

# Statement of rights for involuntary patients

## Avenues for raising concerns and complaints

A number of avenues are available to patients to raise their concerns and complaints. These processes allow individual concerns to be responded to and also assist to improve the system for all users. Avenues include:

### Health Service Complaints Systems

If you are unhappy about any aspect of your care, you should feel free to discuss this with your treating practitioner(s). You will not be discriminated against or victimised if you make a complaint.

If you are not satisfied with the response, contact the Health Service Complaints Officer. If the matter remains unresolved, you may contact your Health Service District. For information about how to contact the Health Service Complaints Officer or the Health Service District, talk to a health service staff member.

### Health Quality and Complaints Commission

The Health Quality and Complaints Commission is independent of the health service system. One of its roles is to deal with health service complaints. In some instances, the Commission may encourage you to use the health service complaints system in the first instance. The Health Quality and Complaints Commission can be contacted on 3234 0272 (local call) or 1800 077 308 (outside Brisbane).

### Community Visitors

All patients who receive their treatment in a mental health inpatient facility are able to raise concerns with a community visitor. Community visitors are independent of the health service system and visit inpatient facilities on a regular basis. If you would like to speak to a community visitor, ask a health service staff member or contact the Community Visitors Program on 3406 7711 (local call) or 1300 302 711 (outside Brisbane).

### Director of Mental Health

The Director of Mental Health is responsible for ensuring that the *Mental Health Act 2000* is properly applied. If you believe the Act has not been properly applied or that your rights have not been upheld, a complaint can be made to the Director of Mental Health. For more information, talk to a health service staff member or contact the Mental Health Act Liaison Officer on 1800 989 451 (toll free).

# Statement of rights for involuntary patients

The *Mental Health Act 2000* provides for:

- ⦿ the involuntary assessment and treatment of people with mental illness and
- ⦿ protection of their rights while receiving involuntary assessment and treatment.

The *Mental Health Act 2000* operates alongside other legislation and policies that also protect individual interests and rights.

This statement sets out important information for you as a person who is receiving involuntary assessment or treatment. It aims to help you understand:

- ⦿ your entitlements and what you can expect as an involuntary patient and
- ⦿ what you can do if you are unhappy about your involuntary status or the services you receive.

## General

As an involuntary patient, you can expect:

- ⦿ to be treated with dignity and respect at all times
- ⦿ to have your religion and cultural background respected and taken into account
- ⦿ to be treated in a way that respects your privacy
- ⦿ to have personal information dealt with confidentially
- ⦿ to receive information in a form and language that you best understand and
- ⦿ to receive the assistance you require to communicate effectively, including assistance from an interpreter.

## Least restriction on liberty and rights

Decisions made under the Act may affect a person's liberty and rights.

These decisions can only be made if there is no less restrictive way to protect your health or safety, or the safety of someone else.

When your liberty and rights are restricted, this must be the minimum degree necessary, taking account of the circumstances. You can expect the reasons for any restriction to be explained to you.

## Information about involuntary status

As an involuntary patient you can expect to be fully informed about your involuntary status.

This includes being told:

- ⦿ when a decision to apply, change or cease involuntary status is made
- ⦿ the reasons why the decision was made
- ⦿ how the decision will affect you and
- ⦿ what you can do if you are unhappy about the decision.

## Mental health treatment

If an involuntary treatment order or forensic order is made for a person, the person can be given treatment for mental illness without their consent.

As a patient receiving involuntary treatment, you can expect:

- ⦿ treatment to be given in accordance with a documented treatment plan
- ⦿ regular assessment by an authorised psychiatrist (ie. at intervals specified in the treatment plan)
- ⦿ to receive information about:
  - your illness
  - alternative treatments available and
  - the benefits and risks associated with these treatments
- ⦿ to participate (to the greatest possible extent) in decisions about your mental health treatment, including the development of your treatment plan.

## Allied person

As an involuntary patient, you are entitled to have an allied person to help you put forward your views and wishes about your treatment and involuntary status.

You are entitled to choose your own allied person (for example, a trusted relative or friend) or, if you are unable to make this decision, an allied person will be chosen for you.

## Independent review of involuntary status

The Mental Health Review Tribunal is established to provide independent review of persons treated under involuntary treatment orders and forensic orders.

If an involuntary treatment order or forensic order is made for you, your case will be automatically reviewed by the Tribunal on a regular basis. You are encouraged to attend the Tribunal to put forward your views about your involuntary status.

You are also entitled to:

- ⦿ make an application for review by the Tribunal or to have another person make an application on your behalf
- ⦿ give written information to the Tribunal to support your case
- ⦿ be assisted by your allied person, lawyer or advocate at a Tribunal hearing
- ⦿ have access to all information that the Tribunal will consider in deciding your case (except in very exceptional circumstances, where the Tribunal can withhold information for safety reasons)
- ⦿ appeal the decision of the Tribunal to the Mental Health Court.

## General health care and other decisions

Decisions about other areas of health care, financial matters and personal matters are not affected by a person's involuntary status under the *Mental Health Act 2000*.

You are entitled to continue to make financial and personal decisions and decisions about your general health care. This includes being able to refuse other medical treatment.

If you do not have the capacity to make these decisions, you are entitled to protections given under the *Guardianship and Administration Act 2000*. This Act sets out who can make these decisions on your behalf.

## Access to health practitioners and legal advisers

As an involuntary patient, you are entitled to receive visits from your own health practitioner or legal adviser at any reasonable time.