



Participant Rights and Responsibilities Policy

Policy Type	Participant and Carer Rights and Participation
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Person/Body Responsible	MHF Board
Approved By	MHF Board

Purpose

Mental Health Foundation ACT (MHF) has adopted the *Australian Capital Territory Charter of Rights for People Who experience Mental Health Issues 2011* as published by ACT Health and follows the National Disability Insurance Scheme Quality and Safeguards Commission Practice Standards; and National Standards for Mental Health Services. In addition, MHF is committed to upholding the *United Nations Convention on the Rights of Persons with Disabilities*. These rights are for all people who experience mental illness or mental health problems seeking services from MHF.

This policy states how people who experience mental illness or mental health problems can expect to be treated by people who care for and work with them.

Definitions

Rights – conditions defined by legislation and regulations regarding the treatment of individuals.

Responsibilities – an obligation to meet specifically identified conditions.

Policy

It is the responsibility of the Chief Executive Officer to ensure that this policy is implemented within MHF. In addition, MHF staff have a responsibility to demonstrate the principles of this policy in their work.

MHF encourages participant empowerment in the provision of recovery and support services. The rights of participants do not diminish or supersede any other person's rights, including those of workers involved in their care. For this reason, all participants of MHF services must also be provided with a list of their personal responsibilities in maintaining supports aimed at helping them to achieve an effective recovery.

These participant rights and responsibilities are set out in the *Participant Handbook* provided to all participants when they commence receiving MHF services, and are available at short term accommodation sites also.

Participant Rights

1. Respect

You have the right to:

- Be treated with respect.
- Have your individual human dignity valued.
- Be free from discrimination, stigma, and other forms of social exclusion based on your mental health condition.
- Receive non-discriminatory care, without being subject to abuse or neglect.
- Ask to have a staff member of your own gender when receiving treatment.
- Have the complete attention of your MHF worker and avoid interruptions during your appointment.
- Have your individual needs respected in relation to your age, culture, language, disability, gender, religion, sexuality or economic status.

2. Safety

You have the right to:

- Refuse treatment or to withdraw from treatment at any time, subject to certain limitations where necessary to protect your own safety or the safety of others.
- Be safe when receiving treatment and care.
- Receive high quality treatment and care.
- Be treated in the least restrictive environment appropriate to your individual needs.
- Receive appropriate and comprehensive information about your treatment, including the side effects, in a timely manner.
- Obtain a second opinion about your treatment and care.

3. Communication

You have the right to:

- Be heard.
- Have a safe environment created that supports information exchange between you and your health care providers.
- Be informed about services, treatment options, and costs throughout your care.
- Ask questions regarding your care and have them answered in a clear and understandable manner.
- Communicate your view and preferences about your treatment and care options.
- Participate in the development of your own treatment plan, and to make informed decisions about your own care.

4. Access

You have the right to:

- Access culturally and linguistically appropriate services, including interpreters and cultural advisors where necessary.
- Timely access to health and services.
- Care that promotes independence and recovery.
- Choose if, and when, family, friends, advocates and other supports are included in your care.
- Choose to use or not to use some or all MHF services.

5. Participation

You have the right to:

- Live, work and participate in your community with equitable access to services.
- Participate in decisions and choices about your care throughout all stages of your care and recovery.
- Receive information in a form and language that you understand.
- Access independent advocacy and legal advice regarding your treatment, care, and social needs.

6. Privacy

You have the right to:

- Protection of your personal privacy.
- Privacy and confidentiality of your personal information.
- Access your own health records in accordance with the law.

7. Comment

You have the right to:

- Comment on your care and have your concerns addressed.
- You have the right to provide formal feedback to the organisation via the MHF Feedback and Complaints mechanism. Feedback and Complaints forms can be downloaded from the MHF website or provided on request from any MHF staff member.

Participant Responsibilities

Your responsibilities include:

- To be honest and open, and to provide accurate and complete personal information, about your mental-health condition(s), symptoms, history, medication use, and other relevant information.
- To actively participate in your own treatment plan, including following medication schedules and attending appointments.
- To comply with the rules and regulations of MHF facilities and programs, including respecting the privacy and confidentiality of staff and other people.
- To take appropriate steps to prevent harm to yourself or others, including following safety guidelines and seeking help when experiencing thoughts of self-harm or harm to others.
- To inform staff of any changes in your mental health status, such as new symptoms or side effects of medication.
- To seek help and support from family, friends, and community resources, as well as to take steps to maintain your own mental health and well-being outside of supports/treatments.
- To communicate your concerns and questions to staff, to seek clarification or additional information when needed, and to work collaboratively with staff to address any issues that arise.
- Always treating other participants and staff with respect.
- Refraining from using offensive language, violence or threatening others with violence.
- Being in a safe state to interact with staff, where you are not affected by illicit drugs or alcohol.
- Accepting responsibility for your actions and choices even though some actions and choices may involve an element of risk.
- Being considerate of the property of other people and of MHF facilities.
- If you choose to provide information about your past or present treatment, ensuring the information you provide is accurate, to the best of your ability and knowledge.
- Asking someone if you have not understood anything you have been told.
- Participating as far as possible in reasonable treatment and rehabilitation options.
- Notifying the worker if you are not able to keep an appointment in accordance with timeframes set out in your service agreement with MHF.

References

Canberra Health Services	<u>ACT Charter of Rights for people who experience Mental Health Issues 2011</u>
ACT Government	<i>Health Records (Privacy and Access) Act 1997</i> <i>Human Rights Act 2004</i>
Better Health Channel	<u>Stigma, Discrimination and mental Illness.</u> (Accessed 17/4/2024)
Centrecare	<u>Clients Rights and Responsibilities</u> (Accessed 17/4/2024)

Commonwealth Government National Standards for Mental Health Services 2010
Department of Health and Aged Care (Accessed 17/4/2024)

Charter of Care Recipients' Rights and Responsibilities – Home Care (Accessed 17/4/2024)

National Disability Insurance Scheme Quality and Safeguards Commission Rights of Participants, May 2022 (Accessed 17/4/2024)

National Disability Insurance Scheme Practice Standards - Core Module 1 (Accessed 17/4/2024)

New South Wales Health Sydney Local Health District Your Rights and Responsibilities, January 2021. (Accessed 17/4/2024)

United Nations Convention on the Rights of Persons with Disabilities (Accessed 17/4/2024)

Document History				
Author	Version	Amendment	Owner	Date of Effect
PWG	1.0	Document Created	MHF Board	28/2/2013
Corporate Services Manager	2.0	Reviewed for currency. Included actual wording of Consumer Rights from the ACT Government Charter document. 'Consumer' changed to 'Participant' throughout to keep with our current language. Minor grammatical changes made. Added in responsibilities that were previously missing. Based them on NSW Government document and reviewed in line with the Commonwealth Charter of Care Recipients document.	MHF Board	6/3/2018
Corporate Services Manager	3.0	Reviewed for currency. Included compliance with NDIS Quality Standards and MHF's commitment to the UN Convention on the Rights of Persons with Disabilities. Added Chief to Executive Officer title. Included right that the participant has to the complete, uninterrupted attention of the staff member during their appointment. Added religion and economic status in discrimination list, and right to choose/not choose all or some MHF services.	MHF Board	September 2021
Corporate Services Manager	4.0	Reviewed for currency. Included compliance with the National Standards for Mental Health Services. Updated references list for documents consulted.	MHF Board	April 2023

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Author	Version	Amendment	Owner	Date of Effect
Corporate Services Manager	5.0	<p>Reviewed for currency. Included reference to NDIS Commission Practice Standards to clarify our compliance obligations.</p> <p>Removed reference to hardcopy of doc being provided to participants; and instead reference inclusion of this information in the new Participant Handbook.</p> <p>Moved full rights and responsibilities to the back as an appendix and summarised them in the main body of the document.</p> <p>Reviewed and updated references.</p>	MHF Board	June 2024