

The Mental Health Act acknowledges the role of family members and carers in the care and support of people with mental health issues. In particular, it recognises that families and carers should be given information that assists them to support the person's wellbeing and recovery. The Act seeks to balance this with the rights of mental health consumers to have their privacy respected in the same way as other people who use health services.

Designated carer/s

Under the Mental Health Act a mental health consumer can nominate two people as designated carers. This means that the Mental Health Service must communicate certain information to that person, particularly in relation to an inpatient admission.

Who can be a designated carer?

A designated carer can be:

1. The consumer's spouse or partner
2. Someone who is primarily responsible for providing support and care
3. A close friend or relative who maintains frequent personal contact and interest in the consumer's welfare
4. The parent of a consumer who is under the age of 14
5. Someone who has been appointed as the consumer's guardian under the Guardianship Act

When can a designated carer be nominated?

A consumer can nominate (or revoke) a designated carer at any time. If the consumer is a client of a mental health team, it may be preferable to do this while the consumer is at home, in consultation with their family and friends and the consumer's community mental health clinician.

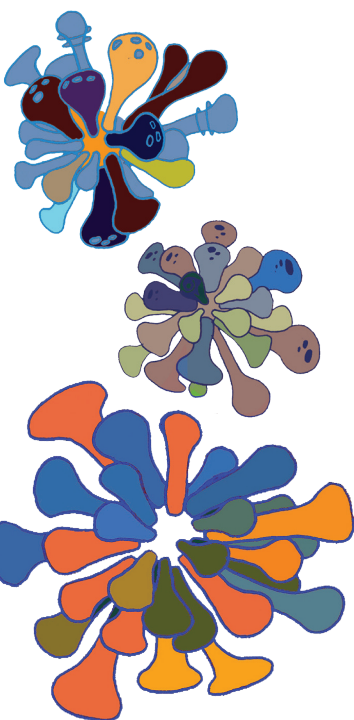
If the consumer is admitted to a mental health facility, and a designated carer has not been nominated, then it should be done as part of the admission process.

How is a designated carer nominated?

A consumer nominates a designated carer by completing a 'Nomination of Designated Carer(s)' form. The nomination stays in effect for 12 months unless it is varied or revoked in writing by the consumer. Consumers may also nominate a person to be excluded from receiving information about them, or exclude their designated carer/s from receiving certain information.

If the consumer refuses to nominate a designated carer when they are admitted, then a designated carer can be determined by an authorised medical officer. If the consumer later nominates someone else as their designated carer, then that nomination should take effect. Also, the person's nomination will not be accepted if the person is considered incapable of making a nomination, or if it is thought that the nomination would put anyone at risk of harm.

If the nominated person doesn't want to be the person's designated carer, another person should be identified as soon as possible.



What information is provided to designated carers?

Under the Mental Health Act, mental health staff must take all reasonable steps to notify the designated carer/s of:

- The consumer's detention in a mental health facility
- An upcoming mental health inquiry
- An unauthorised absence from a mental health facility
- A proposed transfer between mental health facilities
- The consumer's discharge
- The consumer's reclassification as a voluntary patient
- An application for electro convulsive therapy, a surgical procedure or special medical treatment

The designated carer/s should also be consulted when the person is admitted and before the person is discharged. They should also be provided with information about their follow-up care and treatment. If the person is under a Community Treatment Order, the designated carer/s must be consulted before the order expires, if the order is going to be revoked, or if there is going to be an application made for a further order

What information can a designated carer request?

Designated carer/s can request or apply in writing for:

- A consumer's detention at a mental health facility
- Information about the types and dosages of medication being administered
- The consumer's discharge, as long as certain conditions are met
- An appeal to the Mental Health Review Tribunal when a request made by the consumer has been refused
- A Community Treatment Order
- An appointment with an Official Visitor

Principal Care Providers

The principal care provider, under the Mental Health Act is the person who is primarily responsible for providing support or care to the person. An authorised medical officer can determine who is the principal care provider of the person. It may be the same person as the designated carer. The principal care provider has the same rights to information and communication as the designated carer/s.

The Mental Health Act outlines the information that can be provided to the designated carer/s and the principal care provider without the consent of the consumer. Other information can be shared with family members and friends if the consumer gives permission for mental health staff to do so. Ideally, mental health staff, consumers and carers work together as partners in care. Mutual respect and good communication between all parties ensures the best outcomes for all.

