

Knowing Your Rights

Under the Mental Health Act (2014)

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Starting the group:

- * Introducing roles
- * Lived experience story
- * Creating the space

What common 'rights and responsibilities' do both consumers and mental health staff share?

Respect: Treated without discrimination based on your race, age, gender, gender identity, sexual orientation, carer status, disability, marital status or religious belief.

Safety: Feeling physically and emotionally safe, and treated professionally.

Privacy: Maintaining personal privacy, proper handling of information, confidentiality outside of work.

Communication: Open and appropriate communication that everyone can understand, access to interpreters.

Participation: Joining in making decisions about your treatment, and having choices about what your treatment options are.

Feedback: Able to comment or complain about personal care, health services, and have concerns dealt with properly.

Access: Having access to services that address your healthcare needs, being connected to other relevant services in a timely manner, supported transitions.

You have the right to expect staff to support and collaborate with you on your individual recovery journey.

(A consumer is someone who has received, is receiving or is seeking mental health services from a mental health service provider - voluntarily or compulsorily)

Exploring:

- * Current understandings and experiences
- * Commonality between staff and consumers
- * Ways to enact rights

What rights do I have with my mental health treatment?

You must be asked what mental health treatment you would like.

To help you make decisions about your mental health treatment, you must be:

1. Given enough information.
2. Given time to think about it.
3. Told how the treatment will help.
4. Told what other options there are.
5. Told about any side effects or risks.

You can ask any questions to the psychiatrist or other staff, and they must be answered in a way that you will best understand.

You can have family or carers support you.

You can get external support such as *Independent Mental Health Advocates* and *Community Visitors*.

You can create an *Advance Statement*, that explains your treatment preferences and must be considered.

You can create a *Nominated Person*, someone who must be consulted and contacted about your treatment.

You can get a second psychiatric opinion.

If you are receiving compulsory treatment you can appeal your treatment order.

How will you enact your rights?

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What is the Mental Health Tribunal?

It is an independent tribunal that determines whether an individual must receive ongoing compulsory mental health treatment.

It is made up of a lawyer, a psychiatrist and a community member.

MHT hearings occur for someone that:

1. May require compulsory treatment longer than 28 days (either as an inpatient or in the community).
2. Has appealed their compulsory treatment (you can re-appeal if you are unsuccessful).
3. May require electro-convulsive treatment (ECT), if they are considered to not have capacity to consent themselves.

If you have a Tribunal hearing, you will be given an information sheet about the Mental Health Tribunal process.

You must be given a copy of the Mental Health Tribunal Report at least 48 hours before your hearing.

You can bring a support person along.

You can access free legal advice and representation by calling *Victorian Legal Aid* or the *Mental Health Legal Centre*.

How could you prepare for a Tribunal hearing?

Exploring:

- * The role of the Mental Health Tribunal
- * Feedback ideas
- * The principles of the Mental Health Act

How can I provide feedback?

Any feedback is taken seriously, must be responded to, and won't be held against you

- **Speak with staff** as they may be able to assist you with responding to any issues you may have. They must follow up with any feedback and can support you to submit a complaint.
- **Tell Us What You Think** forms are located near the entrance to all Melbourne Health services. You can provide feedback anonymously.
- **The *Mental Health Complaints Commissioner*** is an independent body that deals with complaints about public mental health services.

Do you have any feedback ideas?

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So what is the Mental Health Act 2014?

It is the law governing compulsory mental health treatment in the state of Victoria.

It supports consumers and their carers to actively participate in their treatment.

Consumers should be provided treatment in the least restrictive way possible.

It has a focus on individual recovery.

The Mental Health Tribunal, Advance Statements and Nominated Persons are some of the new initiatives of the act.

More Information about your rights

Statement of Rights explains rights under the *Mental Health Act 2014* while being assessed for or receiving compulsory treatment.

NWMH Rights and Responsibilities for Consumers, Families, Carers and Staff details rights specific to this service.

Australian Charter of Healthcare Rights describes the rights of patients, consumers and other people using the Australian healthcare system.

Mental Health Act, Advance Statement and Nominated Persons information:
www2.health.vic.gov.au/mental-health/practice-and-service-quality/mental-health-act-2014

Contact numbers

Independent Mental Health Advocates -
www.imha.vic.gov.au ph. 1300 947 820

Community Visitors – ph: 1300 309 337

Victorian Legal Aid – ph: 1300 792 387

Mental Health Legal Centre - ph: 9629 4422
(6:30pm-8:30pm Tuesdays and Thursdays)

Mental Health Complaints Commissioner –
www.mhcc.vic.gov.au ph: 1800 246 054

Mental Health Tribunal –
www.mht.vic.gov.au ph: 9032 3200

Victorian Mental Illness Awareness Council- www.vmiac.org.au ph: 9380 3900

Finishing the group:

- * References to full documents
- * Handing out brochures to relevant services
- * Optional follow up with Occupational Therapist

JCU1 Consumer Group Evaluation Form

Group Attended:

Date:

Please tick the box that applies to you:

1. Have you attended this group before?

◇ Yes

◇ No

2. Was this group?

◇ Helpful

◇ Somewhat Helpful

◇ Unhelpful

Please explain:

3. Has this group made you feel more informed about the topic discussed?

◇ Yes

◇ No

Please explain:

4. Would you attend this group again?

◇ Yes

◇ No

5. Do you have any suggestions about how this group could be improved?



Group evaluation form:

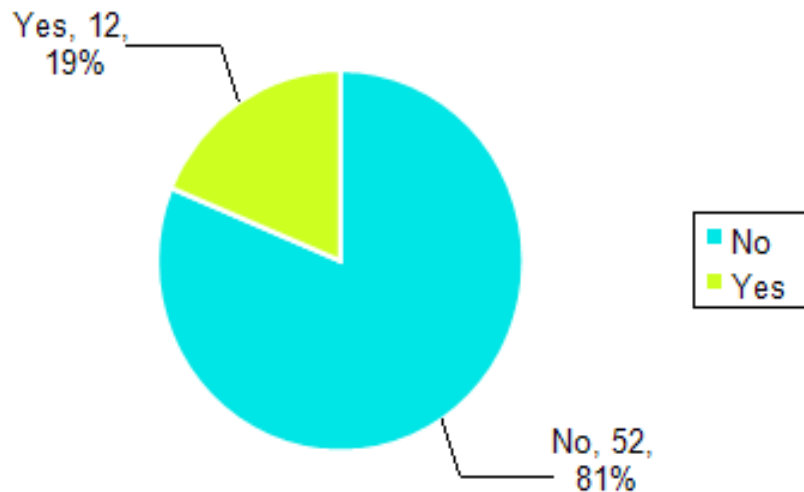
- * Voluntary
- * At the end of the group

Thank you for your feedback

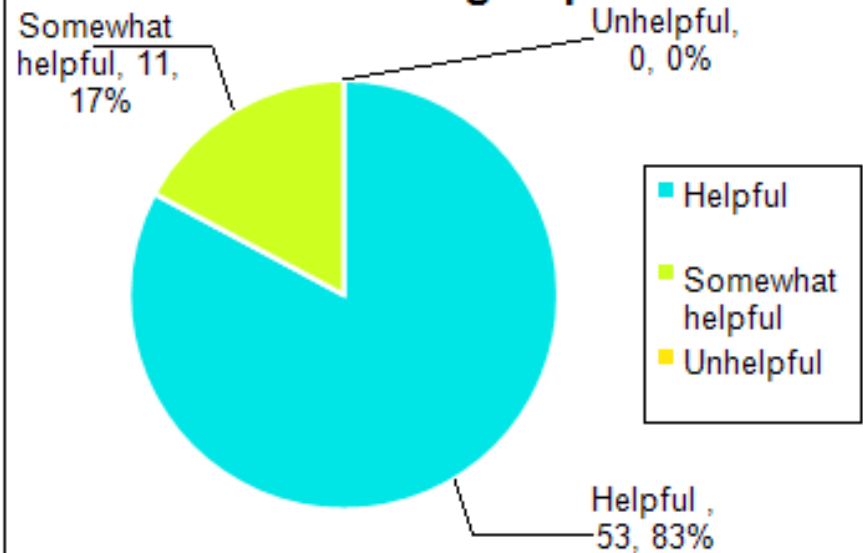
Rights Group Feedback Data

- * 12th of February 2015 – 22nd of April 2016
- * 64 completed feedback forms

Have you attended this group before?

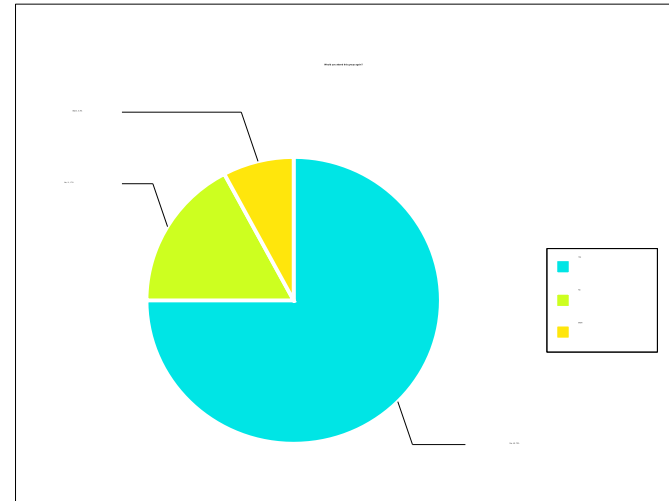
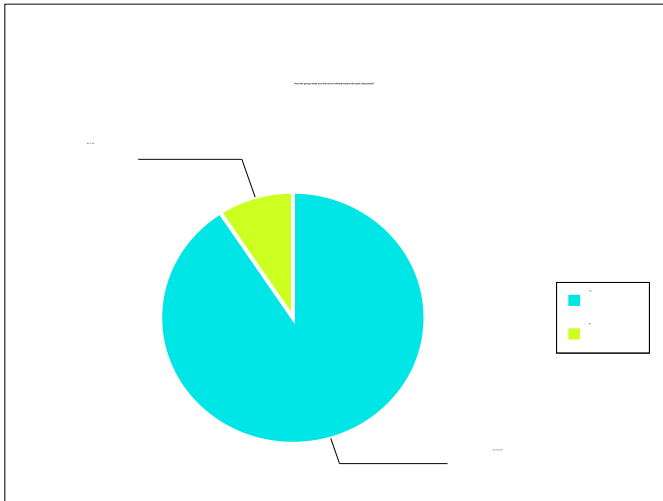


Was this group?



Rights Group Feedback Data

- * 26 groups run, 113 attendees, 4.3 attendees per group
- * 57% completed feedback forms



Rights Group qualitative comments – Examples

- * "Lots of information, rigorous discussion"
- * "The information given and the discussion that arose from what was presented was really good, in that it showed me the systems are really changing for the better of everyone"
- * "Explains things thoroughly and carefully so you can understand the basics"

Rights Group qualitative comments – Examples (continued)

- * "...Everyone listened to each other.
Very supportive environment. People
felt able to talk about sensitive issues."
- * "Someone trustworthy, Someone (who has)
also accessed same services"
- * "...positive tone of the session overall"
- * "Gave me more options to use"

Expansion of the role

- * Co-facilitating the groups at the Norfolk Terrace Community Care Unit
- * Tailoring the content to individual support in the community, including ARION PARC
- * Co-delivering training to staff
- * Networking with external organisations



For your consideration

- * How well does your organisation, and the consumers who use it, know about the Mental Health Act?
- * Can you see the **unique** benefits of peer support workers sharing Mental Health Act information to staff and consumers?
- * Could there be a space for a similar role, or similar groups, in your organisation?
- * How could you see this role, and its informational material, improve?



Martin's contact details

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