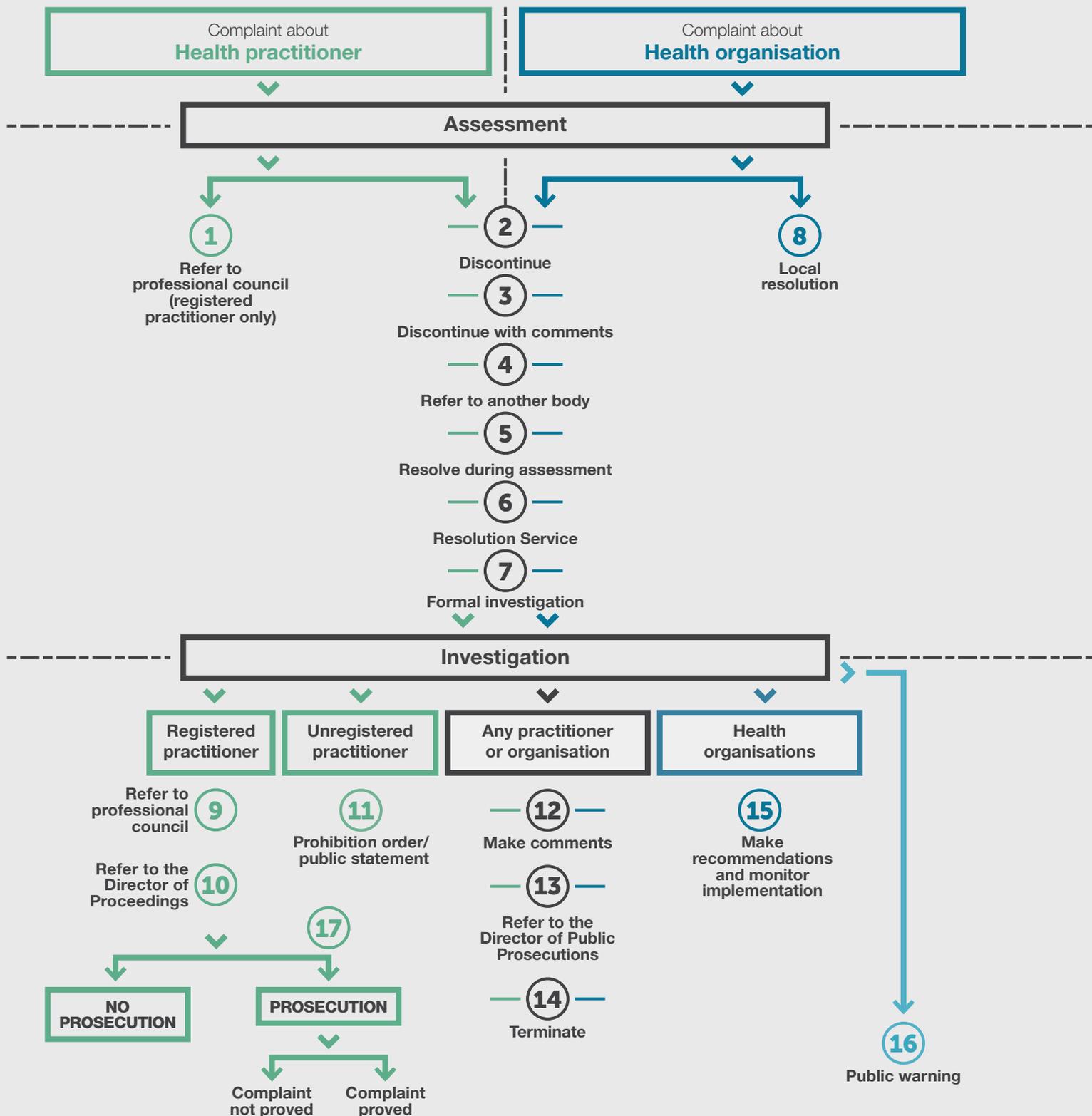


Complaints management framework

The Commission deals with complaints about both individual health practitioners and health organisations.

Complaints about individual practitioners can be about registered practitioners (such as medical practitioners, nurses and dental practitioners) or unregistered health practitioners (such as counsellors, naturopaths, massage therapists or other alternative health service providers).

Where the complaint is about a registered practitioner, the Commission must consult with the relevant professional council about the most appropriate outcome. If a matter progresses to investigation, the outcomes available vary depending on whether the complaint is about a registered or unregistered practitioner or an organisation.



POSSIBLE OUTCOMES OF ASSESSMENT ARE:

- 1 Refer a complaint to the relevant professional **council** to consider action to address poor performance or conduct, or an impairment of a registered practitioner.
- 2 **Discontinue the complaint** – for example, if records or responses gathered do not support the allegations or the complainant does not wish to provide details that are needed to proceed.
- 3 **Discontinue with comments** if the issues raised are minor but corrections to practices or procedures are required.
- 4 Refer the **complaint to another body** that is more suitable to deal with the issues of concern. For example, a complaint about conditions in a nursing home can be referred to the Aged Care Quality and Safety Commission.
- 5 Complaints may be **resolved during assessment**, if the complainant is satisfied that the health service provider has addressed their concerns.
- 6 Referral to the Commission's **Resolution Service** provides an option of independent facilitation to help bring the provider and complainant to a better understanding and agreement on action.
- 7 **Investigation** of complaints that raise a significant risk to public health or safety or, if substantiated, would provide grounds for disciplinary action.
- 8 **Refer for local resolution** where a public health provider is able and willing to work directly with the complainant to address concerns.
- 11 In the case of an unregistered practitioner, **impose a Prohibition Order** to ban or limit the health practitioner from providing health services and issue a public statement about the order.
- 12 **Make comments to practitioners** where there has been poor care or treatment, but not to an extent that would justify prosecution and where there is no risk to public health or safety. **Make comments to a health organisation** where the health care was inadequate, but the organisation has already taken measures to address any future risks.
- 13 Refer the complaint to the **Director of Public Prosecutions** to consider criminal charges.
- 14 **Terminate** the complaint and take no further action where the investigation has not found sufficient evidence of inappropriate conduct, care or treatment, or where the risk has already been removed.
- 15 In the case of a health organisation, **make recommendations** where there has been poor health service delivery and systemic improvements are required. Recommendations are communicated to the Secretary of the Ministry of Health and the Clinical Excellence Commission. Implementation is monitored. If the Commission is not satisfied with implementation, it may make a special report to Parliament.
- 16 In the case of a particular treatment or health service, issue a **public warning** during or at the end of the investigation to address any immediate risk to public health and safety.

WHERE THE COMMISSION INVESTIGATES A COMPLAINT, IT MAY:

- 9 In the case of a registered practitioner, **refer the complaint to a professional council** to address poor performance, conduct or health problems.
- 10 In the case of a registered practitioner, refer the complaint to the independent **Director of Proceedings**, who determines whether a registered health practitioner should be prosecuted before a disciplinary body having regard to the protection of the health and safety of the public, the seriousness of the allegation, the prospects of a successful prosecution and any submissions made by the practitioner.

WHERE A REGISTERED HEALTH PRACTITIONER IS PROSECUTED:

- 17 Prosecution will be before either a Professional Standards Committee or the New South Wales Civil and Administrative Tribunal (NCAT). Both forums may reprimand, fine and/or impose conditions on the practitioner if a complaint is proven. Only NCAT can suspend or cancel the registration of a practitioner.