

VOLUNTARY MENTAL HEALTH PATIENTS ABLE TO BE ASSISTED BY MENTAL HEALTH ADVOCATES

Please be advised that from 1 January 2017, Mental Health Advocates will be able to assist a number of classes of voluntary mental health patients. This follows a Direction by the Minister for Mental Health made in consultation with the Chief Mental Health Advocate. A copy of the Direction is set out below. It was published in the WA Government Gazette on 2 December 2016 on page 14.

The Direction means that people in these classes of voluntary patient can now request assistance from an Advocate and will be an Identified Person as defined by s348(j) of the Mental Health Act.

Requests may be made by the Identified Person, their psychiatrist or a person who has a sufficient interest in the Identified Person which would include a personal support person or a facility staff member. Adults must be visited or otherwise contacted by an Advocate on or within a reasonable time after the request for assistance is made and children within 24 hours of the request. If the person makes the request to the mental health service, the person in charge of the mental health service must ensure that the Chief Mental Health Advocate is notified of the request within 24 hours of the request being made. Normally this is just a phone call to the Mental Health Advocacy Service (MHAS) office by a staff member or they can approach an Advocate on the ward. MHAS has a weekend phone service as well. There is no requirement to notify MHAS of the identified person, only to pass on the patient's request.

The Advocate's powers for these classes of voluntary patients is the same as for involuntary patients. MHAS has appointed two Deputy Youth Advocates to assist the Youth Advocate in relation to children.

MENTAL HEALTH ACT 2014

Classes of Voluntary Patient Direction

Made by the Minister for Mental Health under section 354 of the *Mental Health Act 2014*.

1. Citation

This direction may be cited as the Classes of Voluntary Patient Direction 2016.

2. Commencement

This direction comes into operation on 1 January 2017.

3. Definitions

In this direction terms have the same meaning as used in the *Mental Health Act 2014*.

4. Direction

For the purposes of section 348(j) of the Mental Health Act 2014 the following classes of voluntary patient are an identified person:

- 4.1. a child who is being treated, or who is seeking admission or is proposed to be provided treatment, by or in:
 - 4.1.1. a public hospital as defined by the *Health Services Act 2016*; or
 - 4.1.2. an authorised hospital.
- 4.2. a child who has been assisted in the previous six months by a mental health advocate while:
 - 4.2.1 a voluntary patient in accordance with this direction; or
 - 4.2.2 an involuntary inpatientand is being treated, or is proposed to be provided treatment, by or in a community mental health service;
- 4.3 a person who is a voluntary patient but who, while an identified person, was being assisted by a Mental Health Advocate in relation to a complaint or issue that remains unresolved and where some further action can reasonably be taken to resolve the complaint or issue.

MINISTER FOR MENTAL HEALTH