

Complaints and Consent Fact Sheet



Your right to speak up

Under Victorian law:

- you have the right to speak up or make a complaint about a public mental health service
- you cannot be treated unfairly because you make a complaint.

You can:

- talk directly with the service – every public mental health service must have a process to help you speak up and raise your concerns.
- talk with us – we can help you raise your concern directly with the service, work with you and the service to resolve a complaint or discuss other options if we are unable to help.

We encourage anyone who has a concern about their own or someone else's experiences with public mental health services in Victoria to speak up.

Our role

We are an independent, specialist complaints organisation created by the Mental Health Act 2014 (the Act) to help resolve complaints about Victorian public mental health services and to recommend improvements.

We uphold the mental health principles outlined in the Act, including:

- people should be involved in all decisions about their assessment, treatment and recovery
- people should be supported to make or participate in these decisions, and their views and preferences should be respected
- carers should be involved in decisions about assessment, treatment and recovery whenever possible
- carers should have their role recognised, respected and supported.

What complaints can we help with?

We deal with complaints about public mental health services in Victoria. This includes publicly funded mental health community support services and NDIS (National Disability Insurance Scheme) funded mental health community support services.

We can help with complaints about a person's experience with a service, including complaints about accessing a service, treatment or care.

Who can make a complaint?

We can accept complaints from:



consumers



a person acting at the request of a consumer



anyone who has a genuine interest in a consumer's wellbeing

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continued

What happens if you aren't the consumer

We will talk to you about your concerns and how we can help.

In most cases, we seek the consumer's consent before we accept a complaint. We will discuss the best way of contacting the consumer and any concerns you may have about this.

The Act also allows us to accept complaints without the consumer's consent, if we are satisfied:

- there are special circumstances and
- accepting the complaint will not be detrimental to the consumer's wellbeing.

Accepting a complaint without the consumer's consent

Accepting a complaint without the consumer's consent is a serious decision and we consider whether there are special circumstances on a case-by-case basis.

Special circumstances may arise where:

- the consumer does not have capacity to consent to a complaint at the time the complaint is made
- the consumer is aged under 16, and the complaint is made by a parent or guardian
- the complaint has been made by a guardian
- there is risk of serious harm or issues of significant public interest.

If we accept a complaint without the consumer's consent, the Act requires us to notify the consumer of this decision. We also seek to involve the consumer in the resolution of the complaint as early as possible, whenever possible, to uphold their rights and the mental health principles outlined in the Act.

First steps

Talk to us about your concerns so we can discuss how we can help.

If you aren't the consumer, we can consider:

- contacting the consumer to seek their consent
- exploring whether special circumstances may exist in your case
- exploring other options for resolving your concerns.

call **1800 246 054**
free call from landlines
mhcc.vic.gov.au/form
help@mhcc.vic.gov.au

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