

providing ongoing care. They also have the right to be told if the clinician thinks the patient could harm them.

What can families do if they are unhappy with the treatment their loved one is receiving?

The Mental Health Act gives patients some rights. For example, the right to be treated with respect, the right for cultural identity to be respected and the right to appropriate treatment. If families believe that any of these rights have been breached, they or the patient can make a complaint to a District Inspector. The Responsible Clinician or Duly Authorised Officer can provide District Inspector contact details.

How do a patient's rights under the Privacy Act fit with their family's right to be consulted?

The Privacy Act and the Health Information Privacy Code protect people's health information. As a general rule, health agencies cannot release a person's health information without their consent. The Mental Health Act provides an exception to this rule.

If, as part of the requirement to consult with families, the Responsible Clinician discloses a person's health information, this will not be a breach of the Privacy Act (Sections 7 and 53).

Health agencies cannot use the Privacy Act as a reason for not consulting with the whānau.

It takes each of us to make a difference for all of us.

It's whānau ora, and it is the foundation that inspires every aspect of our work.

We're Yellow Brick Road, a national organisation that specialises in providing support for whānau who have a loved one experiencing mental health challenges.

After 40 years of working with people around New Zealand, we know that if the family of a loved one experiencing mental distress are correctly supported and empowered, the path they walk leads to increased wellbeing for the whole whānau.

We will walk alongside any family in New Zealand who needs support, knowledge, advocacy and empowerment as their loved one journeys towards mental wellbeing.

If you are concerned about a whānau member, we can help you.

Contact us to find out more

Our services are free and confidential.



Supporting families
towards mental wellbeing

Northern Region

0800 732 825

Central North Island

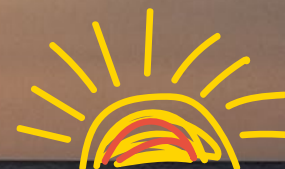
0800 555 434

South Island

0800 876 682

yellowbrickroad.org.nz

**Yellow
Brick
Road**



Understanding the Mental Health Act

**A guide for whānau of people
receiving compulsory mental
health treatment**

Sometimes people experiencing mental illness can become so unwell that they are treated against their will. This can be a frightening experience, not just for the person being treated but for the whole whānau as well.

This pamphlet is for whānau of people who are receiving treatment under the Mental Health Act. It explains how the Act works and what rights family have when a loved one is receiving compulsory – against their will – treatment.

What can you do if you are worried about a family member's mental health?

If you are concerned about a family member's mental health, you can apply for a compulsory assessment of them under the Mental Health Act. A GP, a mental health worker or a Duly Authorised Officer can help you with this (or mental health workers can make the application themselves).

If the situation is urgent, you can find community mental health contacts for your region online and in the telephone directory (under 'hospitals and other health service providers').

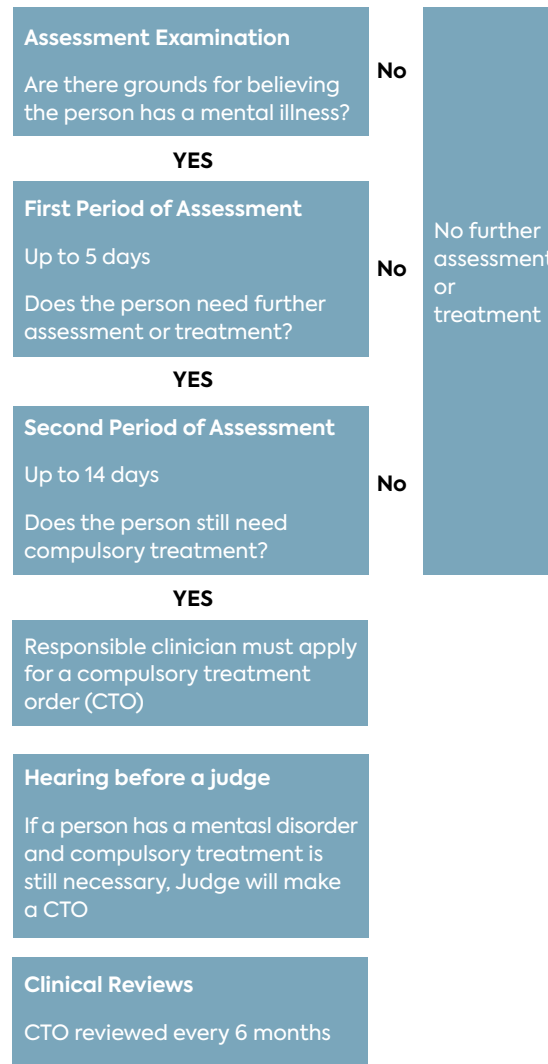
What is compulsory assessment and treatment?

Compulsory treatment is when a person is assessed and treated for their mental illness against their will and without their consent.

Most people receiving treatment for their illness are voluntary patients. However, sometimes a person can become so unwell that they are unable to take care of themselves, or they pose a danger to themselves or others. When this happens, an application can be made to have the person assessed under the Mental Health Act.

How does the Mental Health Act work?

The Mental Health Act sets out the steps that must be followed whenever a person is being compulsorily assessed or treated. At each step, there are checks to make sure that the person is not detained any longer than necessary.



Do health professionals have to consult the whānau?

Yes. The Mental Health Act says that the Responsible Clinician must consult with the patient's family during the compulsory assessment and treatment process unless it is not 'reasonably practical' or is not in the patient's best interests.

What is a consultation?

Consultation is a two-way process. Families have a right to receive some information about their family member and talk to clinicians in confidence about their concerns. Note that consultation is not the same as agreement. The Responsible Clinician will still have the final say in clinical decision making.

What information can whānau be given?

Whānau will usually be consulted at each step of the assessment and treatment process and when significant decisions are made. For example, whānau will receive information about the illness, treatment and community support, plus be consulted about recovery plans.

Can a patient say they do not want their family consulted?

Yes. Patients being treated under the Mental Health Act have the right to say they do not want their family consulted. However, the Responsible Clinician can still talk to the family if they believe this would be in the patient's best interests.

If the Responsible Clinician decides that it is not in the patient's best interests to consult their family, the whānau still has the right to talk to the clinician and be given information about the patient's condition if they are going to be