

Five tips for being your own health advocate

Many people understand that having their voice heard is an important part of their healthcare. The doctor is an expert on health, but you are an expert on 'you'. Having the right information and knowing where to get help will give you a greater sense of control and enable you to advocate for your health needs. Here are some tips.

KNOW YOUR HUMAN RIGHTS

We all have human rights regardless of our age or wellness. How we wish to exercise our rights can vary though, depending on what is important to us at a particular time in our lives. Older people share the same human rights as everyone else, but they are more vulnerable due to their various different needs and issues.

Human rights law covers the relationship between individuals and 'public entities', which are usually government departments and agencies including hospitals, registered National Disability Insurance Scheme providers, social-housing providers and state-owned aged-care facilities.

There is a direct connection between your human rights being respected and having good health. Physical and mental health issues can arise when your basic human rights are violated, for example:

- living in inadequate public housing, for example public housing that has mould or other serious problems affecting your health, or is overcrowded, may disregard your housing rights

- not receiving the minimum care from a public health care provider causing further harm to you, may violate your right to life or your right to access health services without discrimination
- a public entity disregarding your cultural needs, for example failing to use interpreters or recognising the cultural significance of a particular tradition that may cause significant stress to your health, may violate your right to culture as well as possibly constitute unlawful racial discrimination
- a public entity disregarding the impact of the care you provide to your family or vice versa may have on your health, may violate your rights to family life
- being restrained or otherwise being treated cruelly or inhumanly by a public entity, or receiving medical treatment without consent, may violate your right to protection from cruel, inhuman and degrading treatment.

If you are being badly treated by a family member, carer or attorney under a power of attorney, the human rights law may not apply, but there are many other laws that can be used to support you.

There are lots of other ways that your health could be protected by a human right or other legal avenues. Sometimes it is helpful to voice the concerns you have with an expert, as potential legal issues are not always obvious 'in the eye of the storm'. If you are concerned about a decision made by a public entity (as defined in Queensland's *Human Rights Act 2019* (Qld)) that negatively impacts you or your health, you should obtain advice.

PLAN YOUR FUTURE

Planning for the future can be difficult but is a very necessary step to stay in control of your later life.

You cannot plan for everything, but it is always better to be prepared, especially when it comes to your health. It is important to plan for those moments when you might not be able to make decisions for yourself because of illness, unconsciousness or other reasons. There are three advance care planning documents:

- an enduring power of attorney
- an advance health directive
- a statement of choices.

It may all seem like a lot, but the first thing to know is that the law recognises that you are the decision maker in your own life. Your doctors, care providers and health staff should listen and respect your wishes.

Your attorney(s) or other decision makers should also listen and respect your wishes and support you to make decisions. If you cannot make a decision, then they can refer to the enduring power of attorney, the advance health directive and statement of choices to obtain your will and preferences.

Make sure you review these documents when your circumstances have changed, for example if you have separated, divorced or have conflict or issues with the person(s) you have nominated as your attorney.

Have discussions with your family about your health. If you do not have family, maybe there is another person you trust that you can talk to. Make sure your family or attorney(s) are aware of your wishes and preferences for your future, about your health, your preferred accommodation and living arrangements and anything else that is really important to you.

GET INFORMED— ASK THE PROFESSIONALS

Having the right information means you are in a better position to advocate for your own needs and make the right informed decisions for you.

It is not always easy to know who to approach with your questions, if you do not have enough information in the first place. You may have lots of questions and need to talk to a range of people about your health. For example, you can talk to:

- a lawyer about your enduring power of attorney and will if your health deteriorates or changes. It is also advisable to speak with a lawyer if you are thinking of selling your house to move in with family, or having family move in with you, to make sure you are doing what is in your best interests. This may also avoid any disputes in the future if your family relationship breaks down
- a financial planner about your ability to afford health care or the impact of your health care on your financial circumstances
- Centrelink or Medicare about your finances and health issues
- a doctor or other health professional about your advance health directive and statement of choices, and to discuss what supports or things you might need at home to manage your health
- a social worker about accommodation or social issues that arise because of your health
- a counsellor, support person or therapist if you have been diagnosed with a serious or terminal illness
- your family about all of the above and about the support they may be able to offer.

You should not hesitate to:

- ask for more information
- look around for a second opinion
- make a complaint if you are unhappy with a service
- take time to think about the information
- talk to those you trust about what to do.

MAINTAIN YOUR OWN RECORDS

Being able to access your records easily gives you confidence to advocate about any issues as they arise. It is important to keep records of your health and other documents in a safe place and in a manageable format, so they are easy for you or others to access.

You may need to refer to them later or provide copies to another person or agency. You may also come into contact with a range of different services, so keeping good records will avoid you becoming confused about who is assisting you with what.

The records may also be helpful if you need to complain about or would like to compliment a service. Your attorney or other decision makers may also need to access the records to provide the appropriate support for you.

KNOW WHERE TO GET HELP

Sometimes you need to ask someone else to be your own best advocate.

Depending on what you need, there is likely to be a service that can help you:

- If you need help with transport to get to your doctor, try My Aged Care.
- If you are not confident enough or need more support to voice your needs and preferences to a health or other service, try an advocacy service such as the Aged and Disability Advocates Australia.
- If you need help because someone in your family is not listening to you or harming you, contact a Seniors Legal and Support Service.
- If you are unhappy with your doctor, consider seeing a different one and seeking a second opinion.

If you need help on how to get connected, contact your local community legal centre for free legal advice or support. If you are in the greater Brisbane region, feel free to contact Caxton Legal Centre for support.

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