

# Developing a Health Care Plan

---



Wellbeing  
at the Bar

# Developing a Health Care plan with prior consents for colleagues with a diagnosed condition

New members and staff members should be encouraged to disclose if they have any pre-existing medical condition (including mental illness) that may need to be managed at work.

It must be made clear that any such disclosures will not prejudice the member in any way.

You should aim to gain an understanding of the early warning signs of the onset of illness and to identify and minimise any triggers.

If you are able, you should seek to secure prior consent from the member of chambers/staff to contact appropriate clinicians and if necessary family members, should the condition progress to a point where the member may temporarily lack capacity to give such consent at a time colleagues may need to seek to intervene.

The document should contain:

- A paragraph that sets out the illness and that full consent is given to use this mechanism should it be triggered. This consent should be specific, dated and signed with all parties having a copy.
- Early warning signs: the presence of these allows whichever party first notices to speak to the other about the fact that something maybe happening.
- Agreement that the member is then happy for and will cooperate with the enactment of the action plan. And if not, their colleague is empowered by the prior consents to go ahead and enact the plan.

Examples of what maybe in the plan:

1. Contact physician and arrange an emergency appointment;
2. Contact designated family member, colleague or friend;
3. Arrangements for someone to accompany the person home or to their clinician;
4. In consultation with the member and their clinician, follow up and if need be treatment options;
5. Agreement based on (4), if the person can continue working or needs leave for treatment;
6. Return to work plan if necessary in collaboration with physician;
7. Adjustments (if any needed) to the work environment e.g. supervision/mentoring to ensure ongoing safety in the workplace;
8. Facility to review this agreement and any ongoing need for it at least annually.

*These resources have been developed with the assistance of Robyn Bradey. Robyn is an Australian Mental Health Accredited Social worker who provides clinical supervision to mental health professionals. She is currently the Mental Health consultant and trainer for the Law Society of NSW, Legal Aid. The ODPP, the CDPP, state and Commonwealth government departments, the tribunals and Ombudsmen, RACS and some law firms.*