

## OUR CLIENTS



**5%**  
were experiencing homelessness



**15%**  
were younger than 18 years



**4%**  
were Aboriginal and Torres Strait Islander



**17%**  
were from culturally and linguistically diverse backgrounds



**34%**  
were living in regional or rural Victoria



**12%**  
were in custody, detention or inpatient unit

# Roads to Recovery: Building a Better System for People Experiencing Mental Health Issues in Victoria

The Royal Commission into Victoria's Mental Health System provides a once-in-a-lifetime opportunity to look at a system that is not working to support people's personal recovery and is at times harmful.

**23,842**

clients identified as having a mental health issue or disability

In 2017-18, over one quarter of our clients disclosed having a disability or a mental health issue. Our specialist mental health legal practice and non-legal consumer advocates from the Independent Mental Health Advocacy (IMHA) service work specifically within the mental health system. But most of our work with people experiencing mental health issues happens in our other day-to-day work across summary crime, indictable crime, child protection, family law, family violence, discrimination, social security, migration, tenancy, and legal help for people in prison.

Informed by the experiences of our clients, we have identified **six priority areas** for reform.

### 1. Building a recovery-focused mental health system

The mental health system is not currently focused on rights, recovery and self-determination. Compulsory, rather than voluntary, treatment continues to be higher in Victoria than other states and territories and we have low rates of advocacy and representation for people facing compulsory treatment. The Royal Commission should not miss the opportunity to change this.

### 2. Embedding consumer leadership and advocacy as part of a rights-focused system

People whose lives are directly affected by the mental health system should shape and have influence over the re-imagined system that emerges from the Royal Commission. More work is needed to embed consumer leadership, at all levels, for it to be truly influential and realise its potential in improving services. Importantly, this must extend beyond mental health services to all systems that are dealing with people experiencing mental health issues.



*My own mental health treatment involved a serious lack of holistic services... I've found now that the best thing for my mental health is having opportunities to make meaningful social connections. This has been far more helpful than high doses of medication. The mental health system would be greatly improved by a focus on reducing isolation and improving coping skills rather than just relying on medication.*

(Sam, Speaking from Experience member)



*Now is the time for a total rethink and genuine culture shift. We need more services, better services and importantly, we also need alternative services. Let those of us most impacted by the system lead the way in designing a new system that works for us. We want services that are amazing – that you would consider good enough for yourself or your families and friends.*

**(Wanda Bennetts, Senior Consumer Consultant, Victoria Legal Aid)**

### 3. Reducing the harm of criminal justice involvement for people experiencing mental health issues

There is an over-representation in the criminal justice system of people, including young people, with mental health issues. The justice system must not be the default mental health service provider. Steps must be taken to reduce the number of people with mental health issues entering the criminal and youth justice systems.

There should be increased access to diversion, statewide access to therapeutic programs and courts, community-based sentencing options, and access to appropriate mental health facilities in custody, including dedicated forensic facilities. There should be greater recognition that people with mental health issues may not be criminally responsible for their conduct, and that imprisonment can be particularly harmful for them. People should be supported to rehabilitate, recover and live in the community.

### 4. Improving responses of other systems and services to mental health

Through our work, VLA sees the intersection between people's mental health and other life and legal issues. For example, we see the way a lack of access to housing, disability services, employment, income support and/or mental health services in the community, and experiences of isolation, family violence and/or discrimination, can cause damage to people's mental health and undermine their recovery. We also see how other service systems fail to support people's strengths to recover and address these issues, for example in the child protection system.

Victoria should adopt a social model of health to analyse the social, economic and legal factors that affect wellbeing, provide co-ordinated and integrated services in the community, ensure that people experiencing mental health issues are treated fairly in other systems and services, and that those systems properly recognise and respond to the impacts of family violence or other trauma.

### 5. Reducing inequalities and developing tailored, culturally safe services

People get different treatment and services depending on where they live and there are insufficient and inadequate services tailored for particular groups within our community. A person's postcode should not affect the treatment and services available to them, and the Royal Commission presents an opportunity to design and invest in services that work right across the state.

Services must be available statewide and should be tailored and culturally safe for groups within our community, including Aboriginal and Torres Strait Islander people, CALD communities, LGBTIQ people, older people, women and young people.



*I've experienced, as I know others have, lengthy delays from discharge to then receiving further clinical support... resources in regional areas are so small, that waiting times are unavoidable, even though you are acutely at risk.*

**(Brendan, Speaking from Experience member)**

### 6. Strengthening governance, accountability, data and transparency

Stronger governance, oversight and accountability mechanisms are a crucial component of bridging the current gap between the rights and recovery focused system the Mental Health Act promises, and the reality for consumers. Data is critical to service design, evaluation and consumer choice, and a key part of ensuring accountability.

There is very limited publicly available data regarding the mental health system, for example data on how many people are subject to compulsory treatment, and their geographical location, age, gender, cultural background, type and length of order, and complaints.

The Royal Commission presents an opportunity to make sure that the necessary systems and processes are put in place to measure and monitor whether the system is meeting the needs of consumers, as identified by them, and to respond when it is not.

Read the full submission on our website at [www.legalaid.vic.gov.au/roadstorecovery](http://www.legalaid.vic.gov.au/roadstorecovery)