



Office of the Health Services Commissioner INFORMATION FOR PROVIDERS

Complaints: 8601 5200 **Toll Free:** 1800 136 066

Fax: 8601 5219 **Website:** www.health.vic.gov.au/hsc

In Victoria individuals have a right of access to their health information and to make complaints about health service providers. The Office of the Health Services Commissioner (HSC) is an independent statutory authority established to receive and resolve complaints about health services. The HSC also handles complaints about disclosure of health information and access to health information.

KEY FEATURES OF THE HSC PROCESS

It is impartial and confidential.

HSC does not charge fees.

Participation in the complaints process is voluntary.

Complaints are resolved through co-operation.

HSC encourages open discussion, with all parties asked to give their point of view.

It can be an alternative to legal proceedings.

WHO CAN BE COMPLAINED ABOUT

A complaint can be made against *any* health service provider, for example:

- doctors
- pharmacists
- alternative therapists
- dentists
- hospitals
- physiotherapists
- ambulance services
- nurses
- psychiatric services
- optometrists
- chiropractors
- counsellors

A complaint can also be made against:

- any person or organisation that collects, holds or discloses health information.

WHAT HAPPENS WHEN A COMPLAINT IS MADE

When HSC receives a complaint the first step is to send it to the health service provider to give them the opportunity to respond. With the provider's consent, a copy of the response will be sent to the complainant.

Many complaints are resolved through the provision of an explanation, detailed information or an apology where needed. This can be achieved at an early stage without the need for direct intervention by HSC. Most people who complain to HSC want to know what went wrong and why, and they want to know that there have been improvements made to prevent similar incidents in the future.

IF THE COMPLAINANT IS NOT SATISFIED WITH THE RESPONSE

If the response does not satisfy the complainant's concerns, HSC will identify the unresolved issues. The complainant may be asked to provide information to support their complaint. This can include reports from current treating doctors, copies of hospital records etc.

WHAT HAPPENS NEXT

If the complaint remains unresolved, a decision will be made about what should happen next. This will depend on the circumstances of the case and what outcome the complainant is seeking. There are three options:

1. No further action

The HSC may decide that no further action is needed, and can close the complaint.

2. Referral to a registration board or investigation

The complaint might be referred to the relevant registration board, such as the Medical Practitioners Board. This might happen in a case involving unprofessional conduct, where it is not suitable for conciliation or where disciplinary action is sought as an outcome. Some complaints are referred to the board when they are first received, rather than sending the complaint to the provider for a response. If there is no relevant registration board, the Commissioner may decide to conduct an investigation.

3. Referral for conciliation

The complaint may be referred to the HSC conciliation section for confidential and impartial conciliation. This might happen where there is a claim for damages or remedial treatment, or where there is a need for a meeting between the consumer and the health service provider. At this point you will receive more information about what conciliation involves.

Most complaints that are unresolved after the initial assessment phase are either closed or referred for conciliation.

OUTCOMES

Making a complaint through HSC can achieve a number of possible outcomes. These include:

- an explanation of what happened or more detailed information about the treatment or medical condition,
- an opportunity for the complainant and provider to discuss what happened in a face-to-face meeting,
- an apology,
- a change to systems or procedures so a similar incident does not happen again,
- provision of remedial treatment,
- payment of compensation.