

**Submission  
Draft National Patient Charter of Rights**



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To Whom It May Concern:

Regarding: Draft National Patient Charter of Rights

We would like to thank the Australian Commission on Safety and Quality in Health Care for providing the NSW Consumer Advisory Group – Mental Health Inc (NSW CAG) with the opportunity to comment on the Draft National Patient Charter of Rights.

Please find in the following pages our submission in relation to the charter.

NSW CAG is the independent, statewide organisation representing the views of mental health consumers and carers at a policy level, working to achieve and support systemic change. Our vision is for all mental health consumers and carers to experience fair access to quality services which reflect their needs.

Our submission aims to build further on the foundation laid in Draft National Patient Charter of Rights. It addresses consultation questions 1 to 5.

Yours sincerely

Dr Gillian Malins  
Executive Officer

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## Response & Recommendations – Draft National Patient Charter of Rights

### Statement of support:

The NSW Consumer Advisory Group – Mental Health Inc (NSW CAG) supports the development of a National Patient Charter of Rights in general. We endorse the role of the Commission to “*secure safer, more effective and more responsive care for patients*” (p. 2). We agree that a national Charter will provide consistent principles, and patient and consumer rights and responsibilities across the public health system, which is essential to ensuring safe, equitable and high quality health care services. NSW CAG also sees that a national Charter will be more visible and accessible than individual service charters, therefore will assist in empowering consumers of the health system to “*obtain the best possible care*” (p. 2).

### 1. National Patient Charter of Rights and National Patient Charter Principles

- a. NSW CAG considers that the existence of both the Charter and Principles is useful. While the Charter outlines the rights of patients, it is important that the principles grounding these rights are explicitly communicated. The Principles provide a consistent basis for the delivery of health care throughout Australia.
- b. Through consultations with consumers of mental health services in NSW, there is some concern that the language in the Charter and Principles is too complex. This poses a barrier to empowering consumers of the health system to “*obtain the best possible care*” (p. 2). It further inhibits the suitability of the Charter and Principles for use by consumers.
- c. The Charter and Principles need to be provided in a range of media to ensure access to all consumers. It is imperative to consider that not all consumers of health services have the cognitive and or literacy skills to understand printed material. Further, not all consumers have access to the internet.

### Recommendations:

NSW CAG recommends that a mental health consumer representative be directly consulted about the phrasing of the Charter and Principles.

NSW CAG recommends that the Charter and Principles be presented in the following media:

- Print – for example brochures and posters
- Audio and/or audio-visual
- Web

### 2. Rights included in the Charter

NSW CAG supports the eight key patient rights pronounced in the Draft National Patient Charter of Rights. However, consumers of mental health services in NSW have expressed concern that the Charter does not adequately cover the rights of mental health consumers. The World Health Organisation (WHO, 2005, n.d.) highlights that “People with mental disorders are exposed to a wide range of human rights violations” (WHO, n.d.) that occur in the context of health care facilities and the wider community. WHO (2005) also highlights that people with mental illness are often treated in less humane ways than people without a known mental illness. These factors and the evidence gathered by NSW CAG through consultations of the treatment of some consumers using mental health services highlight the need to explicitly consider this group of people in developing the National Patient Charter of Rights.

NSW CAG considers that the eight key rights broadly cover the range of patient and human rights, with some additions required to the underlying principles, as discussed below.

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### 3. Points included in the Principles

NSW CAG supports the development of the Principles to elaborate on the related rights of consumers.

#### **Recommendations:**

We recommend that the following points be added to the current principles:

- Access
  - Equitable access across the lifespan
  - Access that is not be denied based on any prejudices, including the consumer's physical and mental conditions
  
- Respect
  - Care provided in a manner that is respectful of a person's sexuality and sexual preference
  - Language used by staff and in materials that is non-discriminatory and assists in reducing stigma associated with illness such as mental illness and AIDS
  - Have their choices to accept and decline treatment respected
  - Care provided in a manner that is compassionate and sensitive to the needs of the individual
  
- Safety
  - Care in the least restrictive environment, consistent with treatment requirements
  
- Communication
  - Communication and information in language and medium appropriate to the individual
  - Communications and information throughout the period of care
  - Communications are conducted in a respectful manner
  
- Information
  - Information that is provided in a language and medium appropriate to the individual
  - Information that is provided about all treatments including medications, risks, benefits, consequences and possible side effects
  
- Participation
  - Involvement in service policy development, planning, delivery, and evaluation. This is endorsed nationally as a priority (eg. National Mental Health Policy, National Mental Health Plan 2003-2008, National Standards for Mental Health Services).
  - Encouragement and support of self help
  
- Privacy
  - Personal information is kept private and not discussed by staff outside of the workplace

NSW CAG also recommends the addition of the following principles:

- Recovery orientation:
  - Consideration of the whole person and the context in which they live
  - Addressing quality of life issues such as accommodation, education, work, income, leisure and family and other relationships
  - Promotion and prevention initiatives
  - Promoting a positive attitude to health
  - Reducing stigma related to illnesses such as mental illness, AIDS
  - Promotion of positive health and living well

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- Empowerment

#### **4. Rights and responsibilities**

It is NSW CAG's view that the inclusion of more consumer responsibilities within the Principles would assist in promoting consistency in this regard nationally.

#### **5. Existing charters**

NSW CAG agrees that a national Charter will provide consistent principles, and patient and consumer rights and responsibilities across the public health system, which is essential to ensuring safe, equitable and high quality health care services. NSW CAG also sees that a national Charter will be more visible and accessible than individual service charters, therefore will assist in empowering consumers of the health system to "*obtain the best possible care*" (p. 2).

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## Reference List

Australian Health Ministers (2003). National Mental Health Plan 2003-2008. Canberra: Australian Government.

Australian Health Ministers (1997). National Standards for Mental Health Services. Canberra: Australian Government Publishing Service.

Australian Health Ministers (1992). *National Mental Health Policy*. Canberra: Australian Government Publishing Service.

World Health Organisation (2005). WHO denied citizens: Mental health and human rights. In *World Health Organisation*. Retrieved February 27, 2008, from [http://www.who.int/features/2005/mental\\_health/en/index.html](http://www.who.int/features/2005/mental_health/en/index.html).

World Health Organisation (n.d). WHO Mental health and human rights project. In World Health Organisation. Retrieved February 27, 2008, from [http://www.who.int/mental\\_health/policy/en/](http://www.who.int/mental_health/policy/en/).