

2019 Submission - Royal Commission into Victoria's Mental Health System

Organisation Name

N/A

Name

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What are your suggestions to improve the Victorian community's understanding of mental illness and reduce stigma and discrimination?

" I think there Needs to be greater awareness around advanced statements: I am writing this submission to address concerns surrounding the current effectiveness of The Victorian Mental Health Act 2014. The objectives of the 2014 Reform to this Act were focused on improving the mental health system by aiming to promote ""supported decision-making"" and ""strong communication between health practitioners, consumers, their families and carers"" (Part 2.10). This included reform to the protection of rights with the addition of Advanced Statements which allows patients to provide advanced preferences for their treatment. However, the lack of guidance and structure to these changes means that Advanced Statements are rarely used effectively thereby failing to uphold consumers human rights in accordance to the United Nations Human Rights Charter. Reform must occur in order to enhance communication to all consumers of their rights through stricter guidelines and education. This involves staff mentality changes and stronger enforcement mechanisms. "

What is already working well and what can be done better to prevent mental illness and to support people to get early treatment and support?

"Working well - the awareness and growth of NGO involving Mental Health- increasing in Government funding Needs Changing- 1.The availability and benefits of a Statement of Rights and Advanced Statements should be made aware to consumers as soon as they are diagnosed with a mental illness or actively engaged in a mental health service. Division 3, Section 19 of the Act outlines consumers rights to an Advance Statement as a document that sets out a person's preferences in relation to treatment in the event that the person becomes an involuntary patient. Currently the Act merely outlines what the Statement is about and what it does, however, it fails to acknowledge factors that have prohibited consumers utilising this right. For example it does not outline how the Advanced Statements will be clearly and easily made accessible for patients. We recommend that any person diagnosed with a mental illness should be offered the opportunity to write an Advanced Statement as soon as they are diagnosed with the illness. It was found by Maylea, Jorgensen, Matta, Ogilvie and Wallin (2018, pg 1-14) in their study into Consumers Experiences of Mental Health Advance Statements that most people who have Advanced Statements have already been subject to compulsory treatment rather than those presenting for the first time in compulsory treatment. They also found that consumers did not feel listened to in hospital and one participate stated they wished they had known about Advanced Statements earlier saying I came to doing an Advanced Statement because I had a really bad experience where I was involuntarily admitted into hospital I didnt feel that I was listened to. So, when I came out of hospital I did a lot of research and I found out about Advance Statements and thought that maybe next time Id be listened to more if it was in writing. The study into the Mental Health Act 2014 (2014) by the Chisholm Health Ethics Bulletin, states (in reference to the writing of Advanced Statements) These elements have significant potential to protect human rights, but in practice they

have never really been implemented, and they are poorly understood in the sector, let alone commonly practiced finding that the uptake of Advanced Statements and nominated persons is less than 3%. We recommend Victoria follow the ACT Advanced Statement policy which states that A member of the persons treating team, must ensure that the person is: advised, given the opportunity and offered assistance in writing an Advance Agreement (AA) or Advance Consent Direction (ACD), if the person has decision making capacity. The ACT defines treating team as meaning the mental health professionals involved in the treatment care or support of the person for a particular episode of treatment, care or support (The ACT Mental Health Act, 2015). This clearly articulates the diverse range of people involved in a consumers recovery and their responsibility to inform their patients when first attending for treatment about their rights. We strongly recommend The Act should be amended to include such a distinction in which all professionals working with consumers and their families must communicate the details, information and benefits of an Advance Statement in order to prevent human rights being infringed when people fall under involuntary care. This needs to occur at all stages of a persons recovery (from the early stage of diagnosis to after discharge from involuntary admissions) in conjunction with their Health Care Team and signed by the patient. "

What is already working well and what can be done better to prevent suicide?

N/A

What makes it hard for people to experience good mental health and what can be done to improve this? This may include how people find, access and experience mental health treatment and support and how services link with each other.

"Hard to find out about advanced statements and then put them into action (see question above). Also in regards to advanced statements: 2.Accessibility of documents and communication between health care professionals of a patients treatment requests Currently, Division 3-19 regarding Advanced Statements does not outline the need of being able to access this document and how the document will be detail communicated between treating teams. We believe the template Advanced Statement document should be made easily and readily available to all Health Care professionals and consumers online, as well as physically accessible, at every Practice who deals with people suffering mental health problems. We suggest it should also be mandatory that, once completed by a patient, their Advanced Statement should be given to the new treatment team anytime a patient changes between practitioners or is utilising a number of different services. All people involved d in the care of the patient must have their Advanced Statement securely stored on file. Also changes to Staff Mentality around Mental Health 3.Need for education and fostering culture change surrounding mental health treatment by training staff in what an Advanced Statement is and its benefits. Division 3.19 of the Act around Advanced Statements makes no reference to staff training or how the benefits of writing these statements will be communicated to consumers. To ensure that this right is being utilised and properly upheld, there needs to be an increase in staff education in order to develop a supportive culture change within services. In the study by Maylea, Jorgensen, Matta, Ogilvie, Wallin (2018, pg 8) on Consumers Experiences of Mental Health Advance Statements it is clearly evident that what consumers found most challenging was their rights not being respected or heard by their treating team. The findings state that No participants could say that their Advanced Statement had been followed by clinical staff one patient in the study commented I don't know whether they read my advance statement, but I was already in there for four or five days and I brought it to their attention I thought they shouldve done that beforehand. This clearly indicates the lack of training and knowledge around

Advanced Statements. We suggest that the law be amended so staff working in involuntary mental health facilities and community treatment centres must be trained in knowing about the benefits and eligibility of Advanced Statements as well as where they are kept on the premise. Staff motivation in assisting all consumers of the service in drafting these documents is also likely to improve once they realize the value of these documents as a tool to improve therapeutic engagement and dialogue on matters pertaining to medications and treatment (Saraf, S. (2015) pg 230232) This will not only protect rights as more Advanced Statements will be undertaken but will also encourages good communication and give people more faith in their treatment team, allowing them to feel more supported, heard and respected thus supporting their recovery. Good relationships and communication are vital for good mental health treatment and support (Mayler, et,al (2018), pg 15) We can see where such changes have been successful such as in Canberra, where treating teams are legally required to tell consumers as soon as possible that they can enter into an Advance Agreement or Advance Consent Directive, and give them an opportunity to make such a document (Mental Health Act 2015 (ACT) s 25). We recommend that the Act is amended to include education must be mandatory to all staff working with mental health patients on the benefits of writing an Advanced Statement, how it is enacted and also where it is found in the health practice facility. This will not only support rights but also make people feel more comfortable in the system and help adopt a cultural shift within Mental Health Practice. "

What are the drivers behind some communities in Victoria experiencing poorer mental health outcomes and what needs to be done to address this?

Depends on health care professionals.

What are the needs of family members and carers and what can be done better to support them?

N/A

What can be done to attract, retain and better support the mental health workforce, including peer support workers?

N/A

What are the opportunities in the Victorian community for people living with mental illness to improve their social and economic participation, and what needs to be done to realise these opportunities?

"4. Need to facilitate more programs available to consumers initialled under their rights in an Advanced Statement Currently, the written form of Advanced Statements stand as a document outlining patients preferences for their treatment however other preferences (such as those regrading personal interests) are overlooked if they do not fit in with strict protocol. This, once again, undermines the individuality of care and places patients in a one size fits all box. There needs to be stronger regulation to enforce reasonable requests made by patients that they feel will aid their recovery. For example, Maylea, Jorgensen, Matta, Ogilvie, Wallin (2018, pg 14) found that one participants statement clearly articulated alternative treatments and requests that were not followed. This participant commented they had made requests based on three past inpatient experiences that would be best to facilitate my recovery. The patient asked for basic, realistic but personal requests to in the admission such as vegetarian food, female only staff (after a sexual harassment issue), and darkness to reduce her stress. None of these requests were met by the treating team and instead they responded similar to the lines of we acknowledge that its there, but

we don't necessarily have to comply with it so good luck with that. We believe this highlights not only the need for diversity within what can be included under the definition of treatment in order to aid a more personal, patient driven recovery but also the reliance on clinical acceptance to make these requests a reality. Scotlands Mental Health Act has implemented the use of diverse requests within Advanced Statement with over 50% of the patients preferences did not fall under the definition of treatment, such as requests for regular walks, access to open air, use of a gym, or care of pets (Maylea, et al (2018), pg16). Since their amendment took place in 2015, the BBC recorded that more than 11,700 students asked for help in 2016-17 compared with about 7,000 in 2012-13- this is a huge jump of nearly 60% while between 2017-2018 people seeking mental health services only rose 9.6% according to the Victoria Governments Mental Health Services Annual Report. Evidently Scotlands program focused more on promoting rights is working to help people engage in recovery and we believe more flexible Advanced Statements will help to also improve the amount of people seeking early prevention and treatment in Victoria. 5. The format of the Advanced Statements also need to be changed to further protect the rights of the participants The Mental Health Act 2014 also states that a Psychiatrist must consider the Advance Statement and may only override the persons wishes where the preferred treatment is not clinically appropriate or not ordinarily provided by the Mental Health Service (Mental Health Act, 2014, s. 73). However we believe this gives too much power to the treatment team and therefore infringe on rights. The Statement should be formatted in a way to give a detailed account of the patients wishes in the case of all scenarios and situations clearly identifying the patients wishes for treatment in the community or inpatient setting. We believe that we should model Victoria's Advanced Statements on the ACT model which distinguishes the difference between Advanced Agreements and Advanced Consent Decision. According to the ACT Government Mental Health Act Part 3.3 the Advanced Agreement refers to the patients desires towards their treatment or care (but not specific consents/non consents), preferences to practical support and contact details to their support teams. The Advanced Consent Decision however, refers to patient consents to treatment, care, medications and procedures when they do not have decision-making capacity to make these choices. This model means that a patients requests are fully understood (before they reach a point where they can no longer make decisions) regarding both voluntary and involuntary treatment requests. We believe that acknowledging the distinction between consensual and non-consensual treatment choices needs to be more clearly outlined in the Advanced Statement document. This will support the protection of patients preferences being heard and enacted rather than being overridden due to lack of clarity or specifics in the document. "

Thinking about what Victorias mental health system should ideally look like, tell us what areas and reform ideas you would like the Royal Commission to prioritise for change?

The section on Advanced Statements

What can be done now to prepare for changes to Victorias mental health system and support improvements to last?

Good staff training.

Is there anything else you would like to share with the Royal Commission?

Please review my submission as focussing on the Advanced Statement section of the mental health act.