

# THE INDEPENDENT RIGHTS ADVICE SERVICE AND THE ROLE OF RIGHTS ADVISORS

## ABOUT THE SERVICE

### WHAT IS THE INDEPENDENT RIGHTS ADVICE SERVICE?

The Independent Rights Advice Service provides information and support to people who are experiencing involuntary treatment under BC's *Mental Health Act*. The Rights Advice Service also develops resources and maintains a website with information on rights and options under the *Mental Health Act*.

The Rights Advice Service is provided by the Canadian Mental Health Association (CMHA), BC Division, and is delivered in partnership with several regional CMHA offices and non-profit community partners. The Rights Advice Service is independent of the health authorities, mental health facilities, and community mental health centres.

### WHAT ARE THE BENEFITS OF THE RIGHTS ADVICE SERVICE?

The Rights Advice Service will help to protect the rights of those who are experiencing involuntary treatment by ensuring they are aware of their rights and are supported to exercise these rights. Evaluations of rights advice services in other jurisdictions have shown benefits such as:

- supporting patient wellbeing, quality of life, and recovery goals;
- helping resolve conflicts with facility staff;
- supporting equity, anti-racism, and quality improvement in health services;
- improving community connections and connections with family and personal supporters; and
- empowering patients to be involved in decisions that impact them.

## WHO ELSE IS INVOLVED IN THE INDEPENDENT RIGHTS ADVICE SERVICE?

The Independent Rights Advice Service has a Governance Committee that provides leadership and stewardship to ensure the service is meeting the needs of people across B.C. This role includes providing feedback on the hiring, training, the complaints process, and implementation.

This Governance Committee includes people with lived experience of involuntary admission and treatment, Metis Nation BC, the BC First Nations Justice Council, First Nations Health Authority, Health Justice, Urban Native Youth Association, and other community partners.

The Independent Rights Advice Service also has a Lived Experience Leadership Committee (LELC). The LELC includes only people who have lived and living experience of involuntary admission and treatment. They will give feedback and guidance the creation and implementation of the service, including the infrastructure of the service, training of rights advisors, development of education materials, evaluation of the service, and further engagement with other people who have lived and living experience.

## RIGHTS ADVISOR ROLE AND EXPERIENCE

### WHAT IS THE ROLE OF THE RIGHTS ADVISOR?

Rights Advisors are independent. They do not work for a health authority or mental health facility. They are not involved in decisions about the person's treatment. They support the person to make decisions. Meeting with a Rights Advisor is free. There are many things that a Rights Advisor can help with:

- ✓ **Rights Advisors can provide information on rights and options under the *Mental Health Act*.** This can include explaining specific legal concepts, processes, and forms under the *Mental Health Act*.
- ✓ **Rights Advisors can support a person if they choose to exercise their rights.** This can include things like helping the person to apply for a review panel hearing or request a second medical opinion on their treatment.

- ✓ **Rights Advisors can help with finding a lawyer or other legal help.** This can include helping the person find out if they can get legal aid.
- ✓ **Rights Advisors can explain how the person can report concerns about how they have been treated.** The options will depend on the type of concern the person has. This can include providing information about the Patient Care Quality processes and the role of the Ombudsperson.
- ✓ **Rights Advisors can provide referrals to community resources.**

However, there are certain things that Rights Advisors cannot help with:

- × **Rights Advisors are not lawyers.** They cannot provide legal advice. They cannot represent people at a review panel hearing or in court.
- × **Rights Advisors are not health care providers.** They cannot refer a person to any clinical resources or treatment programs. They cannot advocate for changes to the care or treatment the person is receiving.
- × **The Rights Advice Service is not a general advocacy service.** Rights Advisors cannot help with advocating for health system change. Other than providing information, they cannot provide advocacy with third parties for people who are engaged in a complaint process or legal proceeding.

## WHAT TRAINING AND EXPERIENCE DO RIGHTS ADVISORS HAVE?

Rights Advisors come from a variety of backgrounds and may have both lived experience and professional experience in the mental health system. All Rights Advisors must complete a comprehensive training program that includes the following topics:

- rights and procedures under the *Mental Health Act*;
- cultural safety, anti-racism, and working with diverse populations;
- trauma informed practice and harm reduction approaches; and
- occupational health and safety, self-care, and prevention of burnout.