



Department of Health

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Ms Zoiee King
Coroners' Registrar
Coroners Court of Victoria
Level 11, 222 Exhibition Street
MELBOURNE VIC 3000

Dear Ms King

Court Reference: COR 2008 005243

I am writing in response to your letter dated 3 December 2012 in relation to Coroner Kim Parkinson's recommendations made following the investigation into the death of **Mr Simon Kirwan**.

In response to the relevant recommendations made by the Coroner:

Recommendation 1:

That the operation of the provisions of the Mental Health Act be enhanced by the provision of additional long term inpatient voluntary and involuntary public treatment beds to enable effective assessment, diagnosis and care to be provided to mentally ill patients in Victoria.

Response to the recommendation:

An alternative to the Coroner's recommendation has or will be implemented.

Victoria has an extensive range of public mental health beds from short term acute beds to secure extended care (SECU) beds as well as community based sub-acute and longer term community care unit (CCU) rehabilitation beds. Thirty new SECU and 22 CCU beds will be opened this year in Melbourne and further beds will open as part of the new Bendigo Hospital. They will provide additional capacity within the continuum of care for compulsory and voluntary patients.

Although inpatient care is an important component of mental health services, it is recognised that it is not always the most effective way to deliver treatment. It is important to note that Victoria also invests significantly in community based care options such as home-based support and assertive outreach and mobile treatment in order to provide opportunities for patients to live in the least restrictive environments, consistent with choice and recovery goals.

In terms of the operation of the *Mental Health Act 1986* (the Act), it is acknowledged that resources are finite and bed occupancy in public mental health facilities is high. Nevertheless,

clinicians are expected to utilise the *Mental Health Act 1986* (the Act) on the basis of the person's presentation and needs, not on the availability of resources. Where the clinician determines that a person at risk of suicide cannot be detained under the Act as they do not meet criteria for involuntary assessment and treatment, there are a range of strategies used to stabilise the person. Guidance is offered to clinicians about scenarios such as this in a Department of Health publication *Working with the suicidal person: clinical practice guidelines for emergency departments and mental health services* (2010). This guideline has been widely disseminated and promoted to health services.

Recommendation 2:

That a formal process be adopted by public mental health services in Victoria to ensure that families involved in the care and support of mental health patients are notified and consulted when a patient is proposed to be released from inpatient mental health admission. In so far as this may require an amendment to any Act of Parliament, including the Mental Health Act (Victoria) or the Privacy Act 1988 (Commonwealth), that amendment ought to be considered.

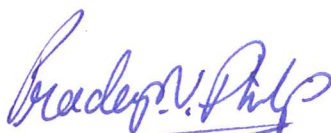
Response to the recommendation:

The recommendation has been implemented.

We agree that it is good and expected clinical practice for families involved in the support and care of the patient to be notified when the patient is proposed to be discharged from in-patient mental health admission. The Chief Psychiatrist has over the years made this a priority at various forums and meetings. The Chief Psychiatrist has also issued clinical practice guidelines, '*Working Together with Families and Carers* (CPG0504)' and *Discharge Planning Guidelines* (CPG 2081), both of which address this issue.

The Chief Psychiatrist will continue to support this recommendation at educational and other fora where clinicians from mental health services are present and encourage them to ensure that this occurs. This is a matter of clinical practice and legislation may not be the best way to encourage this practice.

Yours sincerely



Dr Pradeep Philip
Secretary