

INFORMATION GUIDE

About Us

The NSW Health Care Complaints Commission was established by the Health Care Complaints Act 1993 as an independent body to protect the health and safety of the public by dealing with complaints about health service providers in NSW, including:

- ◆ registered health practitioners such as medical practitioners, nurses and dental practitioners
- ◆ unregistered health practitioners such as naturopaths, massage therapists and alternative health care providers
- ◆ health organisations, such as public and private hospitals, and medical centres.

The Commission:

- ◆ responds to inquiries from health consumers
- ◆ assesses complaints about health service providers
- ◆ assists in the resolution of complaints
- ◆ investigates complaints that raise serious issues of public health and safety
- ◆ takes action in relation to unregistered health practitioners
- ◆ prosecutes serious complaints against registered health practitioners.

In exercising its functions, the Commission's main consideration must be the protection of the health and safety of the public.

In addition to these complaint-handling functions, the Commission informs the public and its stakeholders about its work.

Guiding principles

The Health Care Complaints Act provides a set of principles that require the Commission to:

- ◆ be accountable
- ◆ be open and transparent in its decision making

- ◆ maintain an acceptable balance between the rights and interests of clients and health service providers
- ◆ be effective in protecting the public from harm
- ◆ strive to improve efficiency
- ◆ be flexible and responsive.

These principles are reflected in the Commission's Code of Conduct which is available on the Commission's website.

Corporate objectives

The Commission's corporate objectives guide the way we operate. These objectives are:

Excellent Complaints Management

- ◆ We deliver customer centric complaints management process that consider the life of a complaint and are accessible, impartial, effective, and adaptable.

Protecting the Public

- ◆ We investigate and prosecute serious complaints to protect public health and safety and identify and respond to system wide issues.

Influencing and Leading

- ◆ We play a key role in maintaining the integrity of the NSW health system.

Our People and Capability

- ◆ We ensure that we have the skills, knowledge and culture to meet current and emerging challenges and that we maintain a focus on the wellbeing of staff.

Organisational System, Technology and Governance

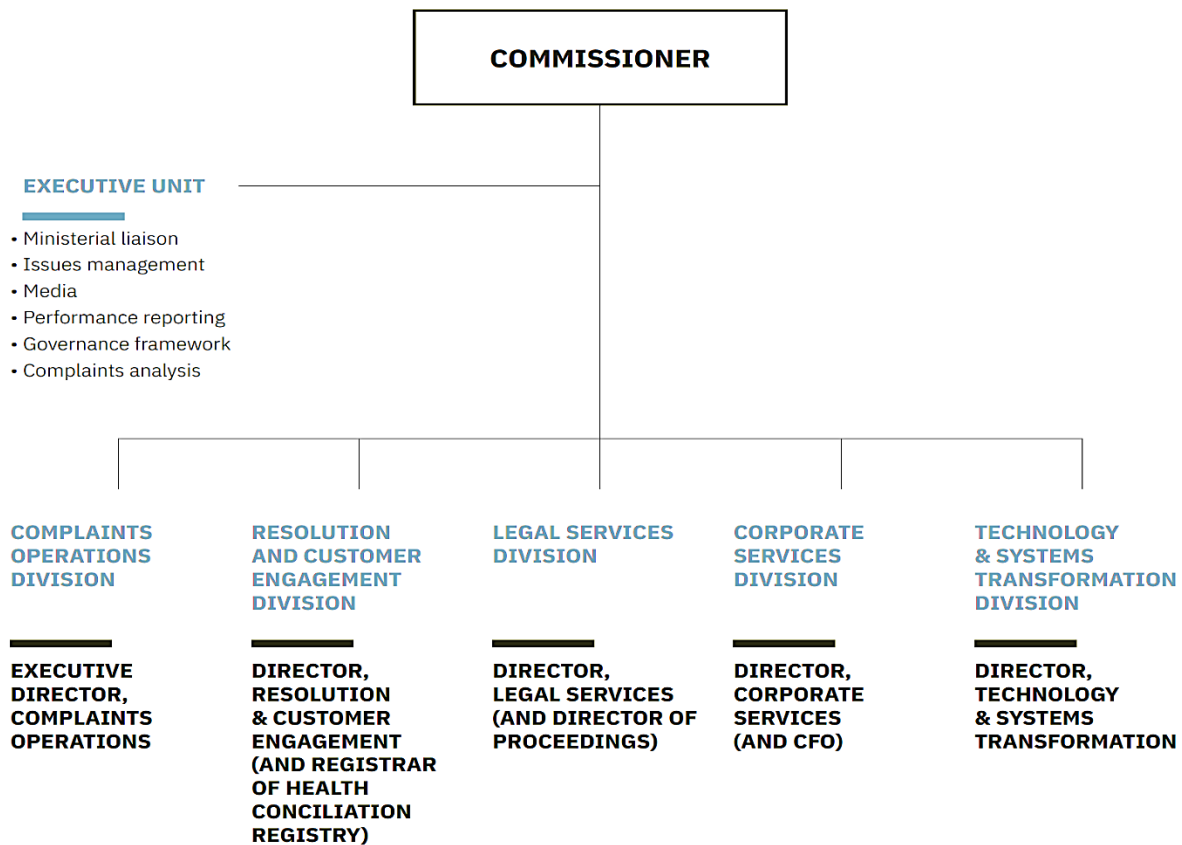
- ◆ We have the tools, technology and processes required to be efficient, effective and accountable.

Organisational Structure

The Health Care Complaints Commission is led by the Commissioner supported by an Executive Unit.

There are five operational divisions:

- ◆ Complaint Operations
- ◆ Resolution and Customer Engagement
- ◆ Legal Services
- ◆ Corporate Operations
- ◆ Technology & Systems Transformation.



Parliamentary Oversight

Under the Health Care Complaints Act a Joint Parliamentary Committee on the Health Care Complaints Commission exercises oversight functions, including:

- ◆ Monitoring and reviewing the exercise by the Commission of its functions under the Health Care Complaints Act or any other Act
- ◆ reporting to both Houses of Parliament on any matter appertaining to the Commission or the Commission's functions
- ◆ examining each annual and other report made by the Commission, and to report to both Houses of Parliament on any matter arising out of any such report
- ◆ reporting to both Houses of Parliament any change that the Joint Committee considers desirable to the functions, structures and procedures of the Commission

The Joint Parliamentary Committee is not authorised to:

- ◆ re-examine a particular complaint
- ◆ reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint
- ◆ reconsider the findings, recommendations, determinations or other decisions of the Commission in relation to a particular investigation or complaint.

Minister for Health

The Commission is subject to the control and direction of the Minister, but the Minister cannot direct or control the Commission in relation to its handling of complaints, including:

- ◆ the assessment of a complaint
- ◆ the investigation of a complaint
- ◆ the prosecution of disciplinary action against a person
- ◆ the terms of any recommendation of the Commission
- ◆ the contents of a report of the Commission, including the annual report.

Functions of the Commission that affect the public

The Commission's decision making functions that may affect members of the public are those in relation to the handling of complaints against health providers. Detailed information about how the Commission manages complaints is included in the Commission's Annual Report.

The Commission is responsible for the administration of the Health Care Complaints Act. In carrying out its role under the Act the Commission has broad powers to assist in the assessment and investigation of a complaint, including the power to obtain information, records or evidence from any person that the Commission believes may assist in the assessment of investigation of a complaint. The Commission may also apply for a warrant to enter, search and seize property or records if it is necessary for the purpose of investigating a complaint. These powers are clearly laid out in the Health Care Complaints Act.

The Commission's Executive Management Group makes the Commission's major management, financial and policy decisions. Membership of the Group is set out in the Commission's Annual Report.

Decisions regarding the functions of the Commission are made at various levels, usually under delegation from the Commissioner.

Decisions regarding the prosecution of registered health practitioners are made by the Commission's Director of Proceedings, who is independent from the direction of the Commissioner in this regard.

Members of the public may be involved in the Commission's investigations into health services. As complainants, health service providers or witnesses, they may be subject to the exercise of statutory powers by the Commission.

Public participation

The Commission is committed to engaging with health consumers and health providers to ensure that our role as an independent regulator is understood, that our services are accessible, that we are supporting effective complaints management and patient-centre care.

The Commission's Customer Engagement Framework sets out who we seek to work with across the categories of health consumers, health service providers, other regulators, and policy and oversight bodies. It also sets out the way in which we will engage with them, through the domains of informing, consulting and participating in a collaborative way.

The Framework is available on the Commission's website.

Types of information held by the Commission

The Commission holds information in relation to the administration of the Commission and its resources, such as, its Annual Reports and Strategic Plans. The Commission also has a number of corporate policies that affect the public, including, but not limited to, the Commission's Code of Conduct.

The Commission publishes various types of information in relation to the handing of complaints. This information is arranged into the most common groups of people that interact with the Commission being health consumers and health providers. This information is available on the Commission's website.

Frequently Asked Questions

The Commission has also compiled responses to a list of frequently asked questions about the Commission and how it deals with complaints. These are available on our website.

Information in a Foreign Language

Information about the Commission and its services is available in 20 community languages. This includes:

- ◆ Complaint form
- ◆ Concerned about your health care?
- ◆ Resolve concerns about your health care

A number of the Commission publications are also available in ten community languages, including:

- ◆ Code of conduct and notice to display: unregistered health practitioners
- ◆ Assisting you to resolve your complaint
- ◆ Conciliating your complaint

Decisions

The Commission publishes decisions in relation to proven complaints against health practitioners or health organisations in the following categories:

- ◆ Tribunal decisions
- ◆ Professional Standards Committee decisions
- ◆ Relevant court decisions
- ◆ Decisions regarding unregistered health practitioners
- ◆ Public Warnings.

Under the Health Care Complaints Act the Commission has an obligation to make publicly available a statement of a decision of a tribunal in matters where the complaint prosecuted has been proven or admitted in whole or in part. The Commission does this by issuing a media release on its website regarding its prosecutions and providing a link to the relevant tribunal decision.

The Commission has the power to impose a prohibition order and/or to issue a public statement in relation to unregistered health practitioners where it finds a breach of the Code of Conduct for Unregistered Health Practitioners. These public statements made by the Commission are published on the Commission's website.

The Commission can also warn the public about a treatment, health service or health service provider where it believes that this service or provider poses a risk to public health and safety. Warnings made by the Commission are published on the Commission's website.

Accessing Information held by the Commission
Open access information held by the Commission can be downloaded free of charge via the Commission's website (www.hccc.nsw.gov.au) or by request to the Commission.

Information relating to the Commission's complaint handling, investigative, complaints resolution and reporting functions (including any functions exercised by the Health Conciliation Registry) is excluded information for the purposes of the Government Information (Public Access) Act. Documents relating to these functions are not publicly available and an access application made for this information is not a valid application under the Government Information (Public Access) Act.

Contacting us

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Level 12
323 Castlereagh Street
Sydney NSW 2000

Business hours

Monday – Friday
9.00am – 5.00pm

Postal address

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Strawberry Hills NSW 2012

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Telephone typewriter

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Fax

9281 4585

Email

hccc@hccc.nsw.gov.au

Website

www.hccc.nsw.gov.au

Open access contact

Executive Officer
Health Care Complaints Commission
Locked Mail Bag 18
STRAWBERRY HILLS NSW 2012

hccc@hccc.nsw.gov.au

If further information is required after reading the Commission's open access obligations; to request an external review of a Commission decision in relation to access to information or make a complaint about the Commission's handling of information access applications, the public may wish to contact the NSW Information and Privacy Commission:

NSW Information and Privacy Commission

Office address

Level 15, McKell Building
2-24 Rawson Place
Haymarket NSW 2000

Postal address

GPO Box 7011
Sydney NSW 2001

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Website

www.ipc.nsw.gov.au

