

If you are a designated carer or principal care provider staff must consult with you (unless it is not possible to do so) about:

- Plans for discharge
- The person's living arrangements
- Follow up care after discharge
- Referrals to other services and supports

You must be notified when the person is discharged and informed about any follow-up care that will be provided.



## Concerns and Complaints

You may like to raise any concerns you have firstly with the treating team.

If unresolved you can ask Official Visitors to visit the person in a hospital and to advocate for them and you.

You can make a complaint to the Patient Liaison Officer allocated to the hospital or Local Health District. You can find contact details on the website of the hospital or Local Health District.

The Health Care Complaints Commission will also investigate your complaint about health care providers.

## Information and Support

- **Official Visitors Program**  
1800 208 218 or email  
[OfficialVisitorsProgram@health.nsw.gov.au](mailto:OfficialVisitorsProgram@health.nsw.gov.au)
- **Discharge Request Information:**  
<https://www.mhrt.nsw.gov.au/files/mhrt/pdf/s44%20appeal%20flowchart%20updaed7o20267o20Sept7o2017.pdf>
- **Discharge Request Form:**  
[https://www.mhrt.nsw.gov.au/files/mhrt/pdf/S3\\_NH606702A7o20Application7o20from7o20carer7o20for%20discharge%20of%20patient.pdf](https://www.mhrt.nsw.gov.au/files/mhrt/pdf/S3_NH606702A7o20Application7o20from7o20carer7o20for%20discharge%20of%20patient.pdf)
- **Family and Carer Mental Health Program:**  
<https://www.health.nsw.gov.au/mentalhealth/Pages/services-family-carer.aspx>
- **MHCC Mental Health Rights Manual:**  
<https://mhrm.mhcc.org.au/chapters/9-carers-of-people-with-mental-health-conditions/9a-carers-of-people-with-mental-health-conditions-overview/>

Scan the QR code  
to access all brochures.



MHCN: May 2023



**Mental Health  
Carers NSW**

Proudly funded by



## Information for Carers of a person with Mental Health Issues

### In the Mental Health Unit

When someone you care about is admitted to a Mental Health Hospital Unit it can be very confusing and stressful. This brochure provides information for close friends, family members, kinship groups and carers of a person with a mental illness. It summarises what to expect when a person is admitted to a mental health unit in NSW, what your rights are and how you can access support.



## Mental Health Units

Both public and private hospitals admit patients for mental health care. Both public and private hospitals are subject to the Mental Health Act 2007 (NSW). Voluntary patients can be admitted to both public and private hospitals. Only declared mental health facilities (usually in public hospitals) can admit people who are involuntary patients.



## Voluntary Patients<sup>1</sup>

A person can be admitted as a voluntary patient if an authorised medical officer believes they will benefit from treatment and they, or their guardian, give consent to be treated in a mental health unit<sup>2</sup>.

Patients can be 'reclassified' from involuntary to voluntary by an authorised medical officer or the Mental Health Review Tribunal. Voluntary patients (or their guardian) in public hospitals are asked to sign a voluntary admission form.

Voluntary patients have the right to leave hospital any time they want. However, after requesting discharge, they can be detained for 2 hours to allow the authorised medical officer to determine if they should be reclassified as an involuntary patient<sup>3</sup>.

If a person has been a voluntary patient for 12 months, they must be reviewed by the Mental Health Review Tribunal<sup>4</sup>.



## Involuntary Patients

An "assessable person" and "involuntary patient" are detained in the mental health unit for treatment under the Mental Health Act. They can't leave even if they want to.

A person is classified as an assessable person after they have been assessed as "mentally ill" or "mentally disordered" by an authorised medical officer or accredited person. In making that determination the medical officer must decide there are no other safe, less restrictive options for treatment. A second medical officer (and third if necessary) must assess a person and agree that they should be admitted and detained as an involuntary patient.

As the carer of a person being assessed you have the right to be informed. You also have the right to provide information you have to the health team completing the assessment.

*Use the QR code in this brochure to access the 'Carer Rights' brochure.*

All people receiving treatment for a mental illness or disorder have a number of rights and these are listed in the Mental Health Act<sup>5</sup>. This includes the right to receive care and treatment in the least restrictive environment enabling care to be effectively given.

<sup>5</sup> Section 68 of the Mental Health Act 2007 (NSW)

All decisions to detain a person assessed as mentally ill must be reviewed by the Mental Health Review Tribunal. This will usually happen within 2-3 weeks.

*Use the QR code in this brochure to access the 'Mental Health Review Tribunal' brochure.*



## Seeking Discharge

Try the following if you don't agree that the person should be an involuntary patient:

- Speak with staff about your options and find out their views on the risks to your safety and to the person's safety. The admitting doctor should tell you why they believe the person should be an involuntary patient.
- If you are a designated carer or principal care provider, you can request (in writing) to have the person discharged. You must agree to take proper care of the person. The medical officer must be satisfied that the person will be safe and won't harm themselves or others.
- If the medical officer decides not to discharge the person, OR if they don't respond to you within three working days, you can appeal to the Mental Health Review Tribunal. Use the QR code in this brochure to access the 'The Mental Health Review Tribunal' brochure.

<sup>1</sup> The word "patient" is used in the Mental Health Act 2007 (NSW)

<sup>2</sup> Section 5, 6 and 7 of the Mental Health Act 2007 (NSW)

<sup>3</sup> Section 10(3) of the Mental Health Act 2007 (NSW)

<sup>4</sup> Section 9(1) of the Mental Health Act 2007 (NSW)