Media release

27 March 2018

The release of *The right to be safe: ensuring sexual safety in acute mental health inpatient units*

The MHCC’s *The right to be safe* report has identified the need for a comprehensive strategy to plan, coordinate and monitor actions to prevent and respond to breaches of sexual safety in Victoria’s acute mental health inpatient units.

Commissioner Lynne Coulson Barr said the success of this strategy will depend on strong leadership and governance, and a clear policy directive for mental health services on requirements and actions to ensure sexual safety.

The MHCC undertook this project to review issues of sexual safety in acute mental health inpatient environments, as part of carrying out its function under the *Mental Health Act 2014* to identify, analyse and review quality and safety issues arising from complaints. Specifically, the aim was to examine the circumstances that contribute to consumers feeling or being sexually unsafe, and to consider best practice approaches for ensuring sexual safety.

‘Our report identifies the need for sexual safety to be recognised as a human rights issue and to receive priority attention, in accordance with Victoria’s broader violence prevention strategies,’ Commissioner Coulson Barr said.

Sexual safety breaches are experiences where a person is not, or does not feel sexually safe, including experiences of sexual activity, sexual harassment and alleged sexual assault. Despite government and service initiatives, ranging from guidelines and training to changes in infrastructure, these breaches continue to occur in acute mental health inpatient units.

‘Everyone has the right to feel safe, and to be safe, when accessing public mental health services. Sexual harassment and sexual assault are violations of people’s human rights that can cause immeasurable trauma and, along with other types of sexual safety breaches, are significant avoidable harms that must be addressed,’ Commissioner Coulson Barr said.

‘Health services have clear obligations under the Mental Health Act to uphold this right and ensure a safe environment, and a clear policy directive will support them in achieving this,’ Commissioner Coulson Barr said.

The MHCC’s Sexual Safety Project was informed by the analysis of 90 complaints made to the MHCC and reported by services, findings of four MHCC investigations, a review of national and international literature, and wide ranging stakeholder consultations.

The project found that the majority of complaints related to breaches of women’s sexual safety by men accessing treatment, and that there were a number of risks in acute mental health inpatient units, particularly in intensive care areas, that need to be addressed to uphold all people’s right to safety in these environments.

The report highlights that people accessing acute mental health inpatient treatment are generally experiencing a significant crisis in their lives and are acutely unwell, and that services have a duty to all people to prevent both the harm associated with any breach of sexual safety and the potential ramifications for a person identified as an alleged perpetrator. The report notes that the
sexual safety risks to men in these environments also need to be better understood, along with the issues experienced by younger and older people, people with disabilities, LGBTI people and people from culturally and linguistically diverse communities.

In addition to developing a comprehensive strategy, the MHCC has put forward a number of recommendations to the Department of Health and Human Services, the Chief Psychiatrist, and mental health services, with key areas including:

- strengthened governance and leadership, and change in service culture
- organisational, workforce and practice development (including in relation to trauma-informed care, supported decision making and greater use of peer workforce approaches)
- infrastructure and design (including piloting women-only units, and developing approaches to ensure sexual safety in intensive care areas)
- orientation and risk assessment
- incident reporting, as well as reporting to, and working with Victoria Police to respond to breaches
- open disclosure, documentation and investigation standards

‘Implementing many of the project recommendations will be a long term endeavour. Our report identifies a number of actions that can be implemented immediately and others that can be implemented over time to ensure the sexual safety of all people accessing acute mental health inpatient treatment in Victoria,’ Commissioner Coulson Barr said.

In response to this report the department has agreed to develop a comprehensive sexual safety strategy that responds to the recommendations, and to drive an implementation plan to ensure a continued and sustained commitment across all mental health services.


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