

IMPARTIAL COMPLAINTS HANDLING FOR ALL VICTORIANS

‘Keeping up with Quality and Safety’

VHQA Conference

7 and 8 May 2018

**KAREN CUSACK,
HEALTH COMPLAINTS COMMISSIONER**

INTRODUCTION

All Victorians deserve safe and ethical healthcare, no matter what the healthcare setting.

Health Complaints Act 2016

- what's new
- what we do and our process
- investigations
- code of conduct for general health service providers and
- complaint handling standards.

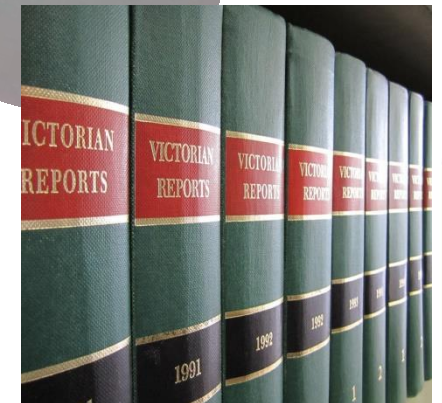
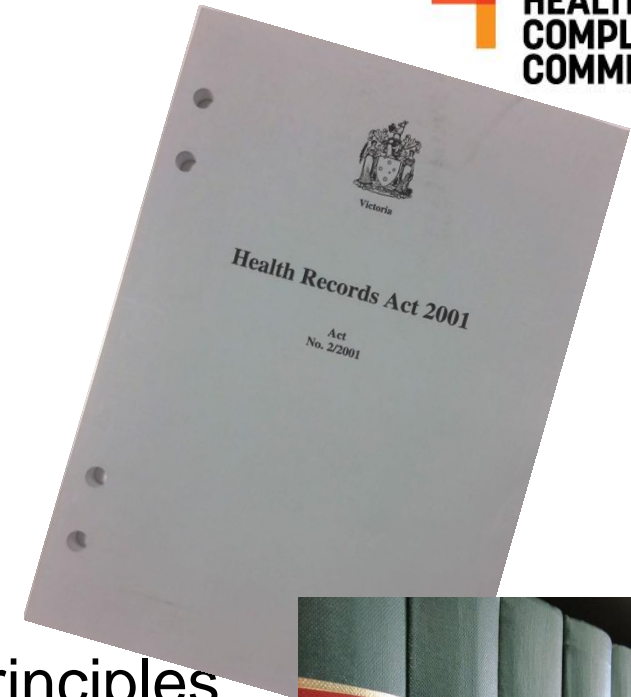
WHAT'S NEW?

1 February 2017 - *Health Complaints Act 2016*

- replaced the Health Services Commissioner

New powers and responsibilities include:

- broader definition of 'health service'
- anyone can complain
- Code of Conduct for non-registered providers
- Complaint handling standards and health service principles
- more investigative powers, incl. follow-ups and undertakings
- data monitoring



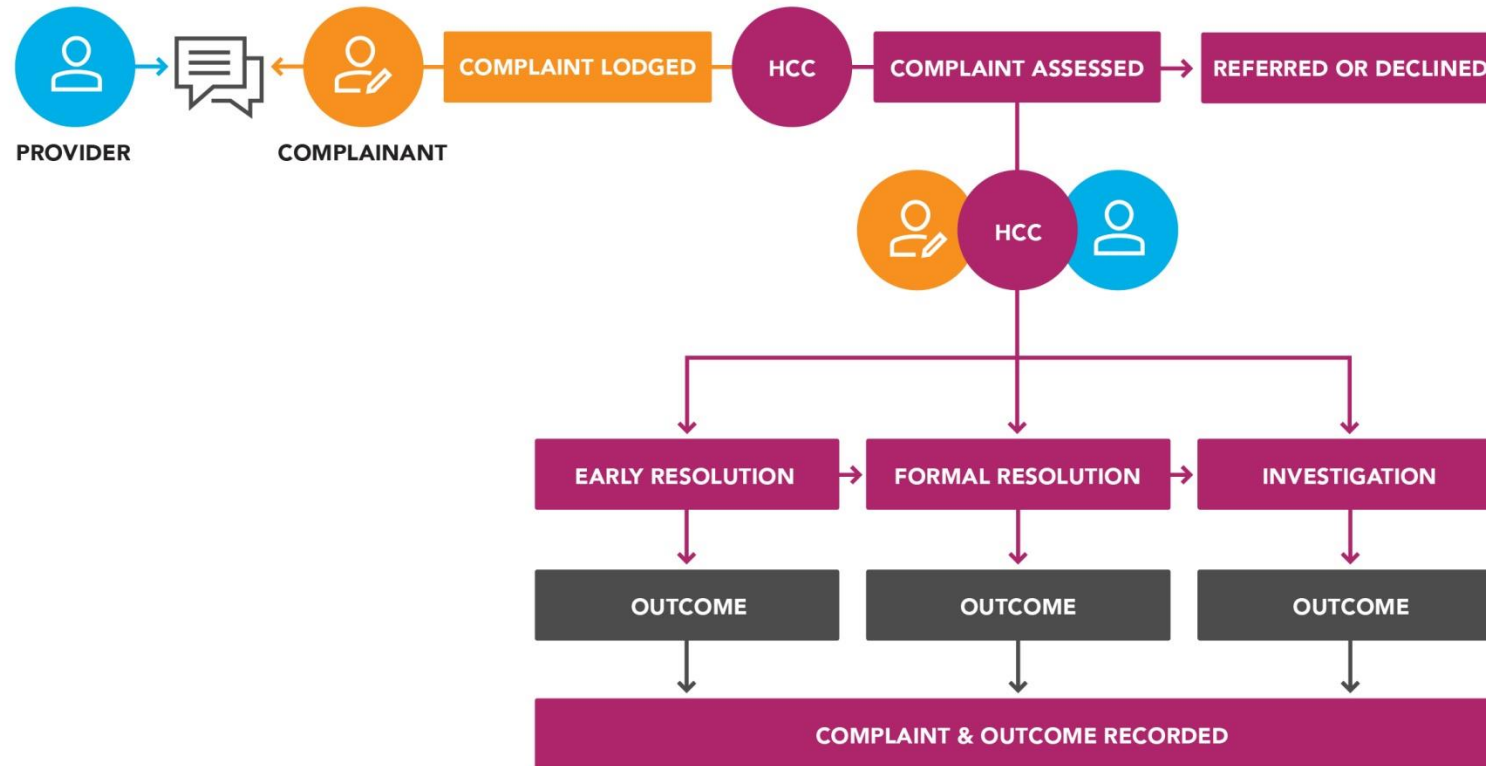
WHAT DOES THE HCC DO?

We:

- resolve complaints
- are: free, accessible, independent and impartial
- can investigate providers who pose a serious risk to the health, safety or welfare of the public
- review complaints data to identify trends and suggest quality improvements
- deal with complaints regarding health information - *Health Records Act 2001* unchanged



OUR COMPLAINTS PROCESS



SUMMARY OF OUR COMPLAINTS PROCESS

- emphasis on early resolution
- formal resolution
 - response time frames
- conciliation
 - whole or part of the complaint
 - requirement to produce documents
- undertakings
 - reporting timeframes
- penalties

INVESTIGATIONS

- greater powers
- Minister, own-motion, follow-up or complaints
- Investigations where:
 - complaint resolution not suitable, unsuccessful
 - HSP fails to participate, doesn't provide information when requested
 - breach of the Code of Conduct for General Health Service Providers
- must occur expeditiously
- rules of natural justice
 - not bound by the rules of evidence
- submissions prior to decision affecting a person
- may conduct a hearing

AHPRA



Aboriginal and Torres Strait
Islander health practice

Chinese medicine

Chiropractic

Dental

Medical

Medical radiation practice

Nursing and Midwifery

Occupational therapy

Optometry

Osteopathy

Pharmacy

Physiotherapy

Podiatry

Psychology

Australian Health Practitioner Regulation Agency

AHPRA AND HCC



‘Health Complaints Entity’

- National Law
- notify AHPRA where complaint names a registered practitioner
 - agreement to refer
- may deal with complaints concurrently

CODE OF CONDUCT FOR GENERAL HEALTH SERVICES

MUST

- ✓ Provide safe and ethical healthcare
- ✓ Obtain consent for treatment
- ✓ Take care to protect you from infection
- ✓ Minimise harm and act appropriately if something goes wrong
- ✓ Report concerns about other practitioners
- ✓ Keep appropriate records and comply with privacy laws
- ✓ Be covered by insurance
- ✓ Display information about the Code of Conduct and making a complaint.

MUST NOT

- ✗ Mislead you about their products, services or qualifications
- ✗ Put you at risk due to their own physical or mental health problems
- ✗ Practice under the influence of drugs or alcohol
- ✗ Make false claims about curing serious illnesses such as cancer
- ✗ Exploit you financially
- ✗ Have an inappropriate relationship with you
- ✗ Discourage you from seeking other health care or refuse to cooperate with other practitioners if you do.

CODE OF CONDUCT FOR GENERAL HEALTH SERVICES

Breach of the Code is grounds for a complaint to HCC

Resolution by:

- informal complaint resolution
- formal complaint resolution; or
- investigation

More serious issues may result in further actions, including:

- Prohibition Orders
 - penalties for breach.
- Public Warnings

CREATING A POSITIVE CULTURE TOWARDS COMPLAINTS

- everyone has a right to make a complaint
- genuine interest in feedback for quality improvement
- no blame - support for staff
- give consumers a voice
- transparency



COMPLAINT HANDLING STANDARDS

Legislative basis

132 Standards for complaint handling

- (1) The Commissioner must prepare a document that sets out the standards to be met by health service providers in handling complaints in respect of the following matters—
- (a) the provision of information regarding the making of complaints in an accessible form;
 - (b) the acknowledgement of complaints in a prompt manner;
 - (c) the requirements to resolve complaints promptly;
 - (d) keeping each complainant informed about the handling of a relevant complaint;
 - (e) advising each complainant of the outcome of the relevant complaint;

COMPLAINT HANDLING STANDARDS

Legislative basis

132 Standards for complaint handling - contd

- (1) ...
- (f) keeping personal information confidential;
 - (g) keeping records of all complaints, complaint handling and outcomes;
 - (h) any other matter for or with respect to the handling of complaints by health service providers.

Schedule 1

- interim standards

PRACTICE PROTOCOL: HCC SERVICE CHARTER

Legislative basis

124 Preparation of practice protocol

- (1) The Commissioner must prepare a practice protocol that:
 - (a) sets out the measures to be taken to enhance the transparency and accountability of the Commissioner
 - (b) describes what complainants, the public and health service providers can reasonably expect in respect of the processes of the Commissioner
 - (c) establishes the measures that are to be applied to ensure that the guiding principles are given effect.

CONSULTATION PROCESS



Provide a written response that addresses the consultation questions

Provide a verbal response to all or any of the questions

Complete our online survey at: hcc.vic.gov.au (available from mid-April)

All responses close **30 June 2018**

THE FIRST 12 MONTHS...

Increase in number of complaints

- pressure on resources

Expectations about investigations

- building capability

What complainants want vs what health service providers want

- can be the same thing

Attitudes to complaints and communication

THE NEXT 12 MONTHS AND BEYOND...

Vision:

To work with Victorians towards safe and ethical healthcare

Values:

- impartiality
- integrity
- collaboration and
- courage

We will:

- keep growing awareness
- develop:
 - complaint handling standards
 - service charter/practice protocol
- be trusted and respected

RESOURCES



- Website hcc.vic.gov.au has information, brochures & fact sheets for providers and consumers.
- Website has information on training in:
 - complaint handling,
 - health records management,
 - the new Code of Conduct
 - and more.
- For details or to discuss the requirements of your organisation, contact us on 1300 582 115 or hcc@hcc.vic.gov.au

ANY QUESTIONS?

Health Complaints Commissioner

hcc.vic.gov.au

1300 582 113



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