

Queensland Health

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10 AUG 2011

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Mental Health Action Reform Group
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Dear Mental Health Action Reform Group

I refer to your letter dated 21 July 2011, regarding the establishment of the Mental Health Action Reform Group (MHARG).

I am pleased to receive your advice regarding the formation of a community action group which aims to advocate for the rights of mental health consumers and improvements in mental health service delivery. Queensland Health welcomes feedback on the quality of mental health services and suggestions for improvement. I appreciate the time you have taken to write to me about your concerns and note that you have also written to mental health service directors across the State. I am responding to the issues you have raised on behalf of the department and services.

I understand from your letter that MHARG is particularly concerned about improving compliance with the *Mental Health Act 2000* (the Act) and related policies within mental health services, to ensure consumer rights are recognised and upheld. In this regard, I can assure you that Queensland Health is committed to upholding the rights of people with mental illness and providing the best possible service to all mental health consumers.

As acknowledged in your letter, the Act deals specifically with the involuntary assessment, treatment and protection of people who have a mental illness. At the same time, it aims to safeguard and balance the rights and freedoms of people who have a mental illness with the rights of other people. As you would appreciate, achieving this balance is complex and frequently presents a number of challenges. However, I can advise that there are inherent safeguards and protections for people with mental illness built into the legislation and additional statewide programs in place which are aimed at monitoring and improving compliance with the Act.

The legislation establishes a number of statutory positions and bodies with specified functions and responsibilities associated with protecting consumer rights, such as the Mental Health Review Tribunal and the role of the Allied Person. The key statutory position is that of the Director of Mental Health (the Director), who is responsible for ensuring the protection of the rights of involuntary patients and facilitating the proper and efficient administration of the Act.

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The Act requires the Director to issue policies and practice guidelines about the treatment and care of forensic patients and also provides authority for the Director to issue policies and practice guidelines for other patients. Accordingly, the Director has issued a range of policy documents which provide authorised mental health services (AMHS) with the minimum standards and requirements for the treatment and care of involuntary patients. Under the Act, administrators of Authorised Mental Health Services (AMHS) must ensure that their service complies with policies and practice guidelines issued by the Director.

To ensure a systematic approach to monitoring and auditing compliance with the Act, the Monitoring and Compliance Team was established in 2008. The team conducts a formal statutory audit program to ensure all AMHS are systematically and comprehensively audited in relation to compliance with the Act. All mental health services which are authorised to provide involuntary assessment and treatment to persons with a mental illness (a total of 23) have undergone a statutory compliance audit since this process commenced.

Audit findings are used to drive service improvement by the AMHS and to inform decisions about Statewide issues to be addressed, including policy, administration and legislative changes. A summary of the key findings from the audits conducted in 2009-2010 is detailed in the enclosed *09-10 Annual Report of the Director of Mental Health*. To complement the statutory audits, the Director has established a clinical audit process which focuses on assessing compliance with clinical processes, including assessment, admission and discharge, case review and management of medication.

A further safeguard provided by the Act is the Director's authority to commission investigations into the assessment, treatment and detention of patients in a mental health service. The Director may appoint investigators under the Act to review incidents or complaints, where it appears that breaches of the legislation may have occurred. Where appropriate, investigation reports provide recommendations on how any compliance issues may be addressed and prevented from reoccurring.

In addition, the Director manages the implementation of a number of other initiatives which aim to further improve service delivery to all mental health consumers. The Annual Report of the Director of Mental Health and the Queensland Health internet site outline a number of these initiatives.

Should you require further information, Queensland Health's contact is Dr Elizabeth Leitch, Director, Statutory Administration and Policy Unit, Mental Health Alcohol and Other Drugs Directorate on telephone 3328 9530.

Yours sincerely



Dr Tony O'Connell
Director-General

Encl.