

## 5. Accessing mental health services

This fact sheet is about the rights family and friend carers have when they are accessing mental health services with or for the person they care for. Mental health services support people living with a diagnosed mental illness (e.g. schizophrenia or bipolar disorder) or with symptoms of anxiety or depression. They are generally found in hospitals, local clinics or private practices.

Knowing your rights is important, because it helps you understand what you can and can't expect when you access services with or on behalf of the person you care for. When you know your rights, you are in a better position to stand up for yourself or the person you care for when a problem arises. This fact sheet focuses on rights that can be upheld through formal complaints processes.

The NSW Mental Health Act 2007 recognises the value of carers, and supports their right to information and inclusion in decisions about treatment and discharge. It also ensures that professionals take into account any information provided by carers, relatives and friends.



### Care recipient privacy and carer rights

Professionals are required to maintain the confidentiality and privacy rights of any person who accesses mental health services. It is important, however, that professionals balance patient and consumer privacy with the rights of carers to receive and exchange information relevant to their caring role. This protects both the carer and care recipient, during and after accessing a mental health service. Be sure to inform the relevant professional that you are a carer when you first come into contact with a service.

### Being recognised as a carer

A patient can [nominate up to two 'designated carers'](#) to receive information about their condition and treatment plan. They can also nominate people who they do not want to receive information about, or be consulted about, their treatment. Nominations are valid for twelve months but patients can make changes any time.

If a patient has an appointed guardian, that person is automatically their only 'designated carer'.

Patients between 14 and 18 years of age can nominate someone other than their parents to be their designated carer.

A 'principal care provider' can be [identified by the authorised medical officer or director of community treatment of a mental health facility](#).

This person is the individual who is primarily responsible for providing support or care to a care recipient. They can be, but do not have to be, a designated carer as well.

[Designated carers and principal care providers](#) should be informed of issues relating to admission, detainment, incidents of absconding, planned discharge, transfer, or in cases where a community treatment order or a particular therapy is being considered. They can also request information about the types and dosages of medication being administered.

If you are not a designated carer or principal care provider, you do not have the same rights to information, but can contact a hospital or service and advise them of your views or concerns. The treating team should take your views into account.

# KNOW YOUR RIGHTS

Information for family and friend carers



## Where to find information about your rights

All mental health service providers should give you information about your rights and responsibilities as a mental health carer. If you are involved in an initial assessment, providers should give you information on the [National Standards for Mental Health Services](#). You can ask for this information if you do not receive it initially. Useful, easy to understand information can be found in **chapter 9** of the [Mental Health Rights Manual](#).

## Concerns and complaints

If you have concerns about mental health care or treatment, first try to **discuss your concerns directly with the treating team**. If your concern is not resolved, in a hospital setting, you can **contact the patient representative or hospital complaints officer**. Their contact information can be found by phoning the hospital or visiting the hospital website. You can **search for these details by hospital name or location** online [here](#).

Andy's partner Greg was involuntarily admitted to hospital due to a severe mental health issue and had several bad experiences with a staff member while there. Andy raised the issue on Greg's behalf with the staff member, and then his manager, but they still were not happy with the situation. Andy contacted the Official Visitors Program who were able to assist them.



If you have concerns that have not been resolved about information, medication, communication with staff, restraint or seclusion or discharge planning, you can **contact the [Health Care Complaints Commission](#)** on 1800 043 159.

## Involuntary admission

People who have been involuntarily admitted to hospital under the Mental Health Act, and disagree with the decision can speak to their treating doctor and request to be discharged. If the request for discharge is refused you can **make an appeal to the [Mental Health Review Tribunal](#)**.

If the person you care for is detained in a hospital mental health unit or receiving services as part of a community treatment order you can **contact the [Official Visitors Program](#)** on 1800 208 218 for information and assistance. You can also **contact the [Mental Health Advocacy Service](#)** on 02 9745 4277 for legal advice and assistance.

*All of the agencies listed on this fact sheet also provide support through the Translation and Interpreting Service and National Relay Service.*



This fact sheet was developed by the Carer Rights & Complaints Network (CRCN), a joint initiative of Carers NSW and the NSW Government. For more information, please contact the Carers NSW Policy Team on 02 9280 4744 or [policy@carersnsw.org.au](mailto:policy@carersnsw.org.au).