

## Know your rights: I want to change my treating team

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 Victorian *Mental Health and Wellbeing Act 2022* (the law) and help you discuss changing your treating team.

### Why would I want to change my treating team?

Many people have supportive relationships with their treating team. However, some people consider making changes because:

- **Gender** – you may prefer or feel more comfortable with someone from a specific gender
- **Communication & personality** – you may have communication or personality issues with a staff member that you have not been able to resolve
- **Therapeutic relationship** – you may have had negative experiences with a staff member, and may have a better therapeutic relationship with another staff member
- **Clinical opinion** – you may disagree with a staff member’s “clinical opinion”, or decisions they have made about your treatment.
- **Your rights** – you may decide that a staff member is not respecting your rights and that this will not change.

#### Who is my “treating team”?

Many people call the following mental health staff the “treating team”:

- Psychiatrists
- Nurses
- Social workers
- Occupational therapists
- Psychologists
- Peer workers

### Do I have the right to change my treating team?

The law states that you have the right to make or participate in decisions about your treatment, as well as have your views and preferences considered. Your individual needs, such as your culture, language, communication, age, disability, religion as well as sexuality, should be respected and responded to.

The law makes specific mention that Aboriginal people should have their distinct identity and culture respected and responded to.

Therefore, you may request a change of staff for these reasons.

However, you should be aware that the service's response may be influenced by the staff and resources available.

## OK, I want to change my treating team – what do I do?

You can ask any staff member, or ask to speak to the Manager of the service. Some tips for that conversation are:

- **Make a plan** – make sure you plan what you want to say, and what you want to ask. Write them down if that helps
- **Know your rights** – you may want to read more about your rights under the law. You can also ask a staff member for the service's policy on changing your treating team

## What if they don't change my treating team?

Sometimes your first try is not successful. If that happens, you can:

- **Ask for a review** – ask for a review of the decision about changing the staff member
- **Talk to the staff member** – if you do not have the choice to change the staff member, you may want to meet with them to discuss your concerns and expectations again. You may bring a support person to help you with this meeting
- **Second Opinion** – the Second Psychiatric Opinion Service (1300 503 426 / [www.secondopinion.org.au](http://www.secondopinion.org.au)) offers a free independent review of whether you should be under the law or whether your treatment needs to change. You may find a private psychiatrist to assist by contacting the Australian and New Zealand College of Psychiatrists ([www.yourhealthinmind.org](http://www.yourhealthinmind.org) / 03 9640 0646)
- **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](http://www.mhwc.vic.gov.au)). See our *Know your rights: I want to make a complaint* factsheet for more information
- **Contact IMHA** – you may want to contact IMHA for more information or to access an advocate.

## How to contact IMHA and find out more

- Visit the website [www.imha.vic.gov.au](http://www.imha.vic.gov.au) or send an email to [contact@imha.vic.gov.au](mailto: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](http://imha.vic.gov.au)