

Development of Victorian Complaint Handling Standards

Discussion paper

March 2018



FOREWORD BY THE HEALTH COMPLAINTS COMMISSIONER

Welcome to this discussion paper on developing Victorian complaint handling standards.

All Victorians deserve safe and ethical healthcare in a health system that is the best it can be.

Complaint handling standards will help make our health system work better and achieve quality outcomes. They are not just about the problems people have with health services; they are about solutions.

Good complaint handling means people have a voice and feel heard, but the benefits do not stop there. Complaints can improve service quality through user feedback. They can stop minor issues becoming major problems and can even help restore relationships between complainants and health service providers if there has been a breakdown. Complaints are also important in tracking and improving quality across health services and sectors.

These standards are about embracing the positive purposes of complaint handling. They are about striving to handle complaints well so that we can enjoy the benefits complaints can bring.

In my work, I have witnessed how actually believing in the value of complaints shapes the way these issues, and those raising them, are treated. There needs to be a genuine belief that feedback to health services from consumers is a good thing. An increase in complaints may indicate a more accessible and responsive system – not a decrease in service quality.

We are consulting widely in the development of the complaint handling standards to ensure they meet the expectations and needs of consumers and health service providers. I encourage you to address the questions raised in this discussion paper and any other issues you think relevant.



Karen Cusack
Health Complaints Commissioner

EXECUTIVE SUMMARY

The powers and responsibilities of the Health Complaints Commissioner (HCC) are established by the *Health Complaints Act 2016* (the Act). Section 132 of the Act requires the HCC to develop a set of standards that Victorian health service providers must meet when handling complaints. This discussion paper is part of a consultation process to inform the development of the standards; everyone is invited to respond.

The Act applies to a broader range of health services than previous health complaints legislation. There is enormous variation in the size, type and range of services provided by the organisations that are required to meet the new standards.

An interim set of standards currently exists in the Act. In summary, these standards state that a health service must:

- promptly acknowledge complaints and make appropriate attempts to resolve them
- provide information on how to make a complaint to health service consumers in an accessible and understandable form
- inform those who have made a complaint of the complaint's progress and its outcome
- keep personal information collected in the course of a complaint in a confidential manner
- keep a record of all complaints, including any action taken in managing them.

The new standards will expand on these interim standards. As they will apply to a wide range of organisations, they will need to be broad. Yet they must also include all the elements set out in the Act and provide sufficient rigour to satisfy our stakeholders and assure the Victorian community that complaints systems are being used to improve quality and safety.

We seek your views on these questions

We welcome your response to some or all of the consultation questions. Participate in one of our forums or respond by email, letter or verbally by contacting:

Maria McLoughlin, Engagement Officer
Health Complaints Commissioner
Level 26, 570 Bourke Street
Melbourne VIC 3000
T: 1300 582 113 or E: maria.mcloughlin@hcc.vic.gov.au

An online survey will also be available from April – June 2018.

*The closing date for all responses is **30 June 2018**.*

1. How do you expect complaints to be handled?
2. What are the difficulties involved in making a complaint? How can it be made easier?
3. What does 'prompt acknowledgement' of a complaint mean to you? Should the standards specify a timeframe for acknowledging complaints?
4. What are your expectations for communication throughout the complaint handling process?
5. What does 'prompt resolution' in complaint handling mean to you?
6. Can you describe good practice for communicating outcomes and finalising a complaint?
7. What issues do you see in relation to confidentiality in complaint handling?
8. What are the challenges for health services in complaints record keeping?
9. What do you see as potential issues with implementing the standards in the service you use or work in?
10. Are there any issues about the standards that have not been covered in this paper that you would like to raise?

Terminology

Complainant	The person making the complaint, who may be the person who received the health service or someone acting on behalf of the person who received the service.
Consumer	Patient, client, service user or customer.
Service providers	Any person or organisation providing a health service. This includes, but is not limited to hospitals, clinics, community health services; registered providers including doctors, dentists and physiotherapists; and general providers including massage therapists, speech pathologists, counsellors and alternative therapists.

CONTENTS

FOREWORD BY THE HEALTH COMPLAINTS COMMISSIONER	3
EXECUTIVE SUMMARY	4
Terminology	5
1 – INTRODUCTION	6
About the Health Complaints Commissioner	6
The legislation	6
The process for developing complaint handling standards	7
The ways you can contribute	7
2 – ABOUT STANDARDS AND COMPLAINTS	8
Standards	8
Complaints	8
What health services will the new standards apply to?	8
3 – WHAT THE STANDARDS WILL COVER	9
How complaints can be made	9
Acknowledging complaints	9
Ongoing communication	9
Prompt resolution	10
Outcomes	10
Confidentiality	11
Record keeping	11
Other issues	11
Appendix 1 - Resources	12

1 – INTRODUCTION

About the Health Complaints Commissioner

The Health Complaints Commissioner (HCC) deals with complaints about health service provision and the handling of health information in Victoria. Its role also involves conducting investigations and reviewing complaints data.

In the first year of operation since its establishment in February 2017, the HCC received over 7000 complaints on a wide range of issues. Primarily these complaints involved dissatisfaction with:

- access to services
- quality and safety
- care and attention
- respect, dignity and consideration
- communication about treatment
- options and costs
- the level of involvement in healthcare decisions
- access, privacy and confidentiality of personal health information
- complaint handling by the health service provider.

For more information about the HCC see hcc.vic.gov.au.

The legislation

The HCC's powers are established by the *Health Complaints Act 2016* (the Act). Section 132 of the Act requires that the HCC develop a set of standards to be met by health service providers in handling complaints. The standards must address:

- (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
- (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.

The HCC is required to prepare the complaint handling standards by 31 January 2019.

Legislation requires that the complaint handling standards are reviewed at least once every three years. However, the standards may be amended or revoked at the Commissioner's discretion.

The process for developing complaint handling standards

The Commissioner is keen to consult widely to ensure that the standards reflect the Victorian community's expectations.

This discussion paper marks the commencement of an extensive process of consultation by the Health Complaints Commissioner Advisory Council. The consultation phase will run from March to June 2018.

After consultation, the final draft of the standards will be forwarded to the Minister for approval. The Governor in Council, on the recommendation of the Minister, may publish the standards and give them effect on the date specified in the Government Gazette.

The ways you can contribute

- **participate in a consultation forum.** For dates and to register, visit hcc.vic.gov.au.
- **provide a written response** that addresses the consultation questions. Your response can relate to all or any of the questions. **by 30 June 2018**
Email or mail your response to:
Maria McLoughlin, Engagement Officer
Health Complaints Commissioner
Level 26, 570 Bourke Street
Melbourne 3000
E: maria.mcloughlin@hcc.vic.gov.au
- **provide a verbal response** to all of any of the questions by calling Maria McLoughlin on 1300 582 113. Respondents who are deaf, hard of hearing or speech impaired can visit the National Relay Service and those who need an interpreter can call TIS National on 131 450. **by 30 June 2018**
- **complete our online survey** at: hcc.vic.gov.au **from April – 30 June 2018**

Please note: Anonymous responses will be considered but we encourage respondents to provide their name, relevant organisation/s (if applicable) and contact details.

2 – ABOUT STANDARDS AND COMPLAINTS

Standards

In the health system, standards ensure quality and protect consumer rights, safety and wellbeing. Consumers can feel confident knowing that a service has procedures to address problems, if they occur. The proposed complaints handling standards will complement existing standards, reinforcing the importance of the consumer voice and person-centered care.

The new standards aim to strengthen and improve complaint handling systems across the health sector. They will provide a common benchmark that all health service providers will need to meet, offering consistency for consumers and providers.

Complaints

A complaint is an expression of dissatisfaction with:

- the quality of an action taken, decision made or service provided by an agency or its contractor
- a delay or failure in providing a service, taking an action or making a decision by an agency or its contractor¹.

Complaints can be provided in many forms. They may be given verbally or in writing. The complainant may not officially say that they are making 'a complaint'.

When complaints are handled well there are many benefits. At the most basic level a well-managed complaint will create trust in the health service and the system, as well as the feeling of being listened to. On a broader scale, an effective complaint handling system should lead to changes in practices and processes, reductions in harm or injuries, less litigation and a culture of continuous improvement and openness.

What health services will the new standards apply to?

The complaint handling standards will apply to any person or organisation providing a health service in Victoria.

There are many types of service providers in the Victorian health system. There is enormous variation in size, structure, organisational mission and purpose, and staffing. Also, there are many different models and systems for complaints handling. Some health organisations have large centralised units with dedicated staff and purpose-built software to deal with complaints, while other organisations have very simple manual procedures.

The complaint handling standards need to be broad to cover all health services, yet still have the rigour and clarity to work as benchmarks for good practice.

Q.1 How do you expect complaints to be handled?

¹ Victorian Ombudsman, 2016

3 – WHAT THE STANDARDS WILL COVER

How complaints can be made

The standards must address the provision of information regarding the making of complaints in an accessible form.

Health consumers represent every cross section of the Victorian community. Making a complaint must be possible for everyone and all reasonable steps should be taken to support consumers to make a complaint.

Accessibility can refer to provision of ways to make complaints, understandable and relevant information, or timely and appropriate support. It may involve flexibility in complaint handling or expanding the options to lodge complaints to meet the various needs of consumers.

Accessibility will mean different things in different settings; the new standards will apply to all these contexts.

Q.2 What are the difficulties involved in making a complaint? How can it be made easier?

Acknowledging complaints

The standards must address the acknowledgement of complaints in a prompt manner.

An official and prompt acknowledgement of the complaint will reassure the complainant and provide evidence that the matter is being considered.

Official acknowledgment of the complaint also provides the health service with an opportunity to explain what happens next.

The Act uses the term 'prompt' but do the proposed standards need to provide a definition of the term, such as setting a specific time limit? For example, 'complaints must be acknowledged in writing within five working days of receiving the complaint'.

Q.3 What does 'prompt acknowledgement' of a complaint mean to you? Should the standards specify a timeframe for acknowledging complaints?

Ongoing communication

The standards must address the requirement to keep each complainant informed about the handling of a relevant complaint.

Communication is crucial to effective complaint handling. Complainants need to understand what the process is and to be provided with timeframes for each stage.

Communication is required to acknowledge the complaint but as the complaint progresses, the complainant needs regular updates on its progress. Health service providers need systems or procedures to check that they have ongoing communication with the complainant.

Q.4 What are your expectations for communication throughout the complaint handling process?

Prompt resolution

The standards must address the requirements to resolve complaints promptly.

Lengthy delays in processing complaints are frustrating. Complainants expect that their issues will be a priority and that the health service provider will not make the process longer than necessary.

Complaints in the health system vary enormously. Some can be quickly resolved with a simple explanation or an apology but others may take longer because, for example, they involve detailed consideration of medical procedures or need information from more than one health practitioner or service. This makes it difficult to put specific timelines around how long it should take to resolve a complaint.

Q.5 What does 'prompt resolution' in complaint handling mean to you?

Outcomes

The standards must address the requirement to advise each complainant of the outcome of the relevant complaint.

After checking the facts, the complainant must receive an appropriate response to the complaint that details the outcome.

Obviously, a prompt resolution is important. Asking people about what outcome they are seeking early in the process can help speed up a resolution by focusing discussions on issues important to the complainant.

Not all complainants will be happy with the outcomes and complaints handling staff often deal with dissatisfied complainants.

Q.6 Can you describe good practice for communicating outcomes and finalising a complaint?

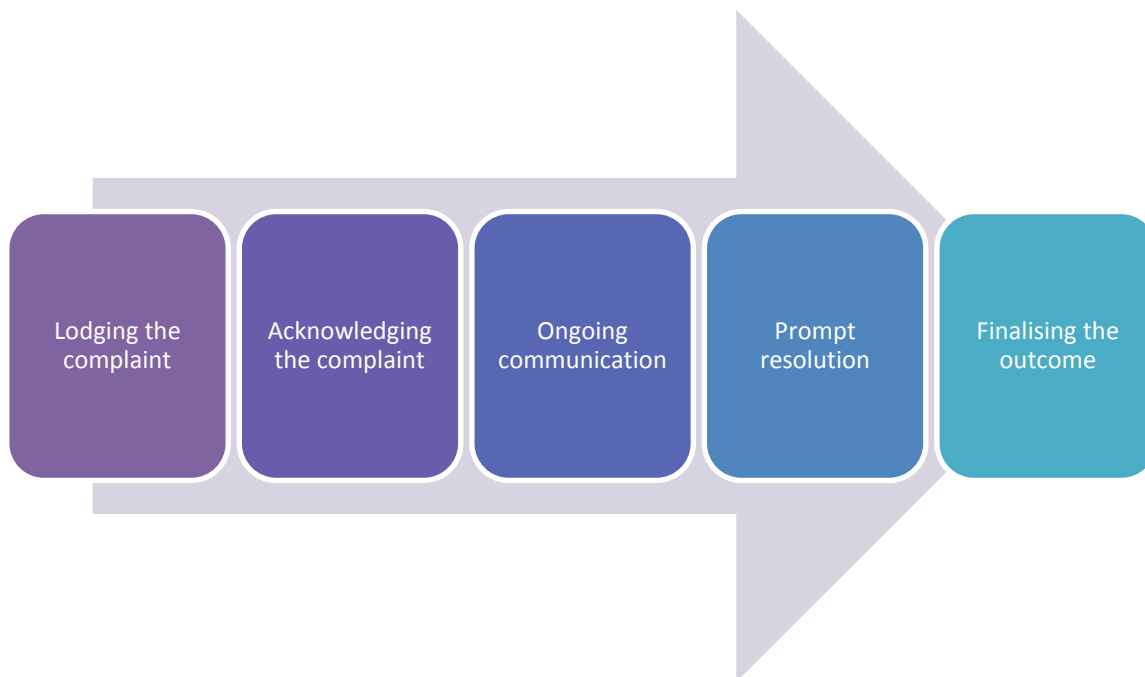


Figure 1: *The process for complaint handling*

Confidentiality

The standards must address the requirement to keep personal information confidential

Health services are legally obliged to respect privacy and confidentiality. These organisations are bound by the *Health Records Act 2001*, the *Privacy and Data Protection Act 2014* and where applicable the *Health Services Act 1988*. Penalties may apply if there is a breach of confidentiality.

Some complaints may relate to sensitive or personal information that needs to be shared with those investigating the complaint and reviewing what happened.

Q.7 What issues do you see in relation to confidentiality in complaint handling?

Record keeping

The standards must address the requirement to keep records of all complaints, complaint handling and outcomes.

Complaints need to be recorded, even if they are made verbally.

Data from recorded complaints can show trends, and multiple complaints about the same issue may indicate a problem that needs to be addressed. Recording systems do not need to be complicated but they do need to be able to track issues and provide sufficient evidence for a third party to be able to see the progress of a complaint, and to provide sound data for analysis and reporting.

Q.8 What are the challenges for health services in complaints record keeping?

Other issues

You may have other issues to raise or suggestions for how the Victorian complaint handling standards should be administered.

Q.9 What do you see as potential issues with implementing the standards in the service you use or work in?

Q.10 Are there any issues about the standards that have not been covered in this paper that you would like to raise?

Appendix 1 - Resources

Australian Commission on Safety and Quality in Health Care (2008), *Australian Charter of Healthcare Rights*, <https://www.safetyandquality.gov.au/national-priorities/charter-of-healthcare-rights/>. Accessed 27 February 2018.

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Australian Human Rights Commission (2014), *Good practice guidelines for internal complaint processes*, Sydney: Australian Human Rights Commission.

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New Zealand Office of the Health and Disability Commissioner, *Statement of Performance Expectations 2017/2018*, Auckland: Office of the Health and Disability Commissioner.

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Ombudsman Western Australia (2009), *Guidelines: Procedural fairness (natural justice)*.

Ombudsman Western Australia (2017), *Guidelines: Effective handling of complaints made to your organisation: An overview*.

ISO (2004), *International Standards 10002: 2004(E) Quality management: Customer satisfaction — Guidelines for complaints handling in organizations*, Switzerland: ISO.

Victorian Ombudsman (2016), *Good Practice Guide to Handling Complaints: Report and guide*, https://www.parliament.vic.gov.au/file_uploads/Tabling_copy_VO_Report_A_good_practice_guide_to_handling_complaints_Report_and_Guide_Sep_2016_yf2qw8MP.pdf. Accessed 27 February 2018.



Supporting safe and ethical healthcare.

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