Confidentiality & Release of Information

It is recognised that your partnership and participation with the clinicians of the mental health service offers the best outcomes and enhances the recovery of the person for whom you care.

One of the main ways to become involved is in the exchange of information between you, the consumer and mental health workers. Family members and carers often have vital information that can help mental health professionals make decisions about the best way to treat and plan for the care of a consumer or provide early intervention to prevent relapse.

However, it may sometimes seem that mental health professionals are not involving you as much as you would like. Mental health professionals have a legal obligation to follow confidentiality rules. These rules deal with how and when mental health professionals can share information with others. A breach of confidence can lead to the professional facing disciplinary measures or legal proceedings.

They also have a duty of care around confidentiality to family/carers. Achieving the balance of meeting the confidentiality needs of consumers, family/carers and mental health professional standards can be difficult for all concerned.

For professionals, the most important issue is the agreement of the consumer to the disclosure of information to the family/carer. Apart from the circumstances detailed on pages 3 and 4 of the Queensland Government document ‘Information sharing between mental health workers, consumers, carers, family and significant others’, the consumer must give informed consent before any personal information can be shared.

Complex issues can arise when the consumer is unable to give ‘informed consent’ e.g. during an acute episode of psychosis.

What is informed consent?

A consumer, who has the capacity to do so, willingly agrees and signs a consent form that enables health professionals to share information about their condition, treatment, risks and progress with a nominated person/community agency.

The consumer may direct that certain personal or sensitive information not be disclosed but allow other information to be shared.
Why must consent be given?

Requiring consumer consent is essential for a number of reasons:

1. Firstly, it safeguards the consumer's relationship with their mental health practitioner and creates an atmosphere of trust and a commitment to treatment. This is vital in building a successful therapeutic relationship.

2. Secondly, by discussing with consumers the options for releasing information to others, professionals communicate respect and validation of consumers' ability to make decisions in their own best interest.

What type of information is shared?

**Family/carer to clinician:**

- Any information that will assist clinicians to achieve a full and accurate assessment of the consumer, either initially or at any later stage in the consumer’s treatment
- Any information that will assist in the development of the consumer’s Individual Care and Recovery Plans.

**Clinician to family/carer (if consumer GIVES informed consent):**

- All information about the consumer that will support recovery e.g. diagnosis, treatment, progress, risks, strengths, information about the mental illness, dosage and possible side effects of prescribed medication, individualised early warning signs and relapse prevention plan, contact details of community based agencies to support the consumer and themselves.

**Clinician to family/carer (if consumer DOES NOT give informed consent):**

- The family/carer still requires a level of information that will help them to support recovery
- **Non-confidential information** includes basic information about mental illnesses, including causes, warning signs and symptoms, general prognoses, and basic treatment options; potential risks (physical, emotional, financial, harm to self or others); relapse prevention strategies; an emergency plan in the event of a relapse; and contact details of community based agencies who can offer consumer services and those that offer services or support to families/carers in dealing with issues and behaviours associated with mental illness
- **Relevant** information about the consumer’s assessment and treatment may also be discussed with a key person involved in the consumer’s care and recovery from mental illness
- In situations where the consumer is potentially a danger to themselves or others, practitioners have a duty to warn the consumer’s carer/significant others.

What can families / carers do?

- Discuss the issue of confidentiality with the consumer at an early stage when they are not ill. If possible have the consumer sign a Consent to Release Information form or prepare an Advance Health Directive and give a copy to the Mental Health Service
- Ensure issues regarding consent are prominently recorded in the consumer’s clinical chart to allow for continuity of care
- Under Mental Health Act legislation, consumers receiving involuntary treatment can appoint someone to be their ‘Allied Person’. The Allied Person’s role is to be an advocate and assist the consumer to express their views and be understood. It is not the role of the Allied Person to express their point of view.

Complaints

If you have concerns about your interactions with mental health and addiction services, you can speak directly with the consumer’s health professional or treating doctor.

The Sunshine Coast Hospital and Health Service also has a Patient Liaison Service, which is independent of the Mental Health and Addiction Service, who can assist you.

Phone: Nambour General Hospital – (07) 5470 5085.