

Development of a Service Charter

Discussion paper

March 2018



FOREWORD BY THE HEALTH COMPLAINTS COMMISSIONER

Welcome to this discussion paper on the development of our service charter.

I am passionate about the role we play supporting quality and safety in healthcare.

Through our complaint resolution and investigation work we have a real impact on experiences and outcomes for consumers and providers of health services across Victoria. In our first year we handled over 7000 complaints, touching the lives of tens of thousands of people across the state. And while not every complaint is resolved to the satisfaction of all involved, I am proud of the number of positive outcomes we have achieved.

Just like the health system we support, we should always be looking at ways to do things better. We have our own ideas on what is best practice for our work and for the systems in place to achieve that. However, we are keen to hear from people who have used our service in the past or may do so in future, as well as other interested parties, about what commitments you think we should be making to you. We want to hear what matters most to you about the way we deliver our service.

My hope is that our service charter will provide clarity on what services we provide, how we provide them and how people can expect to be treated.

We are consulting widely in the development of this service charter. 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 Health Complaints Commissioner's powers are established by the *Health Complaints Act 2016* (the Act). Section 124 of the Act requires that the HCC prepare a 'practice protocol'. For the purpose of this consultation, we will refer to the practice protocol as a service charter. This discussion paper is part of a consultation process to inform the content of the HCC's service charter; everyone is invited to respond.

Service charters describe what services an organisation provides and how its customers can expect to be treated. A service charter may also include information about what is expected of service users or, in this case, complainants and health service providers.

The Act requires that the service charter:

- (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.

The service charter must also 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.

This paper seeks your views on matters that will inform the HCC's service charter, including the guiding principles, transparency and accountability, and what complainants, health service providers and all Victorians can reasonably expect of the HCC in carrying out its functions or powers.

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 can the HCC demonstrate each of the guiding principles in practice?
2. Aside from the guiding principles, are there any principles that you would expect to see in the service charter?
3. Should HCC's values be included in the service charter? If so, where?
4. What would help to demonstrate the HCC's accountability to the Victorian community?
5. What could the HCC do to make its services more transparent?
6. What can complainants do to support complaints resolution?
7. What can health service providers do to support complaints resolution?
8. What other comments do you have in relation to the service charter?

Terminology

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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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.

In carrying out its complaint resolution and investigations functions, the HCC must act fairly and impartially and in the public interest. Complaints and investigations must be carried out as expeditiously and informally as possible.

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 124 of the Act requires that the HCC develop a 'practice protocol'. For the purpose of this consultation we will refer to the practice protocol as a service charter.

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 that are to be applied to ensure that the guiding principles are given effect.

The service charter must be prepared by 31 January 2019. The Act also requires that the Commissioner consults before developing the paper, 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 service charter will be available on the HCC website when it is finalised. At a minimum it will be reviewed every three years, although amendments can be made sooner if required.

What is a service charter?

A service charter tells customers about what they can expect when they have dealings with an organisation. Usually they are succinct – just one or two pages long and use accessible language.

Other names for a service charter include client service principles or may be titled ‘Our promise to you’. Typically, a service charter includes:

- a statement about the organisation’s purpose or mission
- a commitment to provide a quality service, with an explanation of what that is
- service standards or service principles
- what the organisation requires of customers or clients
- contact details and avenues for making complaints or giving compliments.

Service charters usually appear in print and on websites and are designed to reflect the organisation’s mission. Three examples of customer service charters are provided as appendices.

The process for developing the service charter

The Commissioner is keen to consult widely with stakeholders to ensure that our service charter represents the expectations of health consumers, health service providers and other stakeholders.

This discussion paper marks the commencement of an extensive process of consultation by the Health Complaints Commissioner Advisory Council. The consultation will run from March to June 2018. After consultation, the final draft of the service charter will be forwarded to the Minister for approval before being available to the public.

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 – ORGANISATIONAL FOCUS AND PRINCIPLES

Organisational focus

Service charters commence by providing the reader with a high-level understanding of why the organisation exists – its primary purpose.

The HCC Vision Statement is:

‘We work with Victorians towards safe and ethical healthcare.’

The HCC website describes it in this way:

We are an independent and impartial statutory body that opened on 1 February 2017 under the [Health Complaints Act 2016](#). We support safe and ethical healthcare in Victoria by:

- resolving complaints about health services and the handling of health information in Victoria
- investigating providers who pose a serious risk to the health, safety or welfare of the public
- monitoring and reviewing trends in complaints data
- providing an accessible service and free alternative to legal proceedings
- educating consumers and providers about their rights and responsibilities.

Guiding principles

The service charter will document the HCC’s commitment to the people it serves.

The HCC operates under a set of guiding principles and these need to inform the service charter. Section 123 of the Act lists the guiding principles, saying 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.

For example, the first guiding principle talks about fairness – but how should fairness be demonstrated? In its practical application, fairness could be considered in relation to:

- decision making
- access to services
- natural justice
- being balanced and ensuring people have rights of reply.

The service charter aims to take the guiding principles and say what they mean in practice.

Q.1 How can the HCC demonstrate each of the guiding principles in practice?

Other considerations for service principles

The research from complaint handling introduces some other elements that are important for good service delivery.

Compassion and empathy – Some complainants are deeply frustrated by the time their complaint has been elevated to an agency such as the HCC. And some may be experiencing grief or trauma. Complainants need to speak with someone who will show understanding of what they are feeling.

Careful listening and clarifying – Many complaints are complicated. Some can involve many people and go back over time. Complainants need to know that they are talking to someone who is not judgmental; someone who will pay attention to the facts and help to draw out exactly what the source of the complaint is, and what outcomes the complainant is seeking.

Good information – Complainants may need a range of information, for example how the HCC works, the role and the functions of different organisations (such as the Australian Health Practitioner Regulation Agency or professional bodies) or what their options are. Staff need to be knowledgeable about relevant legislation, the wider health system and the role and functions of other complaint handling agencies and jurisdictions.

Privacy and confidentiality – Complainants often have concerns about the confidentiality of what they say. Staff should ask for consent to access documents and records and agree not to discuss the complaint with anyone who is not relevant to the complaint.

Respect – Respect is central to complaint handling. All parties need to know that whatever has happened in the course of the complaint, HCC staff will be respectful, impartial and open minded. Service providers also want to know that they will be listened to and that they have a right of reply.

In addition to the guiding principles, some of the elements above could be included in the service charter's principles. Stakeholders will have their own priorities for how complaints should be handled and what principles should underpin the HCC's practice.

Q.2 Aside from the guiding principles, are there any principles that you would expect to see in the service charter?

Values

The HCC values provide a guide for HCC staff, policies and decision making. Through their reinforcement they shape the organisational culture and the way it conducts its business – with all stakeholders.

The HCC values are:

- Impartiality:** we are fair and transparent in all we do
- Integrity:** we provide services in a respectful and ethical manner
- Collaboration:** we are inclusive and engaged in our approach
- Courage:** we act with strength and are committed to our purpose.

Some organisations incorporate their values into their service charter (see Appendix 1). Because values can overlap with customer service principles there is a risk of duplication, yet they can also form a summary of what is important.

Q.3 Should HCC's values be included in the service charter? If so, where?

3 – TRANSPARENCY AND ACCOUNTABILITY

The Act places emphasis on the transparency and accountability of the Commissioner. The HCC is required to develop a service charter that 'sets out the measures to be taken to enhance the transparency and accountability of the Commissioner', and 'establishes the measures that are to be applied to ensure that the guiding principles are given effect'.

A measure is generally defined as a course of action to achieve a particular purpose. So what can the HCC do to ensure transparency and accountability? Currently the Commissioner reports on complaints in the HCC Annual Report, presenting data on:

- the number of complaints received
- what type of staff handled the complaints
- how complaints were received
- the type of provider the complaints were about
- the issues in complaints received
- the issues by provider type
- the time taken to close complaints
- the outcomes in closed complaints
- any public warning statements and prohibition orders issued.

The publication of this data provides an important overview of complaints to the wider health system. It is also a way for the HCC to demonstrate its accountability as a publicly funded organisation.

The requirement to set measures in relation to the guiding principles is another way to ensure that the HCC is accountable and effective.

Transparency and accountability are necessary for effective governance and important to the Victorian community. Transparency and accountability link to openness and honesty, and a willingness to be scrutinised. The HCC website makes it clear that it is open to complaints about its own work and that feedback is welcomed. Are there any other practical measures that could be developed that will show our transparency and accountability?

Q.4 What would help to demonstrate the HCC's accountability to the Victorian community?

Q.5 What could the HCC do to make its services more transparent?

4 – THE ROLE OF DIFFERENT PARTIES

The HCC has a responsibility to be fair and open in all its dealings. All parties in the complaints process expect to be listened to and to have the opportunity to explain their view.

The complainant's role

The effective resolution of complaints relies on the active participation of the complainant. A service charter seeks to explain that good service is an interaction; for people to get good outcomes, communication is vital.

Complaints resolution requires the complainant to provide relevant facts and evidence and to explain what happened. It also involves input from different parties or practitioners.

Information required from complainants includes:

- telling us if they have special needs
- active engagement with the complaints process
- a willingness to give a detailed explanation of what happened, why they are dissatisfied and how they have been affected
- an explanation of the outcome that they seek such as an apology, a reimbursement or a change in policy or practice
- respectful communication.

The HCC's Factsheet on Complaint Resolution describes the complainant's role in this way:

What you should bring to complaints resolution

Complaint resolution requires good faith from all parties. We expect you to be:

- respectful in dealing with everyone
- actively involved
- considerate of other's viewpoints
- considerate of alternative resolution options
- available to talk about the complaint and the complaint resolution process
- in some cases, willing to compromise.

It is important that complainants understand their part in the process and the service charter is a way to assist with this understanding.

Q.6 What can complainants do to support complaints resolution?

The health service provider's role

When complaints are made about health practitioners, the practitioner has a right to be aware of the complaint and to respond. Complaints do not override a person's rights to natural justice or procedural fairness.

The service charter should assure practitioners that, like the complainant, they will always be listened to and treated fairly. It should also make clear the HCC's expectations of service providers in the complaints process.

The UK's Parliamentary and Health Service Ombudsman Service Charter. 2016 (see Appendix 2) explains the responsibilities of service providers in this way:

We need organisations to:

- give people a clear final answer to their complaint
- make people aware of our service when giving them a final answer
- treat people who make a complaint, and our staff, with courtesy and respect
- work with us to address the complaints people bring to us as quickly and effectively as possible
- give us all the information we ask for in a reasonable amount of time
- show people who have made a complaint, and us, how they have acted on our recommendations.

It is important that health service providers understand their part in the process and the service charter is a way to assist with this understanding.

Q.7 What can health service providers do to support complaints resolution?

Other issues

You may have other issues to raise or suggestions for how the HCC can achieve a practical and useful service charter.

Q.8 What other comments do you have in relation to the service charter?

Appendix 1 – Department of Innovation, Industry and Science Customer Service Charter

Last updated: **22 November 2016**

Like most businesses, we know that our success lies in delivering excellent service to you, our customer. Our customer service charter sets out our commitment to provide you, our customer, with the service you can expect.

Who we are and what we do

We are an Australian Government service that has the needs of business at the forefront of everything we do. We provide quality, consistent information, support, advice and assistance to help you be competitive, innovate and create a skilled workforce.

Who accesses our services

Australian businesses and individuals who want quality service and support from the Australian Government.

Our Customer Service Principles

Responsiveness

- We will respond promptly to your enquiries through our phone and web service, and our national and state office network
- We aim to respond to phone enquiries and emails within one working day – and mail correspondence within 10 working days
- We will provide accurate and up to date information, when you need it
- Our service targets outline our process and payment timelines.

Quality service

- Our people understand your issues because of their extensive experience with business
- We aim to tailor our response to your needs
- We aim to provide linkages and referral to other government information relevant to your business needs
- You will receive the same excellent service standard if you receive services from a third party on our behalf.

Confidentiality

- We have systems in place to ensure that we protect your confidential information
- We understand that your ideas are your business advantage – and will not use our position to gain an advantage for ourselves or others – or cause a detriment to you
- We handle all your information in accordance with the *Privacy Act 1988*.

Transparency

- We are open and transparent about our processes
- All our programme information is published on our website
- We aim to provide consistent and clear information across our communication channels
- Our staff must disclose conflicts of interest
- We will give you access to your personal information if you request it.

Professionalism

- Our business dealings with you will be conducted with integrity and honesty
- Our people will focus on helping you find solutions to your business needs
- Every customer is treated equally
- Our people will be accountable in their dealings with you.

If you use our web services you can expect:

- To contact us when and where it is convenient for you – with social media and click to chat support for your added convenience
- The website to be easy to use, with intuitive navigations and customised content so you can quickly find what you need
- That you can access our information using any device, any time
- If you sign up to receive our information, to always have the option to unsubscribe.

If you call 13 28 46 you can expect:

- Our staff to be experienced and knowledgeable
- To be able to contact our Business Support service between 8am-8pm nationally Monday to Friday
- Our phone services to be readily accessible via the National Relay Service (a phone solution for people who are deaf or have a hearing or speech impediment) and the Translating and Interpreting Service (a phone solution for people who do not speak English).

If you deal with us face-to-face you can expect:

- We will always tell you the criteria against which we will assess your eligibility and merit for assistance
- We will tell you how long our assessment processes may take and where relevant, inform you of our payment processes
- If you receive assistance from us, we will inform you of your obligations.

To allow us to help, we expect you will:

- Give us information that is timely, accurate and complete
- Take the time to understand your obligations and aim to fulfil them
- Provide us with honest, constructive feedback on our service
- Contact us if you believe we have made an error or acted inappropriately, and wish to make a complaint.

Australian Public Service Values

In our dealings with you we will be professional and understanding. We commit to our staff individually and collectively upholding the Australian Public Service Values:

- Impartial
- Committed to Service
- Accountable
- Respectful
- Ethical

Read more about the [Australian Public Service Values](#) on the APS website.

Feedback – compliments, complaints, suggestions

Feedback includes compliments, complaints, suggestions or any information about our program delivery, services or performance.

You can provide feedback using our [Online feedback form](#) or by calling us on 13 28 46.

Should you have a complaint, we appreciate you providing us with the first opportunity to resolve it.

All people have the right to raise concerns and make legitimate complaints and expect that the issues raised will be handled in a fair, confidential and responsive manner, free from repercussion or prejudice.

Clearly explaining the issue and what you think should be done to fix it will assist us. Please include copies of any relevant documents. At the conclusion of a formal complaint, you will receive our decision in writing.

If you are still not satisfied, you may ask for a review of our handling of the matter. The review process will determine if we acted according to our policies and guidelines.

If you remain dissatisfied, the [Commonwealth Ombudsman](#) (Ph 1300 362 072) investigates complaints about the administrative actions of Australian Government departments and agencies.

As a general rule, the Commonwealth Ombudsman will not, and in some cases cannot, investigate complaints until they have been raised directly with the agency involved.

You also have the option to write to our Ministers or your local Member of Parliament or Senator. If you have not previously complained to us, they will probably refer your complaint to us, and we will assess it in line with our complaints policy. We report back to our Ministers at the completion of the process. Making a complaint will not affect your relationship with us.

Appendix 2 – Parliamentary and Health Service Ombudsman Service Charter, UK

2016

Our Service Charter

We make final decisions on complaints that have not been resolved by the NHS in England, UK government departments and some other UK public organisations.

Our Service Charter explains what you can expect from us when you ask us to look into a complaint. This is to give you confidence in our service. It also explains what we need from you in return.

Contact us

You can get a detailed description of what happens at each step in our complaints process from our website at www.ombudsman.org.uk or by calling us on 0345 015 4033.

Please let us know if you would like our Charter in a different format, including Easyread, Daisy or large print.

Our commitments

Giving you the information you need

We will:

- explain our role and what we can and cannot do
- explain how we handle complaints and what information we need from you
- direct you to someone who can help with your complaint if we are unable to, where possible
- keep you regularly updated on our progress with your complaint.

Following an open and fair process

We will:

- listen to you to make sure we understand your complaint
- explain the specific concerns we will be looking into
- explain how we will do our work
- gather all the information we need, including from you and the organisation you have complained about, before we make our decision
- share facts with you, and discuss with you what we are seeing
- evaluate the information we've gathered and make an impartial decision on your complaint
- explain our decision and recommendations, and how we reached them.

Giving you a good service

We will:

- treat you with courtesy and respect
- give you a final decision on your complaint as soon as we can
- make sure our service is easily accessible to you and give you support and help if you need it

- look after the information you give us.

Living up to our commitments

We will:

- listen to your feedback and use it to improve our service
- apologise if we make mistakes, and put things right
- publish information regularly on our website about our performance, in line with the commitments in this Charter, and report to Parliament on this.

Helping to make public services better for everyone

What we expect from you when you complain to us

What we expect from organisations complained about

We will:

- help Parliament to scrutinise the organisations we investigate by sharing what we have learned from the complaints we see
- help the organisations we investigate, regulators and others to improve public services by sharing this learning with them
- promote and share good practice whenever we see it.

We need you to:

- complain to the organisation you are unhappy with first, so it has a chance to put things right
- treat our staff with courtesy and respect
- give us all the information we ask for in a reasonable amount of time
- tell us if you have any particular needs that we should be aware of
- understand that we may not always be able to give you the outcome you are looking for
- appreciate that we carry out our investigations in a way that is fair to everyone involved in the complaint and have to decide what questions and evidence are relevant to the complaint.

We need organisations to:

- give people a clear final answer to their complaint
- make people aware of our service when giving them a final answer
- treat people who make a complaint, and our staff, with courtesy and respect
- work with us to address the complaints people bring to us as quickly and effectively as possible
- give us all the information we ask for in a reasonable amount of time
- show people who have made a complaint, and us, how they have acted on our recommendations.

Appendix 3 – DHHS Client Services Charter

We want to provide you with the highest quality of service that we can. We will listen to and work with you to make sure that you get the help and assistance that is available and right for you.

The Client Services Charter tells you what you can expect from the department and our staff. It also tells you what you can do to help us give you the best service we can.

What you can expect of us

We will

- make it easy for you to contact us
- help you to apply for or use our services
- tell you about your rights and responsibilities
- arrange for an interpreter or other language services, if you need this
- do the things we say we will do, like getting back to you when we say we will
- be polite and respect your views, opinions and personal circumstances such as your culture, family situation, age, gender, disability, faith, sexual orientation or gender identity
- protect your personal information and only use it for the right reasons
- tell you if you are not eligible for a service or if there is a waiting list
- provide you with advice on other support that may be available
- give you opportunities to be involved in decisions about the services you access, and support you to have a say
- tell you about any decision that affects you and the reasons for our decision
- tell you how you can ask for our decision to be reviewed or how you can make a complaint.

Making a complaint

The department is committed to listening to you and responding to your concerns. Our [Making a complaint](#) page provides information about what you can do and how we will respond to your concerns.

Contact the department

Information on how to make a general enquiry or locate an office can be found on the [Contact](#) page.

Appendix 4 – Resources

Department of Health and Human Services, Victoria (2017), *DHHS Client Services Charter*, <https://www.dhhs.vic.gov.au/publications/client-services-charter>. Accessed 27 February 2018.

Department of Innovation, Industry and Science, Commonwealth of Australia (2016), *Customer Service Charter*, <https://www.business.gov.au/about/customer-service-charter>. Accessed 27 February 2018.

Health Complaints Act 2016 (Vic).

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

NSW Health Care Complaints Commission, *Code of Practice*, <http://www.hccc.nsw.gov.au/About-Us/About-the-Commission/Code-of-Practice/Code-of-Practice>. Accessed 27 February 2018.

Service Charters Unit, Competitive Tendering and Contracting Branch, Department of Finance and Administration, Commonwealth of Australia (2000), *Client Service Charter Principles*.

UK Parliamentary and Health Service Ombudsman (2016), *Our Service Charter*.



Supporting safe and ethical healthcare.

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