

Know your rights: I want more say in my treatment

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Receiving compulsory mental health treatment can be lonely and distressing. Sometimes it feels like you have no say in what happens to you.

Independent Mental Health Advocacy (IMHA) is a non-legal advocacy service that supports you to understand and exercise your rights. This factsheet is designed to tell you about your rights under the *Mental Health and Wellbeing Act 2022* (the Act) and offer tips about speaking up about your treatment.

Do I have a say in decisions about my treatment?

Yes. The Act states that you should be supported to make or participate in decisions about your assessment, treatment and recovery. More specifically, it says your treating team must:

- **Informed Consent** – Seek your informed consent for all treatments where you have been assessed to have **capacity**.
- **Information** – Provide you with information about the proposed treatment and other treatments.
- **Decisions that involve risk** – Support you to make decisions about your treatment, even where these involve a degree of risk. This recognises that risks are a normal part of everyday life, and that you should be supported to make positive and thought-out risks.

What is “capacity”?

A person has capacity to give informed consent to treatment or medical treatment if they can:

- **understand** the information that is given to them about the treatment
- **remember** the information relevant to the decision
- **use or weigh** the information relevant to the decision
- **communicate** the decision.

I have concerns about my treatment – what should I do?

Here are some options:

- **Ask for information** – you can ask staff for information and an explanation of your current treatment as well as alternative treatments.
- **Pros and cons** – you can write a list of pros and cons for the different treatments, including any side-effects that you experience. You can ask a staff member to help you write these down.
- **Ask a peer or peer support worker** – other people who have used mental health services could tell you about their experiences. But it is important to know that this is your decision.
- **Ask for a meeting** – you can ask for a meeting with your psychiatrist to discuss your concerns.

I have a meeting soon about my treatment – any tips?

Some things that other advocates and consumers have suggested are:

- **Make a plan** – make sure you plan what you want to say, and what you want to ask. You may write them down using our *Know your rights: self-advocacy plan*.
- **Know your rights** – the Act gives you a range of rights. These include appealing your order, asking for a second psychiatric opinion, and making an advance statement of preferences. For further information, read our other *Know your rights* fact sheets, see our website or talk to an advocate.
- **Ask questions** – sometimes you need information on your treatment options or rights before you can make a decision. Therefore, it's important to think about the questions you have for the treating team. You may write them down. It's fine to expect answers to your questions.
- **Bring a support person** – you may want to bring a family member, nominated support person, friend, peer, staff member or advocate to support you at the meeting.

What if the treating team disagree or I am not happy with their response?

Sometimes you don't get the outcome that you were hoping for at first. If so, you may consider:

- **Second Psychiatric Opinion** – you can contact the Second Psychiatric Opinion Service (1300 503 426), ask for an internal second opinion, or use a private psychiatrist to assess whether you should be under the Act, and whether your treatment needs to change
- **Make a complaint** – you can make a written or oral complaint to the mental health service or to the Mental Health and Wellbeing Commission (1800 246 054 / www.mhwc.vic.gov.au). See our *Know your rights: I want to make a complaint* factsheet for more information
- **Change your treating team** – you may ask the manager to change your psychiatrist or treating team. Our *Know your rights: I want to change my treating team* factsheet has more information.

How to contact IMHA and find out more

You can:

- visit the website www.imha.vic.gov.au
- send an email to contact@imha.vic.gov.au
- call the IMHA phone line **1300 947 820**, which is staffed by IMHA advocates 9:30am – 4:30pm seven days a week (except public holidays)
- call the IMHA rights line on **1800 959 353** to hear a recording about your rights
- ask a mental health service provider, carer, kin or other support person to assist contacting IMHA.



imha.vic.gov.au