

Role of Nominated Support Persons

A patient's family, carers and other support persons, including nominated support persons, play a crucial role in supporting patients when they are unwell, and throughout all stages of treatment, care and recovery. Nominated support persons are recognised in the *Mental Health Act 2016* and are afforded a number of important rights.

Who is a nominated support person?

A person may appoint a family member, carer or other support person to be their nominated support person.

A nominated support person provides assistance and support to the person if they become unwell and become an involuntary patient.

Nominated support persons:

- must be given all notices about the patient that are required under the Act
- may discuss confidential information about the patient's treatment and care
- may represent, or support the person, in any hearings of the Mental Health Review Tribunal, and
- may request a psychiatrist report if the person is charged with a serious offence.

How many nominated support persons can a person have?

A person may appoint one or two nominated support persons.

How is an appointment made?

The appointment of a nominated support person is made in advance. The person must understand the nature of the decision to make the appointment. The *Nominated Support Person - Guide and Appointment Form* has been prepared to assist persons to appoint a nominated support person.

How is an appointment recorded?

A patient or their nominated support person give the appointment form to a staff member at an authorised mental health service, such as an Independent Patient Rights Adviser. The appointment form will then be placed on the person's health records for future reference.

How can an appointment be revoked?

The appointment of a nominated support person can be revoked by the appointing person at a time when the person understands the decision they are making.

What if a person no longer wishes to be a nominated support person?

A nominated support person may resign by giving written notice to the appointing person.

What communication with nominated support persons is required?

Whenever the Act requires practitioners to explain or discuss a matter with a patient, the practitioner must also explain or discuss the matter with family, carers and other support persons.

If the person has a nominated support person, the discussion must occur with the nominated support person.

If the person does not have a nominated support person, the discussion must occur with one of the patient's family, carers or other support person.

This communication is required, for example, when a recommendation for assessment or treatment authority is made, and in deciding the nature and extent of treatment and care to be provided, under a treatment authority.

However, this requirement does not apply if:

- the patient requests, at a time when the patient has capacity, that the communication not take place
- the person is not readily available or willing for the communication to take place (e.g. the person is not willing to visit the patient in hospital or cannot be contacted by phone), or

- the communication with the person is likely to be detrimental to the patient's health and wellbeing (for example, the person has previously disrupted the patient's treatment and care resulting in the patient's condition deteriorating).

What if a patient does not have a nominated support person?

While having a nominated support person is beneficial to a patient, authorised mental health services should recognise and engage with all support persons in the patient's best interests.