

This pamphlet is one of eight. The titles are as follows:

- *Carers*
- *Community Treatment Orders*
- *Electroconvulsive Therapy*
- *Involuntary Detained Patients*
- *People referred for a Psychiatric Examination Under the Mental Health Act 1996*
- *Treatments*
- *Voluntary Patients*
- *Your rights under the Mental Health Act 1996*

Other pamphlets available include:

- *The Mental Health Review Board, Information about the review process*
- *The Council of Official Visitors*
- *The Mental Health Law Centre*

### Contact Directory:

**Aboriginal Psychiatric Services**  
Phone 9347 6848 Fax 9347 6888

#### ARAFMI

*(Mental Health Carers and Friends Association)*  
Phone 9228 0577 Fax 9228 0440  
Freecall 1800 811 747

#### Council of Official Visitors

Phone 9226 3266 Fax 9226 3977  
Freecall 1800 999 057

#### Legal Aid, Western Australia

Phone 9261 6200 Freecall 1800 809 616

#### Mental Health Law Centre

Phone 9328 8266 Fax 9328 8577  
Freecall 1800 620 285

#### Mental Health Review Board

Phone 9219 3162 Fax 9219 3163

#### Multicultural Access Unit (DOH)

*(for interpretation & translation of health information & policy)*  
Phone 9400 9504 Fax 9400 9554

#### Office of Health Review

Phone 9426 0100 Fax 9322 6848  
Freecall 1800 813 583

#### Office of the Chief Psychiatrist

Phone 9222 4462, 9222 4079, 9222 4217  
Fax 9222 4244  
Freecall 1800 022 222

#### The Mental Illness Fellowship of WA Inc.

Phone 9380 6688 Fax 9380 6699

#### Translating & Interpreting Service (TIS)

131450

#### Psychiatric Emergency Team

Phone 9224 8888 (24 hours) Rural 1800 676 822

#### WA Association for Mental Health

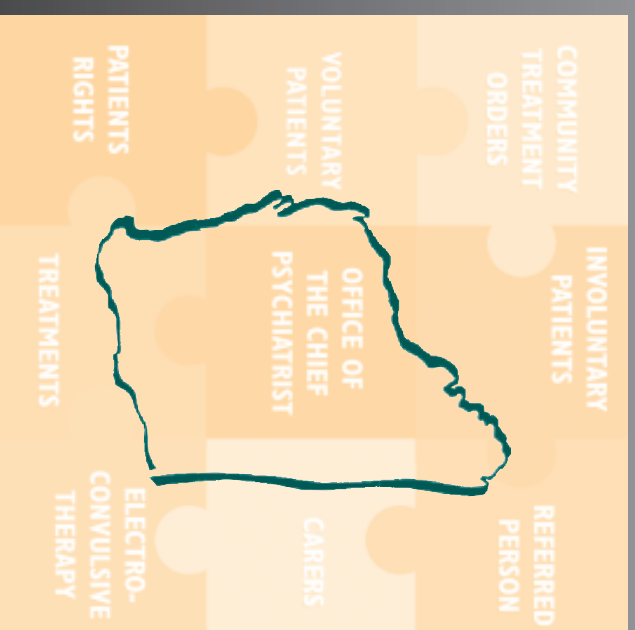
Phone 9420 7277 Fax 9420 7280

## OFFICE OF THE CHIEF PSYCHIATRIST

# CARERS

*Information for carers, relatives and friends of the mentally ill about their rights and responsibilities under the Mental Health Act 1996*

This pamphlet helps answer questions you might have about being a carer.



Published by the

Office of the Chief Psychiatrist

© Department of Health

Government of Western Australia 2005



Department of Health  
Government of Western Australia

## Who can be a carer?

A carer may be a spouse, relative or friend chosen by a person with a mental illness to help the person understand his or her rights when the person is admitted to hospital. This pamphlet is designed to help carers understand what rights the person with mental illness has. It also considers the responsibilities of being a carer.

## What rights do carers have?

**Right to information:** When a person is admitted to an authorised hospital or made subject to a Community Treatment Order, the psychiatrist must give the person information about his or her rights and a copy of most orders. This information must also be given to the person chosen as carer. If this information or a copy of the order is not offered, ask the staff.

**Right to complain:** A carer may complain to the Council of Official Visitors, either directly or when an Official Visitor is visiting a hospital or hostel. A carer may ask that an Official Visitor visit the affected person and it is part of the duty of the Official Visitors to address complaints. Ask staff at the hospital for information about getting in contact with an Official Visitor.

**Right of appeal:** A person detained in hospital or on a Community Treatment Order under the Mental Health Act 1996, is an involuntary patient. A carer may, on behalf of the involuntary patient, request a review from the Mental Health Review Board, which has the power to change the involuntary status of the patient.

An Official Visitor may help the carer prepare a request to the Mental Health Review Board for a

review. Either an Official Visitor or a carer can support the patient at a review of the Mental Health Review Board. For more information see the pamphlet issued by *The Mental Health Review Board, Information about the review process*. A patient may also be represented by a lawyer at the review. Free representation and advice may be obtained from the Mental Health Law Centre.

**Right to visit:** Carers have a right to visit a patient, if the patient is willing to be visited. If the psychiatrist believes that it is not in the patient's best interest to be visited, then the visit can be denied but the psychiatrist must review this decision every day. For more information about a patient's rights in hospital, see the pamphlets *Your Rights under the Mental Health Act 1996* and *Involuntary Detained Patients*.

## What responsibilities do carers have?

As a carer you should read or have explained to you how the Mental Health Act 1996 applies to the care and treatment of the person with a mental illness. Difficulties, misunderstandings and heartache can be very much part of coping with a mental illness. The mentally ill person may be going through emotional stress and problems.

Carers should expect to be involved in decisions about care, and are expected to cooperate, as far as possible, with treatment programs. It is important that when supporting the patient, carers also respect the experience and expertise of the mental health staff. While the patient may not always be happy with decisions made about their treatment, carers must stay well informed both by the patient and by staff so balanced conclusions can be reached. Staff members also

have a responsibility to respect the knowledge and importance of the carer.

Do not forget your own needs. Looking after yourself is not selfish, it is essential.

## Can information be kept confidential from a carer?

As a carer you may feel that the staff are keeping information from you. If the patient gives permission to the staff to give information to the carer, it is generally done. However, sometimes the patient may withhold permission and the staff must then accept the patient's wishes. Occasionally the staff may withhold information they believe the carer should not have. In these situations, staff members are bound by 'good practice' and the ethics of their profession.

If sensitive information is disclosed by a carer to a member of staff, it may be in the carer's interest to find out how the person with the mental illness will be given the information. In certain circumstances a staff member has a duty to warn a person whose physical wellbeing is in immediate danger. This duty overrides the duty of confidentiality.