

Guide to providing feedback or making a complaint to the Mental Health Tribunal

Introduction

The Mental Health Tribunal welcomes your feedback and complaints. We view these as a valuable opportunity to monitor, review and, if necessary, change Tribunal procedures and practices.

This document provides information about our feedback and complaints procedures.

The difference between feedback and complaints

Feedback to the Tribunal can relate to either a positive or negative experience in a hearing or with Tribunal staff. If contact details are provided, the Tribunal will acknowledge receipt of feedback and pass it on to relevant Tribunal or staff members. If appropriate, we will also examine our policies and procedures in light of the feedback. However, we will not conduct an investigation or prepare a formal response. If you wish to provide feedback, you should complete the *feedback section* of the Feedback and Complaints Form.

In contrast, complaints concern Tribunal hearings or service which have in some way failed to meet expectations. If you wish the Tribunal to investigate the issue and provide you with a written response, you should complete the *complaint section* of the Feedback and Complaint Form (and must include your contact details).

The Mental Health Tribunal Service Charter and related documents

The Tribunal's *Service Charter* sets out our vision and values and the service we are committed to providing. In addition, the Tribunal also has detailed standards and competencies set out in documents such as:

- the *Code of Conduct* for Victorian Public Sector Employees (which sets out the conduct expected of Tribunal staff members) and
- the *Mental Health Tribunal Members' Competency Framework* (which sets out the key competencies of Tribunal members).

Persons who can provide feedback or make a complaint

The following persons may wish to provide feedback or make a complaint to the Mental Health Tribunal:

- consumers
- carers

- nominated persons
- family members
- legal representatives and
- staff of mental health services

Feedback and complaints to the Tribunal are limited to certain issues

It is possible to provide feedback or make a complaint about either:

- the Mental Health Tribunal's processes or procedures or
- your experience of dealing with Tribunal members or staff members.

What to do if you disagree with the outcome of a hearing

It is not possible to use the Tribunal's feedback and complaints process to complain about the outcome of a hearing. Instead, parties to a hearing* who are unhappy about the result of a hearing have the following options available to them:

- requesting a Statement of Reasons from the Tribunal within 20 business days after the Tribunal had made a decision
- applying to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision within 20 days after either the Tribunal's decision or receiving a Statement of Reasons (whichever is the later).

In addition, the person the hearing was about can apply to the Tribunal to revoke their Order at any time. Alternatively, certain persons may apply to the Tribunal on their behalf.

Please note that complaints about hearing outcomes using the feedback and complaint form cannot be treated as an application to the Tribunal to revoke the Order (or for another hearing generally).

More information about all of these options is set out in the document 'Important Information About Your Hearing' which is on the Tribunal's website and which is sent with every Notice of Hearing. Alternatively, you can contact Tribunal staff for guidance on these options.

*Parties to a hearing are: the person that the Tribunal hearing was about and the psychiatrist treating that person. In addition, parties include anyone the Tribunal has joined to the proceedings or anyone whose application to be a party has been approved by the Tribunal.

How to complain about your treatment as a consumer at a mental health service

The Mental Health Tribunal is not able to receive feedback or investigate complaints about medical treatment issues, the treating team or the staff at a public mental health service.

Instead, any complaints about these matters should be directed to the relevant mental health service and/or the Mental Health Complaints Commissioner:

Level 26, 570 Bourke Street

Phone number: 1800 246 054

Email: help@mhcc.vic.gov.au

Website: mhcc.vic.gov.au

Process for giving feedback or making a complaint to the Mental Health Tribunal

Feedback and complaint form

If possible, those wishing to provide feedback or make a complaint should use the electronic form on this website.

Alternatively, the form can be printed and posted to:

Mental Health Tribunal
Level 30, 570 Bourke Street
Melbourne 3000, Victoria

If you are unable to complete the relevant form or otherwise put your feedback or complaint in writing you can contact the Tribunal by phone for assistance on 9032 3200 or toll free on 1800 242 703.

Providing feedback or making a complaint without using the form

We strongly encourage use of the Feedback and Complaint form provided. However, we will accept written feedback and complaints that are not on this form provided that they cover the following points:

- whether you are providing feedback or making a complaint
- your full name and contact details (optional for feedback but essential for complaints for identification and contact purposes)
- whether you are a consumer, a carer or family member, a nominated person, a legal representative or a medical or administrative staff member at a public mental health service etc
- as much detail as possible about the matter you are providing feedback or complaining about, including relevant dates and places (and, if known, the names of people involved).

Timeframes for handling feedback and complaints

The Tribunal will provide written acknowledgement of receipt of feedback and complaints within 7 days of the Tribunal receiving them (if contact details are provided).

With respect to complaints, we will include an outline of what will happen next and an estimate of the timeframe for handling the complaint in the acknowledgement letter. The timeframe will depend on the complexity of the incident or issues raised and the availability of the people who can provide information about them.

However, in most cases, we expect to provide a response to complaints within 28 days.

How the Tribunal investigates and responds to complaints

If a complaint is about a member of the Mental Health Tribunal, the complaint will be investigated and determined by the President, the Deputy President or a Senior Member of the Tribunal, as appropriate.

If a complaint involves a Tribunal staff member, it may be determined by the President, the Deputy President, the Executive Officer or the Principal Registrar depending on the subject matter.

The person investigating your complaint must act reasonably, fairly and objectively, and in good faith.

The process for determining complaints

The person handling a complaint may disclose details of the complaint to:

- any people involved in the issue raised in the complaint (such as other members of the Tribunal panel who sat on the relevant hearing) and
- the individual who is the subject of the complaint.

Disclosing a complaint will include showing the written complaint to the person(s) involved. The person investigating the complaint will also ask these individuals for their response to the complaint. They may also contact the person making the complaint to ask them for further information about the incident or issues they are complaining about.

Once the person handling the complaint has all the available information, they will prepare a written response to the complaint.

Possible outcomes of complaints

The outcomes of the investigation of complaints may include one or more of the following:

- an explanation of the issues from the perspective of the Tribunal
- an explanation of Tribunal policies, processes or procedures
- an outline of any planned changes to Tribunal policies, processes or procedures based on what has been learnt from investigating a complaint
- if appropriate, an apology.

Protecting the privacy and confidentiality of feedback and complaints

The Mental Health Tribunal is committed to handling all information in connection with feedback and complaints in accordance with the applicable privacy laws and other legislation that sets out how information should be handled.

Information gathered during the investigation process will only be:

- used to deal with and resolve complaints or to address any systemic issues that the feedback or complaint raises
- shared with Tribunal members or staff on a need-to-know basis.