

Consultation and discussion paper Service Charter (DRAFT)

Revision 2023

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EXECUTIVE SUMMARY

The Health Complaints Commissioner's powers are established by the *Health Complaints Act 2016* (the Act). Section 127 of the Act requires that 'the approved practice protocol must be reviewed at least once every 3 years by the Commissioner in consultation with any person the Commissioner is satisfied has a relevant interest'. For the purpose of this consultation, we refer to the practice protocol as a service charter. In 2023 the content of the [HCC's existing service charter](#) is being revised; you are invited to respond.

The service charter describes what services the HCC provides and how its service users (complainants and service providers) can expect to be treated. The service charter also includes information about what is expected of service users. This consultation paper seeks your views on matters that will inform the 2023 revision of the HCC's service charter.

How to contribute to this consultation

We welcome your response to some or all the consultation questions. You can do this in any of the following ways:

1. *Complete this consultation paper and return it via email to:*

Lorna Walsh, Communications, Media and Engagement Manager,

Health Complaints Commissioner Level 26, 570 Bourke Street Melbourne VIC 3000

E: lorna.walsh@hcc.vic.gov.au

2. Click on this link to [complete our online survey](#)

Our online survey is available until **18 October 2023**. The survey will take about 4 minutes to complete.

1. What measures can demonstrate the HCC's accountability to the Victorian community?
2. How can the HCC ensure its services are impartial and transparent?
3. How can the HCC support complainants in complaint resolution?
4. How can the HCC support health service providers in complaints resolution?
5. What other comments do you have in relation to the service charter?

Definitions

Complainant The person making the complaint, who may be the person who received the service or someone acting on behalf of the person who received the health service.

Consumer Patient, client, service user, 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

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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. This role also involves conducting investigations and reviewing complaints data. Each year, the HCC receives approximately 8,000 complaints on a wide range of issues, most involved dissatisfaction with:

- Issues related to the quality and safety of health care
- Issues related to the facilities or environment where care was provided
- Issues related to the processes such as access to care or costs
- Issues with the way they were treated by their providers (e.g., respect, dignity)
- Issues with communication and involvement in decisions about their care
- Issues with access, privacy and confidentiality of health information.

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 127 of the Act requires that 'the approved practice protocol must be reviewed at least once every 3 years by the Commissioner in consultation with any person the Commissioner is satisfied has a relevant interest. For this consultation, we will refer to the practice protocol as a service charter.

The service charter must reflect the guiding principles of the legislation. These state that the Commissioner must:

- (a) act in a fair, impartial and independent manner
- (b) act in the public interest
- (c) encourage complainants and health service providers to participate in the complaint process
- (d) seek to resolve complaints promptly and improve the quality of health services
- (e) as far as is practicable, protect the public from any serious risk that a health service provider poses to the health, safety or welfare of the public
- (f) act in a manner that is transparent, accountable and consistent
- (g) act in an efficient, effective and flexible manner that avoids unnecessary formality
- (h) take as far as practicable the least intrusive and onerous measures that are appropriate in the circumstances
- (i) act in a consultative and collaborative manner to the extent that is consistent with the carrying out of a function or power.

The Commissioner must prepare a service charter 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 to be applied to ensure the guiding principles are given effect.

The Act also requires that the Commissioner consults before developing the service charter, that the service charter reflects the guiding principles and that the Minister be responsible for approving the service charter.

Section 147 of the Act gives the Health Complaints Commissioner Advisory Council responsibility for advising the Commissioner on the development of the practice protocol. The current Service Charter is required to be revised in 2023.

The process for developing the service charter

The Commissioner seeks to consult widely with stakeholders to ensure the service charter represents the expectations of health consumers, health service providers and other stakeholders. This discussion paper supports processes for revision of the [HCC service charter](#). The consultation will conclude on **18 October 2023**.

On completion of the consultation, the final draft of the revised service charter will be ratified by the Advisory Council and forwarded to the Minister for approval before being available to the public.

Thank you for your valuable contribution to this consultation.

Consultation paper

About the Service Charter

The Service Charter describes what services the Health Complaints Commissioner provides and how its service users, complainants and health service providers, can expect to be treated. The service charter also includes information about what is expected of service users.

This consultation paper seeks your views on the following matters that will inform the revision of the HCC's service charter for 2023.

1. What measures can demonstrate the HCC's accountability to the Victorian community?
Click or tap here to enter text.
2. How can the HCC ensure its services are impartial and transparent?
Click or tap here to enter text.
3. How can the HCC support complainants in complaint resolution?
Click or tap here to enter text.
4. How can the HCC support health service providers in complaints resolution?
Click or tap here to enter text.
5. What other comments do you have in relation to the service charter?
Click or tap here to enter text.

