

Know your rights: self-advocacy model

Receiving compulsory mental health treatment can be lonely and distressing, you may feel like you have no say in what happens to you. But you do have rights under the Victorian *Mental Health and Wellbeing Act 2022* (the Act) to speak up and be involved in your treatment.

Independent Mental Health Advocacy (IMHA) is here to help you do that. We support people receiving compulsory mental health treatment to make decisions about their assessment, treatment and recovery. This sheet provides steps and tips that can help you speak up and protect your rights.

What is self-advocacy?

Self-advocacy involves asking for what you need, negotiating and knowing your rights. You can do it on your own or with the support of an advocate or other person. **See the 6-Step self-advocacy process on the final page.**

Know your rights

You can learn more about your rights with the following resources:

- **A copy of your order** – you must be given a copy of your order when you are put under a compulsory treatment order. This explains why the psychiatrist believes that you should receive compulsory treatment
- **Know your rights factsheets** – see our *Know your rights* factsheets, at our website www.imha.vic.gov.au or ask your mental health service
- **Statement of Rights** – you must be given a copy of your Statement of Rights when you are put under a compulsory treatment order. If you haven't been given a copy, you can ask your treating team, or find it on the Department of Health website at www.health.vic.gov.au
- **Mental Health Principles** – Mental Health and Wellbeing Act 2022 part 1.5 has principles that explain what all mental health services and bodies should follow. See our website for information on these.

For more information, speak to a staff member, IMHA advocate or see our website.

What you can do to self-advocate

- **Ask questions & take notes** – it's difficult to make your own decisions if you don't have important information. You can prepare questions for meetings and write down the answers

- **Decision-maker** – make sure you go to the right person for your specific problem. For example, psychiatrists make decisions about compulsory treatment, medication and leave, while a nurse in charge makes decisions about your room or changing staff members
- **Make agreements** – if you have a meeting, it can be useful to make a specific agreement. Ask staff to write it down or take your own notes
- **Make a complaint** – you can make a complaint to the health service or the Mental Health and Wellbeing Commission (MHWC) by calling 1800 246 054 or visit www.mhcv.vic.gov.au. If you are considering making a complaint, you may read our *Know your rights: I want to make a complaint* factsheet
- **Ask for a Second Opinion** – you can ask for the health service to arrange a second opinion or contact the Second Opinion Psychiatric Service (SPOS) by calling 1300 503 426 or emailing intake@secondopinion.org.au.

Useful resources

- **Policies and procedures** – you can ask for the health service’s internal policies and procedures, or see the Office of the Chief Psychiatrist’s guidelines for best practice at www.health.vic.gov.au or call them on (03) 9096 7571
- **National Standards for Mental Health Services** – these standards include a focus on human rights for people using services. All services must comply with these standards. They are available at www.health.gov.au
- **Victoria Legal Aid (VLA) Resources** – VLA has in-depth information on the *Mental Health and Wellbeing Act 2022*. You can learn more about the law by visiting www.vla.vic.gov.au or call 1300 792 387.

How to contact IMHA and find out more

- Visit the website www.imha.vic.gov.au or 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



imha.vic.gov.au

- Ask a mental health service provider, carer, kin or other support person to assist contacting IMHA.

A 6-Step Guide to Self-Advocacy

There are many ways that you can do your own self-advocacy. Here are 6 steps that may help. You may consider using our *Know your rights: self-advocacy plan* resource to make your own advocacy plan.

STEP 01

Identify the issue

- Write down the issues – What do you want to change about your treatment? Make a list if there is more than one.
- Which is most important?
- Who is the decision-maker? Remember, staff have specific roles.

STEP 02

Know your rights

- What rights do you have?
- What do you need to advocate for yourself?
- Who is able to help if you want?

STEP 03

Identify solutions

- What is your preferred solution? It's OK not to know – you might ask someone you trust about your options.
- Are you willing to compromise? Where?
- How will you know when you have achieved what you want?

STEP 04

Develop plan

- How will you communicate your point? To whom, and when?
- Write it down & practice what you will say.
- Who will support you (if you wish)?
- What are the next steps if you do not get what you wanted?

STEP 05

Enact Plan

- Communicate your concerns.
- Take notes.
- Have the meeting.
- Continue with your plan.

STEP 06

Review

- What happened?
- What went well? What didn't go well?
- What would you like to be different?
- Follow the next steps in your plan if necessary.