



MINISTRY OF
HEALTH

MANATŪ HAUORA

You Have Rights

**Information to help you
understand compulsory care**

**and how it might affect you
and your rights**

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You Have Rights

**Information to help you
understand compulsory care
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What is Compulsory Care?

The Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 is a law that tell us what rights can be taken away from you in order to help you and ensure you have support. This is because people are worried about your safety or the safety of others.

It also tells us what rights you have and protects these rights.

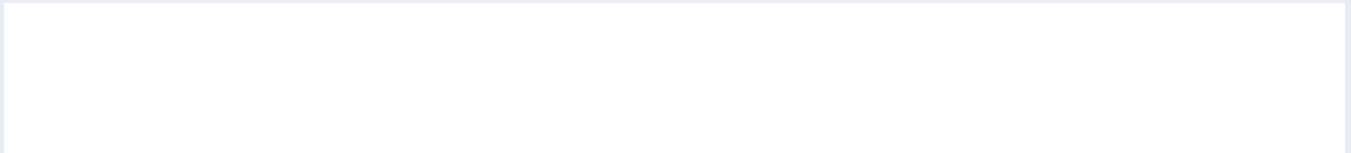
*All this to make sure
you get the help and
support you need.*



The Role of the Care Co-ordinator

- The **Care Co-ordinator** does the organising of your Needs Assessment and decides who your **Care Manager** will be.
- Often many people will be involved in the assessment of your needs such as family, doctors, psychologists and friends. It is the **Care Co-ordinator's** job to get what everybody thinks into the Assessment.
- The **Care Co-ordinator** must also explain to you what will happen in the Needs Assessment and why you are being assessed.

Your Care Co-ordinator is:



The Role of the Care Manager

- Everyone under the Compulsory Care law has a **Care Manager**.
- Your **Care Manager** must explain to you your rights under this law.
- Your **Care Manager** must also provide your guardian (or principal caregiver) with written information about your rights.
- Your **Care Manager** must tell you what is going on or what will happen to you – about the law and when there is to be a review of your support.
- Your **Care Manager** will explain to you what to do if you are not happy – how to make a complaint and the role of the District Inspector.

Your Care Manager is:

The Role of the District Inspector

- The **District Inspector** makes sure your rights under the Compulsory Care law are being kept.
- Your local **District Inspector** will visit your service at least 2 times per year, every 6 months.
- They may just drop in to visit or may officially inspect a service.
- They can speak to anyone and see your and others' personal files.
- If you think your rights are not being met, you may complain to your local **District Inspector** who will investigate your complaint.
- Other people may also complain if they think your rights are not being met.

- Your **District Inspector** will write a report once they have investigated your complaint. Your **Care Manager** must then make changes to put things right.
- Your **District Inspector** will explain the results to you so you understand.

Your local District Inspector is:

The Role of Specialist Assessors

- The **Specialist Assessor** will tell the courts what kind of supports you need.
- The **Specialist Assessors** will talk to you and other people about the supports you need.
- You may have more than one **Specialist Assessor**.

ALL these people:

- ✓ the Care Co-ordinator
- ✓ the Care Manager
- ✓ the District Inspector
- ✓ your Lawyer

will help you understand
Your Rights

What is a 'Needs Assessment'?

To find out what needs you have, you will have a Needs Assessment.

Having a Needs Assessment will help us to:

- know what kind of support you need
- know what service and amount of support suit you
- prepare a plan to support you
- know what your interests, skills and future goals are.



Things that Might be Assessed

- your physical, emotional and spiritual support needs
- your history
- your cultural identity
- any medical or psychological, mental health or other treatment you may need
- your medication needs
- your behaviour/the things that make you stressed or depressed
- the skills you have
- your interests/hobbies
- any concerns or special needs.

Remember

This law does not take away
all your Rights.

People must tell you what
Rights you have...



You also have the Same Rights of all New Zealanders set out in the Health and Disability Code of Rights

- ✓ **The Right** to be treated with respect
- ✓ **The Right** to be treated fairly
- ✓ **The Right** to dignity and independence
- ✓ **The Right** to support and care that suits you
- ✓ **The Right** to be told things in a way you understand
- ✓ **The Right** to be told about your health or disability
- ✓ **The Right** to support

- ✓ **The Right** to decide if you want to be part of training, teaching or research
- ✓ **The Right** to make a complaint.

You can get more information about Your Rights
JUST ASK



These Are Your Rights from the Compulsory Care Law:

- 1 **The Right** to information
- 2 **The Right** to have your cultural identity respected
- 3 **The Right** to medical treatment
- 4 **The Right** to refuse to be recorded
- 5 **The Right** to independent health and disability advice
- 6 **The Right** to legal advice
- 7 **The Right** to have others around you
- 8 **The Right** to have visitors and talk to people on the phone
- 9 **The Right** to send and receive letters.

1 The Right to Information

This means:

- ✓ Your **Care Manager** must explain to you what your rights are.
- ✓ Your **Care Manager** must explain your rights in a way that you understand.
- ✓ If you don't understand your rights, you have the right to ask for them to be explained again in another way.
- ✓ Copies will also go to your legal guardian/caregiver.



2 The Right to Have your Cultural Identity Respected

This means:

- ✓ The Court must respect your cultural identity, language and beliefs.
- ✓ Staff must also respect your cultural identity, language and beliefs.

3 The Right to Medical Treatment

This means:

- ✓ You have the Right to get the medical treatment and care that you need.
- ✓ Your support plan should give details of any medical treatment and care that you need.



4 The Right to Refuse to be Recorded

This means:

- ✓ You must be told if someone wants to make a tape or video recording of you.
- ✓ No one can make a tape or video recording of you unless you (or your guardian) say that they can.



5 The Right to Independent Health and Disability Advice

This means:

- ✓ If you don't agree with what the **Specialist Assessor** is saying about you then you can ask to see another **Specialist Assessor**.
- ✓ If you ask to see another **Specialist Assessor**, you can choose which one.



6 The Right to Legal Advice

This means:

- ✓ You can ask to see a lawyer for legal advice about your rights.
- ✓ You can ask to see a lawyer for advice about your compulsory care order. For example, you might want to know how long you have to stay in a service and whether this can be reviewed.
- ✓ You can ask to see a lawyer to discuss any legal issue.
- ✓ When your lawyer asks to visit you, your service must let them.



7 The Right to Company

This means:

- ✓ You have the right to have other people around you.
- ✓ Sometimes your Care Manager may need to stop this right if he/she thinks that you need to be on your own for a while to stop you harming yourself or someone else.

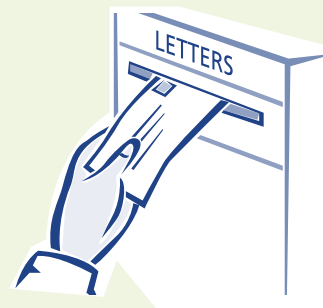


8 The Right to have Visitors and Talk to People on the Phone

This means:

- ✓ Friends, family and other people can come and visit you where you are living.
- ✓ You can make telephone calls to people, for example you can call friends and family and they can call you.
- ✓ Sometimes your **Care Manager** may decide that a visit or phone call would be harmful to you and to your support. If this happens your **Care Manager** may take away your right to some visitors and phone calls.
- ✓ Your **Care Manager** cannot take away your right to contact a specialist assessor or a lawyer.

9 The Right to Send and Receive Letters



This means:

- ✓ You can send letters (and emails if you have a computer) and you do not have to show anyone else what they say.
- ✓ Your friends and family can send you letters (and emails if you have a computer) and you do not have to show anyone else what they say.
- ✓ The only time that your **Care Manager** can stop you sending or receiving letters (or emails if you have a computer) is when they think that it would be harmful to you or to other people.
- ✓ Nothing can stop you sending and reviewing letters from people (see section 58, IDCCR Act – a copy is attached).

You Have Rights to:

- ✓ send and receive mail
- ✓ have visitors
- ✓ make and receive phone calls
- ✓ have friends and company.



When Can Some of Your Rights be Taken Away?

There are times when people might be worried about your safety and the safety of others.

Then the Care Manager can take away some of your Rights:

- ✓ **The Right** to have visitors or company
- ✓ **The Right** to make or receive phone calls
- ✓ **The Right** to send or receive mail
- ✓ **The Right** to freedom of movement.

The **Care Manager** will explain to you why they are taking away some of your Rights.

But

Your specific Rights under the IDCCR Act can **only** be taken away:

- in an emergency; or
- if your **Care Manager** says.



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