking behaviour and try to "call their bluff" (eg "just do it already", "you won't dare to go ahead, anyway")
- Avoid promising them to keep their suicidal thoughts a secret