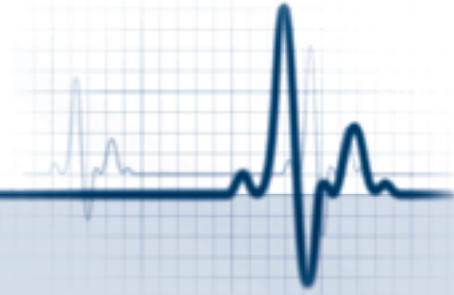


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Performance in 2008-09

The goal ‘to continue to develop as a learning organisation that embraces a culture of continuous improvement and sharing of knowledge, and promotes a productive, safe and satisfying workplace’

- ▶ All staff have completed performance agreements that are reviewed annually. More than 92.6% of Commission staff were rated as competent or better.
- ▶ Learning and development plans were implemented. Staff undertook an average of four training sessions.
- ▶ Two internal audits were completed of the Investigations Division and the Health Conciliation Registry and most of the recommendations were implemented.
- ▶ The Commission continued to have monthly staff meetings, at which the Commissioner and the Divisional Directors informed staff about important developments and information that impact on their work, as well as the results of the quarterly performance reports.
- ▶ The performance measures set out in the Commission’s OHS and Risk Management Plan 2006-09 have been achieved according to timeframes.
- ▶ A new three-year Equal Employment Opportunity (EEO) Management Plan was developed and implemented in September 2008, and the actions of this plan have been completed according to timeframes. A report on the previous year’s plan was provided to the Department of Premier and Cabinet in October 2008.
- ▶ A new three-year Ethnic Affairs Priorities Statement (EAPS) Management Plan was developed and endorsed in September 2008. The actions of this plan have been completed according to timeframes.

- ▶ The Disability Action Plan 2006-09 continues to be implemented according to timeframes. The Commission did not have a separate Aboriginal Affairs Plan; instead, strategies have been identified in the EEO Management Plan. The Commission has developed a dedicated Aboriginal outreach plan for 2009-10.
- ▶ A new ICT Strategic Plan 2008-11 was developed and implemented in July 2008.
- ▶ The Commission was accredited under the ISO27001:2005 International Standards for Information Security in January 2008. Independent audits for compliance with this standard were completed in September 2008 and March 2009.
- ▶ Further enhancements to the Casemate complaint handling and case management system were carried out, including the re-design of several complaint processes and the categorisation system, and an enhanced integration with the TRIM electronic records management system.
- ▶ The ICT equipment replacement project and an upgrade of Office 2000 to Office 2007, and associated training for all staff, were also completed.

The goal ‘to monitor performance to ensure work quality, organisational development, good governance and effective resource management’

- ▶ The Strategic Plan, Corporate Plan and Divisional Business plans were developed and implemented.
- ▶ All meetings were conducted according to their schedules – for example, the Executive Management Group was held every two weeks, the ICT Steering Committee meeting every four months, and the OHS and Workplace Consultative Committee meetings quarterly.
- ▶ Staff establishment and financial reports were reviewed by the Executive every month.

Appendix A – Complaints, privacy and FOI

Complaints about the Commission

Review requests

If a complainant is dissatisfied with the Commission's assessment of their complaint, or the outcome of an investigation into a health practitioner, they are entitled to seek a review by the Commission.

The number of requests for review in 2008-09, together with the review outcomes, are set out in Chapter 11 – 'Assessing complaints' and Chapter 14 – 'Investigating complaints'.

Complaints to the Minister and Parliamentary Committee

Sometimes complainants and health service providers complain about the Commission's decisions or operations to the Minister for Health or the Parliamentary Committee on the Health Care Complaints Commission.

Although the Commission is generally accountable to the Minister, the *Health Care Complaints Act* stipulates that the Commission is not subject to the direction of the Minister in relation to its handling of individual complaints. On this basis, the Minister will explain that the Commission is an independent agency and that the legislation precludes the Minister from intervening in the Commission's handling of the matter.

Similarly, while the Parliamentary Committee is responsible for monitoring the Commission's operations, the Committee is not entitled to reconsider the Commission's handling of particular complaints.

Complaints to the Ombudsman and ICAC

Both complainants and health service providers who are the subject of a complaint can complain about the Commission to the Ombudsman and the Independent Commission Against Corruption.

In 2008-09, the Ombudsman asked the Commission to respond to a complaint about the Commission's handling of a freedom of information matter. After receiving copies of the Commission's correspondence to the complainant, the Ombudsman advised that it would be taking no further action on the complaint.

The Commission is also aware of one case where the Ombudsman declined to investigate a complaint about a Commission review decision in circumstances where the complainant's concerns could not be resolved through conciliation.

Complaints alleging discrimination

In last year's annual report, the Commission referred to a case in which a complainant had sought leave to appeal to the Administrative Appeals Tribunal (ADT) against a decision by the Anti-Discrimination Board (ADB). The ADB had decided the complaint of discrimination by the Commission was 'lacking in substance'. In December 2008, the Tribunal refused the complainant's application for leave to appeal against the ADB's decision.

In August 2008, a medical practitioner the subject of disciplinary proceedings before the Medical Tribunal made a complaint to the ADB of 'victimisation'. The practitioner claimed that the Commission's decision to prosecute him before the Tribunal was to victimise him for assisting two other people to complain to the ADB about alleged discrimination against them by the Commission.

Following consideration of the Commission's response denying any victimisation, the ADB referred the matter to the ADT.

The Commission has asked the ADT to summarily dismiss the proceedings. This application was heard in August 2009, and the Commission is awaiting the ADT's decision.

In November 2008, the same medical practitioner complained to the ADB that the Commission's decision to refer him to the Medical Board for a possible impairment assessment was another instance of victimisation. In addition, the practitioner claimed that this was discrimination against him on the ground of disability.

In its response to the ADB, the Commission denied any victimisation or discrimination.

The ADB has referred the matter to the ADT for hearing.

Complaints alleging breach of privacy

The medical practitioner referred to above complained that the Commission had breached his privacy. This complaint was settled through an apology by the Commission to the practitioner.

Another complaint about a breach of privacy was resolved through the provision of a letter of apology and a correction to the Commission's database.

Complaints about staff

The Commission did not receive any complaints about improper or inappropriate conduct by Commission staff.

Compliments

The Commission maintains a file of compliments by complainants, health service providers and others about their dealings with Commission staff. The Commission passes on these compliments to the staff involved.

Privacy

The Commission is subject to the provisions of the *Privacy and Personal Information Protection Act* and the *Health Records and Information Privacy Act*. The Commission's privacy management plan sets out how the Commission manages its obligations under this legislation.

In 2008-09, the Commission worked on the drafting of an updated privacy management plan. A revised draft plan will be submitted to Privacy NSW for its consideration.

Freedom of information

The *Freedom of Information Act* provides that the Commission is exempt from the operation of the Act in relation to the Commission's complaint handling, investigative, complaints resolution and reporting functions.

A – new FOI applications

In 2008-09, the Commission received 10 freedom of information applications, all of which were made by individuals (as compared to nine applications in 2007-08, all of which were also made by individuals).

B – discontinued applications

In 2008-09 – as in the previous year – no applications were discontinued.

C – completed applications

D – applications granted or otherwise available in full

E – applications granted or otherwise available in part

F – applications refused

G – exempt documents

All ten applications received in 2008-09 were dealt with on the basis that the applicant was seeking access to documents in relation to which the Commission was exempt from the operation of the *Freedom of Information Act*.

H – Ministerial certificates

No Ministerial certificates were issued in 2008-09 or in the previous reporting period.

I – formal consultations

There were no applications that required consultation in 2008-09 or in the previous reporting period.

J – amendment of personal records

K – notation of personal records

There were no requests for the amendment of personal records in 2008-09 or in the previous reporting period.

L – fees and costs

M – fee discounts

N – fee refunds

In 2008-09, there was no fee provided for three applications. Fees were provided for seven applications, all of which were refunded. In the previous reporting period, a fee was provided for six of the nine applications. Two requests for internal review included fees that were refunded.

O – days taken to complete request

P – processing times (hours)

Not applicable – the Commission was exempt from the operation of the *Freedom of Information Act* in relation to all applications received in 2008-09 and in the previous reporting period.

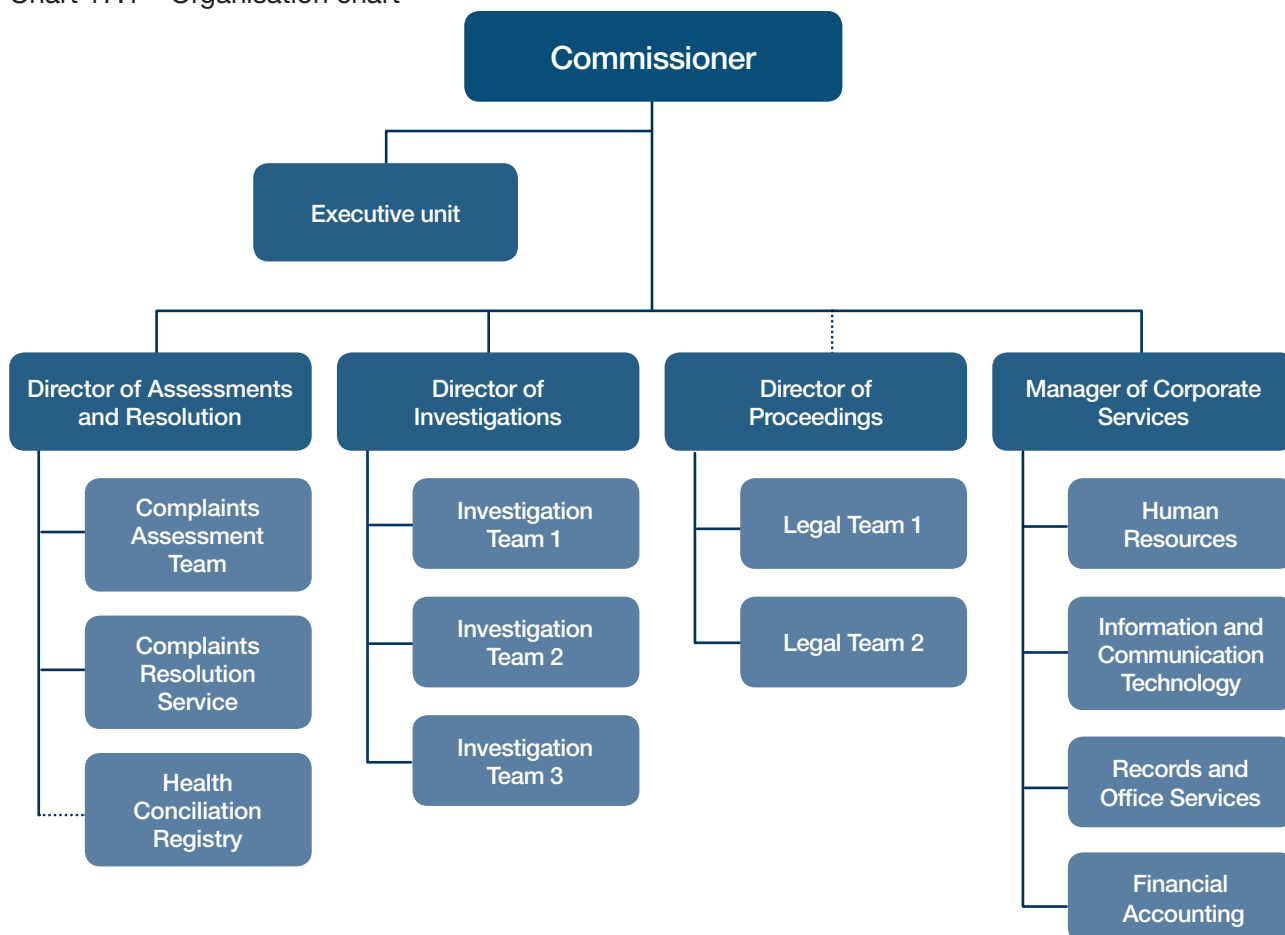
Q – number of reviews

R – results of internal reviews

There were three requests for internal review in 2008-09. There were no such requests in the previous reporting period. As the Commission was exempt from the operation of the *Freedom of Information Act* in relation to the three requests for internal review, there was no right to an internal review.

Appendix B – Organisation and management

Chart 17.1 – Organisation chart



Corporate structure

The current Commissioner, Mr Kieran Pehm, was appointed by the Governor of NSW on 29 June 2005 for a five-year term.

As illustrated in the organisational chart, the Commission has three operational Divisions – Assessments and Resolution, Investigations, and Legal – as well as an Executive Unit. In addition, it has a Corporate Services Division, which has an arrangement with the Independent Commission Against Corruption to support the delivery of corporate services.

The Office of the Health Care Complaints Commission (OHCCC) is a division of the NSW Government Service that was established under the *Public Sector Employment and Management Act 2002*.

The OHCCC is the entity that employs the Commission's staff and provides employee services.

This annual report includes separate financial statements for both entities.

Senior Executive Service

During 2008-09, the Commission had a total of four Senior Executive Service (SES) positions:

- ▶ Commissioner, SES Level 6 – Kieran Pehm, Bachelor of Arts and Law (BA/LLB), Master of Laws (LLM)
- ▶ Director of Proceedings, SES Level 2 – Karen Mobbs, Bachelor of Arts and Law (BA/LLB), FMRC Legal

- ▶ Director of Investigations, SES Level 2 – Bret Coman, Bachelor of Policing (Investigations), Master of Public Policy and Administration
- ▶ Director of Assessments and Resolution, SES Level 1 – Ian Thurgood, Certificates in Orthopaedic Nursing and General Nursing, Accredited Mediator

In March 2009, Mr Coman ended his secondment as the Commission's Director of Investigations and returned to the NSW Police Force.

Table 17.1 Senior Executive Service as at 30 June 2009

| | 2007-08 | 2008-09 |
|--|---------------|---------------|
| Number of female executive officers | One | One |
| Number of executive positions occupied at each level | Level 6 – one | Level 6 – one |
| | Level 2 – two | Level 2 – one |
| | Level 1 – one | Level 1 – one |

Performance of the Commissioner

As required by legislation, the Commission reports on the performance and salary of any Senior Executive Service officer at level 5 or above. The Commissioner, Mr Pehm, is remunerated at SES Level 6 with a current total remuneration package of \$259,851.

The Commissioner is responsible to the Minister for Health for the overall management and performance of the Commission. The Minister's assessment of the Commissioner's performance for 2008-09 was:

Mr Pehm's performance as Commissioner remains very competent and effective. Despite uncertainty during the year about the future scope of the Commission's activities due to the potential impact of national registration, the Commission dealt

effectively with an increasing number of inquiries and complaints and continued to improve its complaint handling performance generally against its key performance indicators.

Commission staff

At the end of the reporting period, there were 74.9 full time equivalent (FTE) staff (81 employees). Of these 81 employees, 57 were employed on a permanent basis and 24 on a temporary or contract basis. The latter includes the SES contract positions. At the end of the reporting period, only three SES contract positions were filled, as the position of the Director of Investigations remained vacant.

At the end of the reporting period, 85.2% of staff were employed on a full-time basis and 14.8% were employed on a part-time work arrangement.

The Commission had three staff seconded from other public sector agencies: one from the South Eastern Sydney/Illawarra Area Health Service, one from the Office of the Director of Public Prosecutions, and one from the Ombudsman's Office.

Staff attrition in 2008-09

During the year, six permanent staff resigned and nine temporary staff (including an SES officer) completed their contracts. One staff member was seconded to another agency, and another three officers ended their secondment to the Commission.

Table 17.3 sets out the average full-time equivalent staffing levels for the last three years and provides a more accurate indication of staff trends. The Commission's average number of full-time equivalent employees (FTE) during 2008-09 was 74.1, a decrease of 2.3 FTEs from the previous reporting period.

Table 17.2 Staff numbers by employment category 2005-06 to 2008-09

| Employment basis | 2005-06 | 2006-07 | 2007-08 | 2008-09 |
|---------------------|-----------|-----------|-----------|-----------|
| Permanent full-time | 57 | 68 | 55 | 51 |
| Permanent part-time | 4 | 2 | 6 | 6 |
| Temporary full-time | 11 | 6 | 13 | 15 |
| Temporary part-time | 3 | 1 | 7 | 6 |
| Contract – SES | 4 | 4 | 4 | 3 |
| Contract – non SES | 0 | 0 | 0 | 0 |
| Training positions | 0 | 0 | 0 | 0 |
| Retained staff | 0 | 0 | 0 | 0 |
| Casual | 0 | 0 | 0 | 0 |
| Total | 79 | 81 | 85 | 81 |
| Subtotals | | | | |
| Permanent | 61 | 70 | 61 | 57 |
| Temporary | 14 | 7 | 20 | 21 |
| Contract | 4 | 4 | 4 | 3 |
| Full-time | 72 | 78 | 72 | 67 |
| Part-time | 7 | 3 | 13 | 14 |

Table 17.3 Average full-time equivalent staffing 2005-06 to 2008-09

| 2005-06 | 2006-07 | 2007-08 | 2008-09 |
|---------|---------|---------|---------|
| 74.9 | 76.6 | 76.4 | 74.1 |

Conditions of employment and movement in salaries and allowances

Commission staff, including members of the Senior Executive Service, are appointed under the *Public Sector Employment and Management Act 2002*.

Staff employed under the Crown Employees (Public Sector – Salaries 2008) Award received a 4% increase per annum to their salaries and related allowances across three years. This increase took effect as from the first full pay period on or after 1 July 2008.

The Commission continues to employ, on a temporary basis, a small number of medical advisers. They are employed under the Crown Employees (Health Care Complaints Commission, Medical Advisers) Award.

In December 2008, there was a review of the Award. A new Award was made following a consent agreement between the Director of Public Employment and the Australian Salaried Medical Officers' Federation (New South Wales). In line with the Memorandum of Understanding in the Crown Employees Public Sector Salaries Award, a consent variation to the Medical Advisers Award was granted, providing a 4% salary increase per annum across three years, backdated to 1 October 2008.

In its annual determination, the Statutory and Other Offices Remuneration Tribunal (SOORT) awarded a general increase of 3.9% to the remuneration packages of

the Commission's SES equivalent officers, which took effect from 1 October 2008. The Tribunal considered that 2.5% should be passed on to each officer subject to satisfactory performance. In undertaking performance reviews, an agency head could approve up to a further 1.4% increase, if they were of the view that productivity improvements within the agency were sufficient to warrant such an increase. The Commission approved the 2.5% increase for the Commission's SES Officers.

Conditions of employment are principally set by the *Public Sector Employment and Management Act 2002* and, for the majority of Commission staff, the Crown Employees (Public Service Conditions of Employment) Award 2009. Employee conditions and entitlements are managed in accordance with the guidelines in the Department of Premier and Cabinet's personnel handbook, the Commission's internal policies, and the Workplace Agreement.

Industrial relations

The Commission, its officers and the Public Service Association of NSW (PSA) continue to maintain a strong commitment to joint consultation through the Workplace Consultative Committee meetings.

The Commission has a Workplace Agreement that sets out the details of flexible working hours and work practices, dispute settlement procedures, and consultation. A review of this agreement by the Commission's PSA industrial officer and organiser, the Commission's internal PSA delegate and Commission senior managers was finalised in late 2008. The agreement was ratified by the Commissioner and sent to the PSA Executive for endorsement. The Commission is awaiting the PSA to sign the agreement before forwarding it to the Department of Premier and Cabinet for concurrence.

The Commission also negotiated a new Crown Employees (Health Care Complaints Commission, Medical Advisers) Award 2009 with the Australian Salaried Medical Officers' Federation (New South Wales). The NSW Industrial Relations Commission gazetted this award on 13 March 2009.

There were no industrial disputes involving the Commission during the reporting period.

Climate survey

In late 2007-08, the Commission conducted a staff climate survey. The staff surveyed appreciated the flexibility involved in working for the Commission; felt internal communication could be improved; and suggested management controls could be relaxed. A working group analysed the survey findings and gave a presentation to staff on the key outcomes and how they would be addressed. As a result, there was a change in the format of staff meetings, and procedures relating to internal temporary appointments and higher duties opportunities were changed.

Equal employment opportunity (EEO) and diversity program

The Commission's new EEO Management Plan and Ethnic Affairs Priorities Statement were developed in 2008-09, and these plans, together with the Disability Action Plan, will guide the Commission's activities for the next three years.

Table 17.4 shows the Commission's achievements in meeting the NSW government benchmarks. Detailed reporting on the new three-year plan will be included in the Commission's annual report for 2010-11.

Table 17.4 Trends in the representation of EEO groups 2006 – 2009

| | % of total staff | | | | |
|--|------------------|--------------|--------------|------|------|
| | Benchmark/target | 2006 | 2007 | 2008 | 2009 |
| Women | 50 | 73 | 70 | 72 | 68 |
| Aboriginal people and Torres Strait Islanders | 2 | 0 | 1.3 | 1.2 | 1.2 |
| People whose first language was not English | 20 | 16 | 19 | 16 | 23 |
| People with a disability | 12 | 6 | 9 | 18 | 20 |
| People with a disability who require a work-related adjustment | 7 | not recorded | not recorded | 8.2 | 8.6 |

Workplace Consultative Committee

The Commission's Workplace Consultative Committee meets every two months with staff and representatives of the Public Service Association of NSW (PSA). Discussion at the meetings covers conditions of employment and the entitlements of Commission staff, recruitment activities, training, OHS matters, and any other matters of interest.

The members of the Committee are:

- ▶ Bernadette Liston – Resolution Officer – PSA Delegate
- ▶ Karen Mobbs – Director of Proceedings
- ▶ Ian Thurgood – Director of Assessments and Resolution
- ▶ Andrew Koureas – Manager, Corporate Services
- ▶ Virginia Tinson – Manager, Human Resources
- ▶ Denis Smith – Senior Administration Officer (Human Resources)
- ▶ Shane Howes – PSA Organiser
- ▶ Garry Harris – PSA Industrial Officer

Personnel policies and practices

To assist and guide its staff, the Commission has a number of policies and procedures regarding conditions of employment, equal employment opportunity, occupational health and safety, security, and operational requirements.

In early 2009, the Commission amended existing policies to reflect changes to employment conditions and entitlements brought about by the new Crown Employees

(Public Service Conditions of Employment) Award 2009. The Commission's policies are supplemented by its Workplace Agreement and the Personnel Handbook issued by the Department of Premier and Cabinet.

During the year, the Commission aligned its position descriptions to the NSW Public Sector Capability Framework. The framework provides a basis to reflect the skills, knowledge and abilities that underpin the government's plan to deliver better results for the people of NSW. This framework is the basis for a new e-recruitment system that the Commission will use to advertise vacant positions.

In 2008-09, the Commission developed a new training and development policy, as well as a procedure for travel bookings and accommodation. Policies that were amended in 2008-09 included:

- ▶ Flexible working hours
- ▶ Maternity leave
- ▶ Adoption leave
- ▶ Sick leave
- ▶ Recruitment and selection
- ▶ Performance management
- ▶ Code of Conduct
- ▶ Protected disclosures
- ▶ Occupational health and safety
- ▶ Workplace Agreement
- ▶ Information technology
- ▶ Voicemail usage
- ▶ ICT security
- ▶ Asset disposal

Staff training and development

All Commission staff have a learning and development plan, which is developed by the staff member and their manager each year. The plan is part of the staff member's performance agreement.

Staff can participate in a range of learning and development activities, such as undertaking accredited courses and internal training sessions, attending seminars and conferences, and performing higher duties. These activities assist staff to develop their individual capabilities, as well as the capabilities required for their position and the organisation as a whole.

The Commission also supports staff in undertaking tertiary studies by granting study and examination leave. In 2008-09, 17 staff members applied for and were granted study leave.

As shown in Table 17.5, Commission staff attended 316 training and education activities, in the following areas:

- ▶ information technology
- ▶ technical skills
- ▶ organisational development
- ▶ risk management
- ▶ leadership and management.

A total of 2,191 hours were spent by Commission staff attending training activities – an average of 4.2 days for each full-time equivalent staff member.

In 2008, twelve senior staff attended a management development program, which provided them with an understanding of managing within the public sector, as well as skills in leading teams and managing

Table 17.5 Training activities 2008-09

| Area | No. of hours | Number of participants per division | | | | | Total |
|----------------------------|----------------|-------------------------------------|----------------|-----------|--------------------|-----------|------------|
| | | Assessments | Investigations | Legal | Corporate services | Executive | |
| Information technology | 669 | 32 | 34 | 33 | 21 | 8 | 128 |
| Technical skills | 871.75 | 22 | 25 | 17 | 5 | 0 | 69 |
| Organisational development | 86 | 12 | 29 | 17 | 7 | 2 | 67 |
| Risk management | 169 | 7 | 9 | 2 | 7 | 2 | 27 |
| Leadership and management | 395 | 7 | 7 | 4 | 7 | 0 | 25 |
| Total | 2190.75 | 80 | 104 | 73 | 47 | 12 | 316 |

projects. An important part of the course was for each senior officer to complete a work-based project. The managers also analysed their training needs and listed other possible training activities that would assist them in their leadership and management roles.

In 2008-09, all new staff had induction training, which included modules on OHS and corporate services. They also received training in the Commission's information technology systems, including Casemate and Trim.

When the Commission updated its computer operating equipment and software to Microsoft Office 2007, all staff attended a one-day training course to familiarise them with the new software.

The year ahead

The Commission will consider a learning and development program that complements the position descriptions for its staff which have been aligned with the NSW government's capability framework.

Performance management

The Commission reviewed its Performance Management System and simplified the performance agreement template. The new template enables staff to review their performance against their Division's business plan or against the responsibilities of their position.

All staff have a performance agreement that incorporates their individual learning and development plans. The agreements ensure that staff are accountable for delivering on corporate objectives and goals.

Performance reviews were conducted annually. More than 92.6% of staff were rated 'fully competent' or better in their annual performance review.

To underpin the performance management system, 13 senior staff attended a 1½ day workshop about managing unsatisfactory performance in December 2008. In addition, nine senior staff attended a one-day workshop about feedback on enhanced performance in March 2009.

Access and equity

In November 2008, the Executive approved a new three-year Equal Employment

Opportunity (EEO) Management Plan for 2008-11. The plan maintains the Commission's commitment to EEO, and provides a comprehensive framework to achieve the three key outcomes under the *Anti-Discrimination Act* of a diverse and skilled workforce, a workplace culture with fair practices and behaviour, and improved access and participation for EEO groups.

The Commission's activities in this area include:

Grievance support and handling

The Commission has two grievance support officers, who receive appropriate training for their role. In addition, eight of the Commission's senior managers attended a grievance handling course in October 2008.

Flexible work arrangements

The Commission has policies and procedures to promote flexible work practices and the balancing of work and family responsibilities. Eight staff members currently have flexible work arrangements.

EEO and diversity related training

EEO and diversity training is mandatory for all new employees. It helps staff to understand the Commission's code of conduct as well as its policies regarding EEO and the prevention of discrimination, bullying and harassment. In May 2009, this training was provided to 18 Commission staff who had not previously attended a training course.

Employee assistance program

In 2008-09, the Commission negotiated a one-year agreement with a new provider, PPC Worldwide Psychological Services, to provide professional and confidential counselling services for staff and their families. None of the Commission's employees sought assistance during the year.

Strategies for female employees

The Commission has developed a number of policies and procedures to support a flexible, equitable and safe

work environment to encourage a high representation of women within its workplace. In 2008-09, six female employees attended the UNIFEM breakfast seminar organised as part of International Women's Day.

Aboriginal affairs – Two Ways Together

In 2008-09, the Commission continued to employ an Aboriginal and Torres Strait Islander (ATSI) as a Resolution Officer. This position equates to 1.2% of the Commission's occupied positions.

The Commission also continues to have a designated position for the Aboriginal Health and Medical Research Council on its Consumer Consultative Committee.

In June 2008, the Commission joined the 'Good Service Mob', a collaboration of:

- ▶ Commonwealth Ombudsman
- ▶ NSW Ombudsman
- ▶ Energy and Water Ombudsman
- ▶ Financial Services Ombudsman
- ▶ Telecommunications Industry Ombudsman
- ▶ Legal Aid NSW
- ▶ Anti-Discrimination Board
- ▶ Office of Fair Trading

The aim is to raise awareness among Indigenous people about their rights as consumers, and the free resolution services available to them. In 2008-09, the Commission participated in nine forums run by the Good Service Mob.

During 2008-09 the Commission worked with the Cooperative Legal Service Delivery Program. This regional program aims to improve outcomes for economically and socially disadvantaged people, including Aboriginal people, by building networks between legal services and community organisations. Resolution Officers of the Commission attended regional meetings to explain the role of the Commission and assist regional staff in referring consumers to the Commission where appropriate.

The Commission has developed a dedicated Aboriginal Service Plan for 2009-10 addressing key areas such as service planning and delivery, and staffing requirements.

The year ahead

In 2009-10, the Commission will continue to implement the Commission's EEO Management Plan and EAPS Plan. This will include further staff training about how to address the needs of people from culturally and linguistically diverse backgrounds, as well as training in merit selection.

Disability action plan

In accordance with the *Disability Services Act* and the Government's Disability Policy Framework, the Commission has a three-year Disability Action plan. This plan is part of the Commission's commitment to provide an accessible workplace and services and to eliminate discriminatory practices. A new plan will be endorsed in 2009-10.

In 2008-09, the Commission took appropriate action to address the outstanding recommendations from an earlier audit about improved accessibility.

The Commission engaged an accredited rehabilitation provider to assess equipment from an ergonomic perspective and recommend adjustments to assist staff with disabilities. This included preparing and co-ordinating return-to-work plans for staff with temporary disabilities and/or work-related injuries, and purchasing ergonomic equipment.

The Commission provided \$5,500 as a sponsor of the 'Don't Dis My Ability' campaign run by the Department of Ageing, Disability and Home Care.

Ethnic affairs priority statement

In 2008-09, the Commission developed a new three-year Ethnic Affairs Priorities Statement (EAPS) and management plan in accordance with the NSW Government's principles of multiculturalism, as defined

in the *Community Relations Commission and Principles of Multiculturalism Act*. The Commission will report on the results in its annual report 2010-11.

Occupational health and safety

The Commission has an Occupational Health, Safety and Risk Management (OHS&RM) Plan to foster a safe and secure workplace. The plan incorporates the five performance targets of the NSW government's *Working Together: Public Sector OHS and Injury Management Strategy 2005-2008*.

The Commission requires an ergonomic assessment of a new employee's workstation within three days of the employee starting work. In 2008-09, an accredited occupational therapist conducted ergonomic assessments for 18 staff.

The Commission implemented the recommendations of an audit by Deloitte Touche Tohmatsu of its OHS&RM management system. This audit was undertaken in accordance with the government's safety initiatives 'Working Together' and 'Taking Safety Seriously'.

The Commission conducted quarterly OHS inspections to identify potential hazards in the workplace and to prevent future injury. Several minor hazards were remedied.

In addition, the Commission trained senior first aid officers for each floor of the office. It also offered all staff vaccinations against influenza free of charge; 19 staff accepted this offer.

The year ahead

The Commission will be developing a new three-year OHS&RM Management Plan.

OHS Committee

The OHS Committee consists of staff from different areas of the Commission. The Committee meets quarterly to review OHS policies and practices, facilitate the resolution of safety issues, and assist in mitigating reported hazards.

Three new members were appointed to the OHS Committee to replace members who had left during 2008. Four officers attended a four-day course about OHS consultation in December 2008 and January 2009.

The current Committee membership is:

Employee representatives

- ▶ Chris Kokotas – Manager, Systems and Networks
- ▶ Denis Smith – Senior Administration Officer (Human Resources)
- ▶ Lovaine Inman – Manager, Investigations
- ▶ Julie Smith – Investigation Officer
- ▶ Britta Franik – Investigation Officer

Employer representatives

- ▶ Virginia Tinson – Manager, Human Resources
- ▶ Andrew Koureas – Manager, Corporate Services

Code of Conduct

In accordance with a direction by the Premier, the Commission amended its Code of Conduct in February 2009 to include a reference to the NSW government's lobbyist code of conduct, as well as requiring Commission staff to comply with this code.

Table 17.6 Occupational health and safety incidents, injuries and claims 2007-08 to 2008-09

| | 2007-08 | 2008-09 |
|--|----------|----------|
| Number of new claims | 2 | 3 |
| Number of workers compensation claims accepted | 2 | 3 |
| Fall, trip, slip outside workplace | 5 | 1 |
| Work practice/set up related | 2 | 3 |
| Total injuries | 7 | 4 |

Information and communications technology

The Commission developed a new Information and Communications Technology Strategic Plan for 2008-11. This plan aligns the Commission's information and communications technology requirements with its overall strategic direction.

Major initiatives in 2008-09 included:

Enhancement of Casemate

There were several enhancements to Casemate, the Commission's case management system.

For example, the integration of Casemate with the Trim electronic document and records management system was improved.

Further enhancements to the Casemate complaint handling and case management system were carried out, including the re-design of several complaint processes and the categorisation system.

Document scanning

Stage 2 of the Document Scanning Project was completed in 2008-09. This involved the introduction of scanners and other facilities to scan incoming correspondence such as faxes and letters, and to link them to the TRIM records management system. Staff can also use printers to scan documents and send them by email.

Accreditation to information security standards

The Commission was accredited under the ISO27001:2005 International Standards for Information Security in January 2008.

To ensure compliance with the Standard, all policies and procedures, including the Business Continuity Plan (BCP) and the Disaster Recovery Plan (DRP), were reviewed and updated. In addition, monthly internal audits, as well as two independent audits, were completed.

Electronic service delivery

The Commission has been continuously enhancing the look, feel and navigation of both the Internet and Intranet websites. The contents of both are regularly reviewed and updated.

The Commission's Helpdesk system allows staff to lodge and monitor requests for assistance through the Intranet.

Staff can lodge leave and overtime requests through the electronic self service (ESS) functionality of the Aurion Human Resources and Payroll system. Managers can use the same system to approve these requests and to coordinate staffing levels.

Commission staff can securely access the Commission's systems and network remotely using the Citrix system.

The electronic Trim records management system is fully integrated with Casemate, and provides a one-stop shop for searching, creating and modifying all case-related documents.

The year ahead

Further enhancements to Casemate will include upgrading Casemate to a new and improved version.

In addition, the Commission plans to establish a knowledge base to search for and analyse recommendations made to health organisations.

The Commission's new website will be completed and will conform to the NSW government website design guidelines. The new website will also include a content management system.

The Commission's intranet website will be improved to enhance access to information and make it easier to upload content.

Risk management and insurance

The Commission has assessed its business risks as part of the corporate planning process. Key risks have been identified and relevant strategies developed in all divisional business plans.

The Commission has reviewed its Business Continuity Plans, including its Information Technology and Management Disaster Recovery Plan and its Crisis Management Plan. Scenarios affecting the continuity of Commission services were tested to address any potential issues.

The NSW Treasury Managed Fund (TMF) provides the Commission with insurance cover for workers compensation, motor vehicles, public liability, property and other items. Workers compensation insurance is provided by Allianz Australia Insurance Ltd, with GIO General Ltd providing insurance cover for the remaining categories.

The Commission's claims management for 2008-09 is reflected in the deposit premiums levied for 2009-10. Workers compensation premiums decreased by \$4,147 (3.5%) from the previous year, while the remaining categories decreased by \$1,122 (4.4%).

Audit committee and internal audits

The Audit Committee oversees business risks and governance issues including financial reporting practices, management and internal controls, and internal audits.

The Commission has appointed independent auditors to perform internal audits. In 2008-09, these auditors reviewed the Investigations Division to assess its compliance with existing procedures, and to identify any gaps and weaknesses in the current procedures.

The audit found no instances of non-compliance with statutory requirements, although it did identify some failures to comply with administrative procedures. It also noted that the procedures manual had not been updated, as well as some deficiencies in file review processes. The Commission had commenced action on these issues before the audit, and the manual was updated and re-issued at the end of June 2009. A new audit system for files was added to Casemate in July 2009, and will help to manage investigations in a more accountable way.

One outstanding recommendation of the audit concerns the filing of documents as hardcopy or softcopy, and protocols in this respect are scheduled for implementation by December 2009.

The independent auditors also reviewed the Health Conciliation Registry to assess its compliance with existing procedures and statutory requirements. The audit found that the existing procedures and controls are working well. Gaps that were identified during the audit were matters of documentation rather than substance.

The Commission appointed an independent Audit Chair to strengthen corporate governance. This appointment took effect in August 2009, and was in accordance with guidelines issued by the Department of Premier and Cabinet and the Treasury, and a scheme promoted by the Department of Commerce, now the Department of Services, Technology and Administration.

Energy management

The Commission continues its commitment to the NSW Sustainability Policy in support of the National Greenhouse Strategy, as well as initiatives managed by the NSW Department of Environment and Climate Change, now the Department of Environment, Climate Change and Water.

In 2008-09, the Commission participated in a National Australian Built Environment Rating System audit to measure its environmental impact and assist in meeting targets under the NSW Government's sustainability policy regarding office building strategy. The Commission achieved a rating of 4.5 stars, where 5 stars represent best practice.

The Commission regularly reviews its energy and resources use. Initiatives to save resources have included minimising travel and using vehicles more efficiently, purchasing green products, and recycling. Staff have been trained how they can save energy and resources at work and in their homes.

Records management

The Commission continued to implement its records management program in accordance with obligations under the *State Records Act 1998*.

The Commission concentrated on monitoring and improving record-keeping practices after the electronic TRIM records management system was implemented and integrated with the Commission's case management system Casemate.

In addition, archived administrative files were reviewed and prepared for sentencing and disposal, and 2,855 case files were transferred to off-site storage.

Consultants

During the reporting period there were 330 engagements of health practitioners to provide clinical advice on health care complaints at a total cost of \$223,766.

Overseas visits

The Commissioner attended the Australasian Health Complaints Commissioner's conference in Auckland on 18-20 February 2009. The total cost was \$1,363.

REVIEW OF CREDIT CARD USE

During the 2008-09 reporting period, there were no irregularities in the use of corporate credit cards. I certify credit card use at the Commission has been in accordance with the Premier's Memoranda and Treasurer's Directions.



Keran Pehra
Commissioner

29 SEP 2009

Appendix C – Complaints statistics

Table 17.7 Summary of complaints received by issue category 2006-07 to 2008-09

| Issue category | 2006-07 | | 2007-08 | | Issue category | 2008-09 | |
|------------------------|--------------|---------------|--------------|---------------|--------------------------------------|--------------|---------------|
| | No. | % | No. | % | | No. | % |
| Treatment | 1,813 | 55.7% | 2,245 | 50.9% | Treatment | 2,799 | 40.4% |
| Communication | 366 | 11.2% | 642 | 14.6% | Communication/information | 1,432 | 20.7% |
| Professional conduct | 590 | 18.1% | 597 | 13.5% | Professional conduct | 725 | 10.5% |
| Access | 210 | 6.4% | 401 | 9.1% | Medication | 514 | 7.4% |
| Cost | 106 | 3.3% | 153 | 3.5% | Fees/costs | 256 | 3.7% |
| Privacy/discrimination | 68 | 2.1% | 132 | 3.0% | Environment/management of facilities | 225 | 3.2% |
| Consent | 52 | 1.6% | 94 | 2.1% | Grievance processes | 183 | 2.6% |
| Grievances | 17 | 0.5% | 79 | 1.8% | Access | 173 | 2.5% |
| Corporate services | 36 | 1.1% | 66 | 1.5% | Reports/certificates | 168 | 2.4% |
| | | | | | Discharge/transfer arrangements | 159 | 2.3% |
| | | | | | Consent | 155 | 2.2% |
| | | | | | Medical records | 142 | 2.0% |
| Total | 3,258 | 100.0% | 4,409 | 100.0% | | 6,931 | 100.0% |

Counted by issues raised in complaint

Table 17.8 Breakdown of issue category of complaints received 2008-09

| Issue category | Issue name | No. | % |
|------------------------|--|--------------|--------------|
| Treatment | Inadequate treatment | 1,202 | 17.3% |
| | Diagnosis | 401 | 5.8% |
| | Inadequate consultation | 314 | 4.5% |
| | Unexpected treatment outcome/complications | 238 | 3.4% |
| | Delay in treatment | 233 | 3.4% |
| | Rough and painful treatment | 110 | 1.6% |
| | No/inappropriate referral | 81 | 1.2% |
| | Wrong/inappropriate treatment | 72 | 1.0% |
| | Infection control | 42 | 0.6% |
| | Coordination of treatment | 36 | 0.5% |
| | Withdrawal of treatment | 19 | 0.3% |
| | Excessive treatment | 15 | 0.2% |
| | Attendance | 14 | 0.2% |
| | Public/private election | 11 | 0.2% |
| | Experimental treatment | 11 | 0.2% |
| Treatment total | | 2,799 | 40.4% |

Table continued on next page

Table 17.8 Breakdown of issue category of complaints received 2008-09 (continued)

| Issue category | Issue name | No. | % |
|--|---|-------|-------|
| Communication/information | Attitude/manner | 806 | 11.6% |
| | Inadequate information provided | 496 | 7.2% |
| | Incorrect/misleading information provided | 124 | 1.8% |
| | Special needs not accommodated | 6 | 0.1% |
| Communication/information total | | 1,432 | 20.7% |
| Professional conduct | Competence | 247 | 3.6% |
| | Illegal practice | 120 | 1.7% |
| | Sexual misconduct | 77 | 1.1% |
| | Inappropriate disclosure of information | 66 | 1.0% |
| | Misrepresentation of qualifications | 55 | 0.8% |
| | Impairment | 50 | 0.7% |
| | Boundary violation | 37 | 0.5% |
| | Assault | 32 | 0.5% |
| | Discriminatory conduct | 20 | 0.3% |
| | Financial fraud | 13 | 0.2% |
| | Breach of condition | 5 | 0.1% |
| | Emergency treatment not provided | 3 | 0.0% |
| Professional conduct total | | 725 | 10.5% |
| Medication | Prescribing medication | 289 | 4.2% |
| | Administering medication | 131 | 1.9% |
| | Dispensing medication | 75 | 1.1% |
| | Supply/security/storage of medication | 19 | 0.3% |
| Medication total | | 514 | 7.4% |
| Fees/costs | Billing practices | 216 | 3.1% |
| | Financial consent | 32 | 0.5% |
| | Cost of treatment | 8 | 0.1% |
| Fees/costs total | | 256 | 3.7% |
| Environment/management of facilities | Administrative processes | 105 | 1.5% |
| | Physical environment of facility | 36 | 0.5% |
| | Cleanliness/hygiene of facility | 32 | 0.5% |
| | Staffing and rostering | 29 | 0.4% |
| | Statutory obligations/accreditation standards not met | 23 | 0.3% |
| Environment/management of facilities total | | 225 | 3.2% |
| Grievance processes | Inadequate/no response to complaint | 166 | 2.4% |
| | Reprisal/retaliation as result of complaint lodged | 13 | 0.2% |
| | Information about complaints procedures not provided | 4 | 0.1% |
| Grievance processes total | | 183 | 2.6% |

Table continued on next page

Table 17.8 Breakdown of issue category of complaints received 2008-09 (continued)

| Issue category | Issue name | No. | % |
|--|---|--------------|---------------|
| Access | Refusal to admit or treat | 104 | 1.5% |
| | Waiting lists | 50 | 0.7% |
| | Service availability | 14 | 0.2% |
| | Access to subsidies | 2 | 0.0% |
| | Access to facility | 2 | 0.0% |
| | Remoteness of service | 1 | 0.0% |
| Access total | | 173 | 2.5% |
| Reports/certificates | Accuracy of report/certificate | 116 | 1.7% |
| | Refusal to provide report/certificate | 21 | 0.3% |
| | Report written with inadequate or no consultation | 15 | 0.2% |
| | Timeliness of report/certificate | 14 | 0.2% |
| | Cost of report/certificate | 2 | 0.0% |
| Reports/certificates total | | 168 | 2.4% |
| Discharge/transfer arrangements | Inadequate discharge | 128 | 1.8% |
| | Delay | 16 | 0.2% |
| | Patient not reviewed | 8 | 0.1% |
| | Mode of transport | 7 | 0.1% |
| Discharge/transfer arrangements total | | 159 | 2.3% |
| Consent | Consent not obtained or inadequate | 80 | 1.2% |
| | Involuntary admission or treatment | 42 | 0.6% |
| | Uninformed consent | 33 | 0.5% |
| Consent total | | 155 | 2.2% |
| Medical records | Record keeping | 79 | 1.1% |
| | Access to/transfer of records | 50 | 0.7% |
| | Records management | 13 | 0.2% |
| Medical records total | | 142 | 2.0% |
| Grand total | | 6,931 | 100.0% |

Counted by issues raised in complaint

Table 17.9 Complaints received about registered and unregistered health practitioners
2006-07 to 2008-09

| | Health practitioner | 2006-07 | | 2007-08 | | 2008-09 | |
|--|---|--------------|---------------|--------------|---------------|--------------|---------------|
| | | No. | % | No. | % | No. | % |
| Registered health practitioner | Medical practitioner | 1,104 | 66.6% | 1,145 | 64.7% | 1,270 | 60.8% |
| | Dentist | 173 | 10.4% | 177 | 10.0% | 292 | 14.0% |
| | Nurse | 177 | 10.7% | 224 | 12.6% | 254 | 12.2% |
| | Psychologist | 81 | 4.9% | 77 | 4.3% | 84 | 4.0% |
| | Chiropractor | 18 | 1.1% | 15 | 0.8% | 30 | 1.4% |
| | Physiotherapist | 15 | 0.9% | 15 | 0.8% | 25 | 1.2% |
| | Pharmacist | 21 | 1.3% | 9 | 0.5% | 21 | 1.0% |
| | Optometrist | 10 | 0.6% | 5 | 0.3% | 18 | 0.9% |
| | Dental technician and prosthetist | 8 | 0.5% | 21 | 1.2% | 17 | 0.8% |
| | Podiatrist | 13 | 0.8% | 8 | 0.5% | 9 | 0.4% |
| | Optometrical dispenser | 1 | 0.0% | – | 0.0% | 1 | 0.0% |
| | Osteopath | 4 | 0.2% | 2 | 0.1% | 1 | 0.0% |
| Total registered health practitioners | | 1,625 | 98.0% | 1,698 | 95.9% | 2,022 | 96.7% |
| Unregistered health practitioner | Previously registered health practitioner | 3 | 0.2% | 44 | 2.5% | 18 | 0.9% |
| | Counsellor/therapist | 2 | 0.1% | 1 | 0.1% | 8 | 0.4% |
| | Other/unknown | 7 | 0.4% | 1 | 0.1% | 8 | 0.4% |
| | Administration/clerical staff | 2 | 0.1% | 1 | 0.1% | 7 | 0.3% |
| | Social worker | – | 0.0% | 2 | 0.1% | 6 | 0.3% |
| | Massage therapist | n/a | – | n/a | – | 4 | 0.2% |
| | Radiographer | 1 | 0.1% | 3 | 0.2% | 3 | 0.1% |
| | Homeopath | n/a | – | n/a | – | 2 | 0.1% |
| | Natural therapist | 2 | 0.1% | – | 0.0% | 2 | 0.1% |
| | Naturopath | 1 | 0.1% | 2 | 0.1% | 2 | 0.1% |
| | Speech therapist | – | 0.0% | – | 0.0% | 2 | 0.1% |
| | Traditional Chinese medicine practitioner | 2 | 0.1% | – | 0.0% | 2 | 0.1% |
| | Alternative health provider | 5 | 0.3% | 10 | 0.6% | 1 | 0.0% |
| | Assistant in nursing | 2 | 0.1% | – | 0.0% | 1 | 0.0% |
| | Dietitian/nutritionist | 1 | 0.1% | 1 | 0.1% | 1 | 0.0% |
| | Occupational therapist | 1 | 0.1% | – | 0.0% | 1 | 0.0% |
| | Acupuncturist | – | 0.0% | 2 | 0.1% | – | 0.0% |
| | Ambulance personnel | 2 | 0.1% | – | 0.0% | – | 0.0% |
| | Psychotherapist | 1 | 0.1% | 3 | 0.2% | – | 0.0% |
| Residential care worker | – | 0.0% | 3 | 0.2% | – | 0.0% | |
| Total unregistered health practitioners | | 32 | 2.0% | 73 | 4.1% | 68 | 3.3% |
| Grand total | | 1,657 | 100.0% | 1,771 | 100.0% | 2,090 | 100.0% |

Counted by provider identified in complaint

Table 17.10 Complaints received about registered health practitioners by issue category 2008-09

| Issue category | Registered health practitioner | | | | | | | | | | | | Total | |
|---|--------------------------------|------------|------------|--------------|--------------|-----------------|-------------|-------------------------------|------------|------------|------------------------|-----------|--------------|---------------|
| | Medical practitioner | Dentist | Nurse | Psychologist | Chiropractor | Physiotherapist | Optometrist | Dental technician/prosthetist | Pharmacist | Podiatrist | Optometrical dispenser | Osteopath | No. | % |
| Treatment | 1,151 | 334 | 100 | 21 | 18 | 18 | 13 | 16 | – | 11 | – | 1 | 1,683 | 41.3% |
| Communication/information | 554 | 110 | 76 | 26 | 6 | 6 | 11 | 6 | 4 | 1 | – | 1 | 801 | 19.6% |
| Professional conduct | 296 | 27 | 193 | 45 | 13 | 18 | 3 | 1 | 8 | 1 | 2 | – | 607 | 14.9% |
| Medication | 199 | 2 | 46 | 2 | – | – | – | – | 18 | – | – | – | 267 | 6.5% |
| Fees/costs | 64 | 90 | – | 5 | 7 | 2 | 9 | 7 | 1 | 5 | – | – | 190 | 4.7% |
| Reports/certificates | 114 | 2 | – | 25 | 1 | – | – | – | – | – | – | – | 142 | 3.5% |
| Medical records | 57 | 2 | 12 | 5 | 3 | – | – | – | – | 1 | – | – | 80 | 2.0% |
| Consent | 53 | 19 | 1 | 1 | – | 2 | 1 | – | – | – | – | – | 77 | 1.9% |
| Access | 58 | 9 | 4 | 2 | – | – | – | 1 | – | – | – | – | 74 | 1.8% |
| Environment/management of facilities | 22 | 10 | 8 | 6 | 3 | 3 | 2 | 1 | – | 1 | – | – | 56 | 1.4% |
| Grievance processes | 35 | 16 | 3 | 1 | – | 1 | – | – | – | 1 | – | – | 57 | 1.4% |
| Discharge/transfer arrangements | 43 | – | 3 | – | – | – | – | – | – | – | – | – | 46 | 1.1% |
| Total | 2,646 | 621 | 446 | 139 | 51 | 50 | 39 | 32 | 31 | 21 | 2 | 2 | 4,080 | 100.0% |
| No. of practitioners registered in NSW as at 30 June 2009 | 30,694 | 4,636 | 121,406 | 10,281 | 1,448 | 6,976 | 1,760 | 1,314 | 8,272 | 898 | 1,532 | 591 | 189,808 | |

Counted by issues raised in complaint

Table 17.11 Complaints received about unregistered health practitioners by issue category 2008-09

| Issue category | Unregistered health practitioner | | | | | | | | | | | | | | | | Total | |
|--------------------------------------|---|---------------|--------------------------------|----------------------|---------------|-------------------|--------------|-------------------|---|------------------|------------------------|-----------|------------|----------------------|------------------------|-----------------------------|------------|---------------|
| | Previously registered health practitioner | Other/unknown | Administration/ clerical staff | Counsellor/therapist | Social worker | Natural therapist | Radiographer | Massage therapist | Traditional Chinese medicine practitioner | Speech therapist | Occupational therapist | Homeopath | Naturopath | Assistant in nursing | Dietitian/nutritionist | Alternative health provider | No. | % |
| Professional conduct | 15 | 3 | 3 | 8 | 2 | 2 | - | 5 | 4 | - | 1 | 1 | 2 | - | 1 | - | 47 | 40.5% |
| Communication/information | 7 | 4 | 6 | 3 | 3 | 1 | 3 | - | - | 1 | - | - | - | - | - | 1 | 29 | 25.0% |
| Treatment | 11 | 4 | - | 1 | 1 | 2 | 2 | - | 1 | 2 | 1 | 1 | - | 1 | - | - | 27 | 23.3% |
| Reports/certificates | - | 1 | - | - | 1 | 1 | - | - | - | 1 | - | - | - | - | - | - | 4 | 3.4% |
| Environment/management of facilities | 1 | - | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | 2.6% |
| Access | - | - | - | - | 1 | - | 1 | - | - | - | - | - | - | - | - | - | 2 | 1.7% |
| Medication | - | 1 | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | 2 | 1.7% |
| Fees/costs | 1 | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 1.7% |
| Total | 35 | 13 | 12 | 12 | 9 | 6 | 6 | 5 | 5 | 4 | 2 | 2 | 2 | 1 | 1 | 1 | 116 | 100.0% |

Counted by issues raised in complaint

Table 17.12 Complaints received about health organisations 2006-07 to 2008-09

| Organisation | 2006-07 | | 2007-08 | | 2008-09 | |
|--|--------------|---------------|--------------|---------------|--------------|---------------|
| | No. | % | No | % | No. | % |
| Public hospital | 508 | 47.7% | 763 | 56.2% | 620 | 48.8% |
| Correction and detention facility | 93 | 8.7% | 106 | 7.8% | 138 | 10.9% |
| Medical centre | 41 | 3.8% | 61 | 4.5% | 82 | 6.5% |
| Pharmacy | 51 | 4.8% | 59 | 4.3% | 68 | 5.4% |
| Private hospital | 70 | 6.6% | 55 | 4.1% | 62 | 4.9% |
| Community health service | 49 | 4.6% | 43 | 3.2% | 43 | 3.4% |
| Aged care facility | 53 | 5.0% | 48 | 3.5% | 41 | 3.2% |
| Dental facility | 30 | 2.8% | 22 | 1.6% | 39 | 3.1% |
| Area Health Service | 29 | 2.7% | 27 | 2.0% | 37 | 2.9% |
| Medical practice | 20 | 1.9% | 24 | 1.8% | 29 | 2.3% |
| Psychiatric hospital | 5 | 0.4% | 26 | 1.9% | 26 | 2.0% |
| Ambulance service | 21 | 2.0% | 24 | 1.8% | 23 | 1.8% |
| Radiology practice | 18 | 1.7% | 10 | 0.7% | 12 | 0.9% |
| Pathology centre/lab | 12 | 1.1% | 17 | 1.3% | 10 | 0.8% |
| Government department | – | 0.0% | 4 | 0.3% | 8 | 0.6% |
| Other/unknown | 11 | 1.0% | – | 0.0% | 8 | 0.6% |
| Drug and alcohol service | 6 | 0.6% | 4 | 0.3% | 6 | 0.5% |
| Day procedure centre | 5 | 0.4% | 4 | 0.3% | 5 | 0.4% |
| Optometrist practice | 4 | 0.4% | 7 | 0.5% | 3 | 0.2% |
| Registration Board | – | 0.0% | – | 0.0% | 2 | 0.2% |
| Rehabilitation facility | n/a | – | 10 | 0.7% | 2 | 0.2% |
| Supported accommodation service | 4 | 0.4% | 7 | 0.5% | 2 | 0.2% |
| Alternative health service | 8 | 0.8% | 5 | 0.4% | 1 | 0.1% |
| Family planning clinic | 2 | 0.2% | – | 0.0% | 1 | 0.1% |
| Health fund | 4 | 0.4% | 5 | 0.4% | 1 | 0.1% |
| Physiotherapy clinic | 3 | 0.3% | 2 | 0.1% | 1 | 0.1% |
| Blood bank | 1 | 0.1% | 1 | 0.1% | – | 0.0% |
| Chiropractic practice | 2 | 0.2% | 2 | 0.1% | – | 0.0% |
| Multi-purpose service | – | 0.0% | 4 | 0.3% | – | 0.0% |
| Nursing agency | 1 | 0.1% | 4 | 0.3% | – | 0.0% |
| College/association | 4 | 0.4% | 1 | 0.1% | n/a | – |
| Disciplinary body | 2 | 0.2% | – | 0.0% | n/a | – |
| Domestic residence | – | 0.0% | 2 | 0.1% | n/a | – |
| Men's health clinic | 1 | 0.1% | 4 | 0.3% | n/a | – |
| Optical laboratory | – | 0.0% | 1 | 0.1% | n/a | – |
| Public development disability hospital | 4 | 0.4% | – | 0.0% | n/a | – |
| Women's health centre | 3 | 0.3% | 5 | 0.4% | n/a | – |
| Total | 1,065 | 100.0% | 1,357 | 100.0% | 1,270 | 100.0% |

Counted by provider identified in complaint

Table 17.13 Complaints received about public and private hospitals by most common service areas 2008-09

| Service area | Public | | Private | | Total | |
|-------------------------|------------|---------------|-----------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| Emergency medicine | 155 | 25.0% | 4 | 6.5% | 159 | 23.3% |
| General medicine | 109 | 17.6% | 8 | 12.9% | 117 | 17.2% |
| Surgery | 83 | 13.4% | 33 | 53.2% | 116 | 17.0% |
| Mental health | 81 | 13.1% | 2 | 3.2% | 83 | 12.2% |
| Obstetrics | 33 | 5.3% | 3 | 4.8% | 36 | 5.3% |
| Administration | 16 | 2.6% | – | 0.0% | 16 | 2.3% |
| Intensive care | 16 | 2.6% | – | 0.0% | 16 | 2.3% |
| Rehabilitation medicine | 10 | 1.6% | 3 | 4.8% | 13 | 1.9% |
| Geriatrics/gerontology | 9 | 1.5% | 2 | 3.2% | 11 | 1.6% |
| Gynaecology | 11 | 1.8% | – | 0.0% | 11 | 1.6% |
| Paediatric medicine | 9 | 1.5% | 1 | 1.6% | 10 | 1.5% |
| Palliative care | 9 | 1.5% | 1 | 1.6% | 10 | 1.5% |
| Aged care | 7 | 1.1% | 1 | 1.6% | 8 | 1.2% |
| Cardiology | 6 | 1.0% | 2 | 3.2% | 8 | 1.2% |
| Psychiatry | 8 | 1.3% | – | 0.0% | 8 | 1.2% |
| Midwifery | 7 | 1.1% | – | 0.0% | 7 | 1.0% |
| Other service areas | 51 | 8.2% | 2 | 3.2% | 53 | 7.8% |
| Total | 620 | 100.0% | 62 | 100.0% | 682 | 100.0% |

Counted by provider identified in complaint

Table 17.14 Complaints received about public hospitals by Area Health Service 2006-07 to 2008-09

| Area Health Service | 2006-07 | | 2007-08 | | 2008-09 | | 2008-09 | | |
|--------------------------------|------------|---------------|------------|---------------|------------|---------------|------------------|-------------------------------|----------------------------------|
| | No. | % | No. | % | No. | % | Separations | Non-admitted patient services | Emergency department attendances |
| Sydney South West | 92 | 18.1% | 106 | 13.9% | 122 | 19.7% | 305,874 | 4,397,248 | 350,957 |
| South Eastern Sydney/Illawarra | 106 | 20.9% | 137 | 18.0% | 115 | 18.5% | 289,254 | 4,992,668 | 379,402 |
| Sydney West | 90 | 17.7% | 104 | 13.6% | 97 | 15.6% | 237,992 | 4,249,955 | 297,048 |
| Hunter/New England | 59 | 11.6% | 102 | 13.4% | 84 | 13.5% | 187,276 | 2,690,862 | 355,271 |
| Northern Sydney/Central Coast | 73 | 14.4% | 121 | 15.9% | 84 | 13.5% | 173,834 | 3,061,910 | 250,398 |
| Greater Southern | 28 | 5.5% | 47 | 6.2% | 45 | 7.3% | 116,235 | 1,459,168 | 254,297 |
| North Coast | 36 | 7.1% | 81 | 10.6% | 38 | 6.1% | 155,044 | 1,983,006 | 307,730 |
| Greater Western | 24 | 4.7% | 63 | 8.3% | 35 | 5.6% | 87,208 | 1,306,191 | 221,671 |
| Interstate/Unknown | – | 0.0% | 2 | 0.3% | – | 0.0% | – | – | – |
| Total | 508 | 100.0% | 763 | 100.0% | 620 | 100.0% | 1,552,717 | 24,141,007 | 2,416,774 |

Excludes public developmental disability hospitals and psychiatric hospitals

Sydney West includes Westmead Children's Hospital

Counted by provider identified in complaint

Table 17.15 Issues raised in complaints received about health organisations by organisation type 2008-09

| Organisation type | Issue category | | | | | | | | | | | | Total | |
|---|----------------|---------------------------|------------|--------------------------------------|---------------------|---------------------------------|-----------|-----------|----------------------|------------|-----------------|----------------------|--------------|---------------|
| | Treatment | Communication/information | Medication | Environment/management of facilities | Grievance processes | Discharge/transfer arrangements | Access | Consent | Professional conduct | Fees/costs | Medical records | Reports/certificates | No. | % |
| Public | | | | | | | | | | | | | | |
| Hospital | 671 | 340 | 92 | 70 | 57 | 92 | 34 | 48 | 36 | 7 | 36 | 12 | 1,495 | 54.7% |
| Correction and detention facility | 95 | 46 | 41 | 4 | 9 | – | 34 | 2 | 1 | 1 | 2 | 3 | 238 | 8.7% |
| Community health service | 35 | 18 | 8 | 4 | 6 | – | 4 | 8 | 3 | – | – | 1 | 87 | 3.2% |
| Area Health Service | 28 | 16 | 2 | 7 | 7 | 2 | 5 | 3 | 2 | – | – | 1 | 73 | 2.7% |
| Psychiatric hospital | 10 | 13 | 9 | 3 | 3 | 3 | – | 7 | 7 | – | 1 | 1 | 57 | 2.1% |
| Ambulance service | 19 | 6 | – | 1 | 2 | 1 | 1 | – | – | 5 | – | – | 35 | 1.3% |
| Dental facility | 13 | 7 | – | 2 | 4 | – | 2 | – | – | – | – | – | 28 | 1.0% |
| Medical centre | 3 | 6 | 1 | 3 | – | – | 2 | – | – | 2 | – | – | 17 | 0.6% |
| Other public health organisation | 1 | 4 | 3 | 2 | 1 | – | – | – | 1 | 1 | – | 1 | 14 | 0.5% |
| Government department | 3 | 2 | – | 3 | – | 1 | 1 | – | – | – | – | – | 10 | 0.4% |
| Public health organisation total | 878 | 458 | 156 | 99 | 89 | 99 | 83 | 68 | 50 | 16 | 39 | 19 | 2,054 | 75.1% |
| Private | | | | | | | | | | | | | | |
| Hospital | 67 | 32 | 8 | 13 | 9 | 12 | 2 | 1 | 1 | 7 | 2 | – | 154 | 5.6% |
| Medical centre | 46 | 34 | 8 | 9 | 10 | – | 7 | 2 | 5 | 8 | 13 | 2 | 144 | 5.3% |
| Aged care facility | 35 | 20 | 7 | 18 | 6 | – | 1 | 1 | 5 | 1 | 2 | – | 96 | 3.5% |
| Pharmacy | 2 | 12 | 57 | 7 | 1 | – | – | – | 2 | 1 | 1 | – | 83 | 3.0% |
| Medical practice | 18 | 14 | 5 | 2 | 3 | – | 3 | – | 3 | 12 | 1 | – | 61 | 2.2% |
| Other/unknown private health organisation | 10 | 9 | 2 | 12 | 5 | 1 | – | 2 | 2 | 6 | – | – | 49 | 1.8% |
| Dental facility | 17 | 9 | – | 2 | – | – | 1 | 3 | 1 | 10 | – | – | 43 | 1.6% |
| Radiology practice | 9 | 6 | 1 | 2 | 1 | – | – | 1 | 1 | 1 | 2 | – | 24 | 0.9% |
| Pathology centre/lab | 3 | 7 | – | 1 | 1 | – | – | – | – | 2 | 1 | 2 | 17 | 0.6% |
| Drug and alcohol service | 4 | 1 | 1 | – | 1 | 1 | – | – | 1 | – | 1 | – | 10 | 0.4% |
| Private health organisation total | 211 | 144 | 89 | 66 | 37 | 14 | 14 | 10 | 21 | 48 | 23 | 4 | 681 | 24.9% |
| Grand total | 1,089 | 602 | 245 | 165 | 126 | 113 | 97 | 78 | 71 | 64 | 62 | 23 | 2,735 | 100.0% |

Counted by issues raised in complaint

Table 17.16 Issues raised in all complaints received by service area 2008-09

| Service area | | | | | | | | | | | | | Total | |
|-------------------------|-----------|---------------------------|----------------------|------------|------------|--------------------------------------|---------------------|--------|----------------------|---------------------------------|---------|-----------------|-------|-------|
| | Treatment | Communication/information | Professional conduct | Medication | Fees/costs | Environment/management of facilities | Grievance processes | Access | Reports/certificates | Discharge/transfer arrangements | Consent | Medical records | No. | % |
| General medicine | 726 | 410 | 227 | 218 | 42 | 40 | 46 | 83 | 55 | 24 | 19 | 51 | 1,941 | 28.0% |
| Dentistry | 387 | 140 | 28 | 2 | 105 | 17 | 22 | 17 | 2 | – | 22 | 2 | 744 | 10.7% |
| Surgery | 318 | 123 | 50 | 26 | 22 | 20 | 19 | 20 | 1 | 40 | 20 | 10 | 669 | 9.7% |
| Emergency medicine | 350 | 123 | 27 | 25 | 1 | 15 | 8 | 10 | 1 | 39 | 6 | 15 | 620 | 8.9% |
| Mental health | 131 | 100 | 50 | 49 | 1 | 15 | 13 | 10 | 7 | 18 | 49 | 4 | 447 | 6.4% |
| Obstetrics | 127 | 49 | 27 | 5 | 1 | 7 | 7 | 1 | 1 | 5 | 5 | 5 | 240 | 3.5% |
| Aged care | 72 | 47 | 38 | 26 | – | 19 | 8 | 1 | 2 | 2 | 5 | 9 | 229 | 3.3% |
| Psychiatry | 40 | 30 | 24 | 23 | 1 | 4 | 4 | 5 | 9 | 2 | 7 | 4 | 153 | 2.2% |
| Gynaecology | 67 | 36 | 14 | 1 | 3 | 1 | 2 | 3 | – | 5 | 4 | 5 | 141 | 2.0% |
| Medico-Legal | 29 | 33 | 15 | – | – | – | – | – | 49 | – | 1 | 2 | 129 | 1.9% |
| Psychology | 18 | 23 | 41 | 2 | 5 | 6 | 1 | 1 | 15 | – | 1 | 4 | 117 | 1.7% |
| Pharmacy/pharmacology | 2 | 16 | 10 | 76 | 2 | 7 | 1 | – | – | – | – | 1 | 115 | 1.7% |
| Geriatrics/gerontology | 41 | 25 | 2 | 10 | 1 | 6 | 4 | – | 1 | 2 | – | 2 | 94 | 1.4% |
| Oncology | 45 | 15 | 2 | 2 | 1 | 3 | 1 | – | – | – | – | 4 | 73 | 1.1% |
| Cosmetic services | 36 | 8 | 10 | 4 | 6 | 1 | 6 | – | – | – | – | – | 71 | 1.0% |
| Paediatric medicine | 27 | 16 | 4 | 3 | 1 | 4 | 2 | – | 1 | 2 | – | 7 | 67 | 1.0% |
| Drug and alcohol | 16 | 14 | 4 | 13 | 1 | 2 | 1 | 3 | – | 2 | – | 1 | 57 | 0.8% |
| Physiotherapy | 21 | 6 | 15 | – | 8 | 3 | – | – | – | – | – | 3 | 56 | 0.8% |
| Radiology | 19 | 17 | 1 | 1 | 3 | 4 | 3 | 1 | 4 | – | – | 1 | 54 | 0.8% |
| Cardiology | 26 | 14 | 3 | 1 | 1 | 1 | – | 1 | – | 2 | 1 | 2 | 52 | 0.8% |
| Administration | 1 | 10 | 1 | – | 4 | 15 | 8 | 2 | 5 | – | – | 5 | 51 | 0.7% |
| Optometry | 16 | 13 | 5 | – | 10 | 3 | 1 | 1 | – | – | 1 | – | 50 | 0.7% |
| Palliative care | 18 | 18 | 2 | 7 | – | 1 | 1 | – | 2 | – | – | 1 | 50 | 0.7% |
| Anaesthesia | 15 | 12 | 4 | 4 | 8 | 1 | 2 | – | 1 | 1 | 1 | – | 49 | 0.7% |
| Intensive care | 21 | 13 | 3 | 1 | – | 3 | 1 | 1 | 2 | 2 | 2 | – | 49 | 0.7% |
| Chiropractic | 17 | 6 | 17 | – | 2 | 3 | 1 | – | – | – | 2 | – | 48 | 0.7% |
| Midwifery | 22 | 7 | 10 | 2 | – | – | 2 | 1 | – | 3 | – | – | 47 | 0.7% |
| Rehabilitation medicine | 18 | 8 | 3 | 4 | – | 2 | 4 | 2 | – | 5 | – | – | 46 | 0.7% |
| Non-health related | – | 5 | 21 | – | – | 10 | – | 1 | – | – | 1 | – | 38 | 0.5% |
| Ambulance service | 19 | 6 | – | – | 5 | 1 | 2 | 1 | – | 1 | – | – | 35 | 0.5% |
| Reproductive medicine | 10 | 9 | 10 | 1 | 2 | – | 2 | – | – | – | 1 | – | 35 | 0.5% |
| Neurology | 18 | 8 | 1 | 1 | – | 1 | – | 1 | 1 | – | 2 | – | 33 | 0.5% |
| Urology | 15 | 9 | 2 | – | 2 | – | 1 | 1 | 1 | – | – | – | 31 | 0.4% |
| Other/unknown | – | 3 | 17 | – | – | 5 | 1 | – | 3 | – | – | – | 29 | 0.4% |

Table continued on next page

Table 17.16 Issues raised in all complaints received by service area 2008-09 (continued)

| Service area | | | | | | | | | | | | | Total | |
|-------------------------------|--------------|---------------------------|----------------------|------------|------------|--------------------------------------|---------------------|------------|----------------------|---------------------------------|------------|-----------------|--------------|---------------|
| | Treatment | Communication/information | Professional conduct | Medication | Fees/costs | Environment/management of facilities | Grievance processes | Access | Reports/certificates | Discharge/transfer arrangements | Consent | Medical records | No. | % |
| Gastroenterology | 11 | 8 | - | - | 4 | - | 1 | - | 1 | 1 | - | - | 26 | 0.4% |
| Ophthalmology | 15 | 5 | - | 1 | 1 | - | 1 | 1 | - | - | 1 | 1 | 26 | 0.4% |
| Podiatry | 11 | 1 | 5 | - | 5 | 2 | 1 | - | - | - | - | 1 | 26 | 0.4% |
| Dermatology | 10 | 6 | 2 | 1 | 1 | - | - | - | 1 | 1 | 2 | - | 24 | 0.3% |
| Pathology | 7 | 6 | 1 | - | 2 | - | 1 | - | 1 | - | - | 1 | 19 | 0.3% |
| Radiography | 7 | 4 | 1 | - | - | - | - | 1 | - | - | 1 | 1 | 15 | 0.2% |
| Prosthetics and orthotics | 8 | 2 | 1 | - | 3 | - | - | - | - | - | - | - | 14 | 0.2% |
| Infectious diseases | 8 | 3 | - | - | - | 1 | - | 1 | - | - | - | - | 13 | 0.2% |
| Immunology | 4 | 3 | 1 | 2 | - | - | 1 | - | - | - | - | - | 11 | 0.2% |
| Respiratory/thoracic medicine | 6 | 2 | - | 2 | - | - | - | 1 | - | - | - | - | 11 | 0.2% |
| Counselling | 1 | 3 | 5 | - | - | - | - | - | - | - | - | - | 9 | 0.1% |
| Haematology | 5 | 2 | - | - | - | - | 1 | - | - | 1 | - | - | 9 | 0.1% |
| Developmental disability | 1 | 3 | - | - | - | 1 | 1 | - | - | 1 | - | - | 7 | 0.1% |
| Early childhood | 1 | 2 | 3 | - | 1 | - | - | - | - | - | - | - | 7 | 0.1% |
| Massage therapy | - | - | 7 | - | - | - | - | - | - | - | - | - | 7 | 0.1% |
| Personal care | 1 | 2 | - | - | - | - | 2 | 2 | - | - | - | - | 7 | 0.1% |
| Psychotherapy | 3 | 1 | 2 | - | - | 1 | - | - | - | - | - | - | 7 | 0.1% |
| Natural therapy | 2 | 1 | 1 | - | - | - | - | - | 1 | - | - | - | 5 | 0.1% |
| Traditional Chinese medicine | 1 | - | 4 | - | - | - | - | - | - | - | - | - | 5 | 0.1% |
| Endocrinology | 3 | - | - | - | - | - | - | - | - | - | 1 | - | 4 | 0.1% |
| Osteopathy | 1 | 1 | - | 1 | 1 | - | - | - | - | - | - | - | 4 | 0.1% |
| Speech therapy | 2 | 1 | - | - | - | - | - | - | 1 | - | - | - | 4 | 0.1% |
| Alternative health | 1 | - | 2 | - | - | - | - | - | - | - | - | - | 3 | 0.0% |
| Occupational health | 1 | 2 | - | - | - | - | - | - | - | - | - | - | 3 | 0.0% |
| Family planning | - | 2 | - | - | - | - | - | - | - | - | - | - | 2 | 0.0% |
| Occupational therapy | 1 | - | 1 | - | - | - | - | - | - | - | - | - | 2 | 0.0% |
| Nutrition and dietetics | - | - | 1 | - | - | - | - | - | - | - | - | - | 1 | 0.0% |
| Total | 2,799 | 1,432 | 725 | 514 | 256 | 225 | 183 | 173 | 168 | 159 | 155 | 142 | 6,931 | 100.0% |

Counted by issues raised in complaint

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Table 17.17 Source of complaints 2006-07 to 2008-09

| Source | 2006-07 | | 2007-08 | | 2008-09 | |
|---|--------------|---------------|--------------|---------------|--------------|---------------|
| | No. | % | No. | % | No. | % |
| Consumer | 901 | 39.1% | 1,073 | 39.3% | 1,242 | 43.7% |
| Registration Board | 697 | 30.3% | 666 | 24.4% | 828 | 29.2% |
| Family or friend | 491 | 21.3% | 627 | 23.0% | 580 | 20.4% |
| Government department | 19 | 0.9% | 198 | 7.3% | 46 | 1.6% |
| Department of Health (State and Commonwealth) | 22 | 1.0% | 18 | 0.7% | 30 | 1.1% |
| Parliament/Minister | 42 | 1.8% | 40 | 1.5% | 27 | 1.0% |
| Health professional | 18 | 0.8% | 25 | 0.9% | 24 | 0.8% |
| Other | 9 | 0.4% | 13 | 0.5% | 22 | 0.8% |
| Legal representative | 37 | 1.6% | 29 | 1.1% | 20 | 0.7% |
| Consumer organisation | 54 | 2.4% | 28 | 1.0% | 12 | 0.4% |
| Court | 8 | 0.3% | 11 | 0.4% | 8 | 0.3% |
| Non-government organisation | 3 | 0.1% | 1 | 0.0% | – | 0.0% |
| Professional association | 1 | 0.0% | 1 | 0.0% | – | 0.0% |
| Total | 2,302 | 100.0% | 2,730 | 100.0% | 2,839 | 100.0% |

Counted by complainant

Table 17.18 Outcome of assessment of complaints 2006-07 to 2008-09

| Assessment decision | 2006-07 | | 2007-08 | | 2008-09 | |
|------------------------------------|--------------|---------------|--------------|---------------|--------------|---------------|
| | No. | % | No. | % | No. | % |
| Discontinued | 1,017 | 37.5% | 982 | 34.0% | 1,291 | 38.5% |
| Referred to Registration Board | 497 | 18.4% | 572 | 19.8% | 755 | 22.5% |
| Assisted resolution | 431 | 15.9% | 574 | 19.9% | 561 | 16.8% |
| Investigation by Commission | 307 | 11.3% | 260 | 9.0% | 270 | 8.1% |
| Resolved during assessment | 137 | 5.1% | 206 | 7.1% | 188 | 5.6% |
| Referred for conciliation | 239 | 8.8% | 198 | 6.9% | 167 | 5.0% |
| Referred to another body or person | 54 | 2.0% | 56 | 1.9% | 61 | 1.8% |
| Local resolution | 28 | 1.0% | 41 | 1.4% | 56 | 1.7% |
| Total | 2,710 | 100.0% | 2,889 | 100.0% | 3,349 | 100.0% |

Counted by provider identified in complaint

Table 17.19 Outcome of complaints assessed by issues identified in complaint 2008-09

| Issue category | Issue name | Outcome | | | | | | | | Total | |
|---------------------------|--|--------------|--------------------------------|---------------------|-----------------------------|--------------|------------------------------------|--------------------------|------------------|--------------|--------------|
| | | Discontinued | Referred to Registration Board | Assisted resolution | Investigation by Commission | Conciliation | Resolved during assessment process | Referred to another body | Local resolution | No. | % |
| Treatment | Inadequate treatment | 319 | 268 | 235 | 86 | 62 | 37 | 18 | 9 | 1,034 | 15.0% |
| | Unexpected treatment outcome/complications | 115 | 73 | 107 | 31 | 54 | 18 | 3 | 1 | 402 | 5.8% |
| | Diagnosis | 152 | 70 | 104 | 21 | 40 | 9 | - | 2 | 398 | 5.8% |
| | Inadequate consultation | 118 | 74 | 55 | 16 | 15 | 13 | 3 | 1 | 295 | 4.3% |
| | Delay in treatment | 88 | 10 | 69 | 18 | 19 | 21 | 1 | 4 | 230 | 3.3% |
| | Rough and painful treatment | 37 | 31 | 19 | 10 | 5 | 5 | 1 | 1 | 109 | 1.6% |
| | Wrong/inappropriate treatment | 18 | 24 | 22 | 10 | 6 | 3 | - | 2 | 85 | 1.2% |
| | No/inappropriate referral | 29 | 14 | 18 | 7 | 3 | 4 | - | - | 75 | 1.1% |
| | Coordination of treatment | 12 | 4 | 18 | 6 | 6 | 2 | - | - | 48 | 0.7% |
| | Infection control | 13 | 10 | 5 | 1 | 1 | 3 | 3 | - | 36 | 0.5% |
| | Withdrawal of treatment | 10 | 2 | 3 | 2 | 2 | 2 | - | - | 21 | 0.3% |
| | Attendance | 7 | 3 | 2 | - | - | 4 | - | - | 16 | 0.2% |
| | Excessive treatment | 5 | 5 | - | - | 2 | - | - | - | 12 | 0.2% |
| | Experimental treatment | 2 | 3 | 5 | 1 | - | - | - | - | 11 | 0.2% |
| | Public/private election | 4 | - | 1 | - | 3 | 1 | - | - | 9 | 0.1% |
| | Treatment total | 929 | 591 | 663 | 209 | 218 | 122 | 29 | 20 | 2,781 | 40.3% |
| Communication/information | Attitude/manner | 341 | 171 | 168 | 26 | 36 | 67 | 9 | 11 | 829 | 12.0% |
| | Inadequate information provided | 180 | 55 | 136 | 19 | 50 | 38 | 3 | 10 | 491 | 7.1% |
| | Incorrect/misleading information provided | 71 | 13 | 30 | 6 | 4 | 12 | 3 | 2 | 141 | 2.0% |
| | Special needs not accommodated | 4 | - | 1 | - | - | - | - | 1 | 6 | 0.1% |
| | Communication/information total | 596 | 239 | 335 | 51 | 90 | 117 | 15 | 24 | 1,467 | 21.3% |
| Professional conduct | Competence | 76 | 92 | 19 | 60 | 12 | 2 | 1 | 2 | 264 | 3.8% |
| | Illegal practice | 47 | 29 | - | 36 | 1 | - | 4 | 1 | 118 | 1.7% |
| | Sexual misconduct | 20 | 10 | 1 | 38 | - | - | 1 | - | 70 | 1.0% |
| | Inappropriate disclosure of information | 39 | 15 | 9 | - | 1 | 1 | - | - | 65 | 0.9% |
| | Impairment | 3 | 26 | - | 18 | - | - | 1 | - | 48 | 0.7% |
| | Misrepresentation of qualifications | 10 | 32 | - | 2 | - | 1 | 2 | - | 47 | 0.7% |
| | Boundary violation | 8 | 10 | - | 12 | - | - | - | - | 30 | 0.4% |
| | Assault | 17 | 6 | 1 | 1 | - | 1 | 1 | - | 27 | 0.4% |
| | Discriminatory conduct | 10 | 2 | 6 | - | 1 | 2 | - | - | 21 | 0.3% |
| | Financial fraud | 4 | 5 | - | 3 | - | - | - | - | 12 | 0.2% |
| | Breach of condition | 1 | 1 | - | 4 | - | - | - | - | 6 | 0.1% |
| | Emergency treatment not provided | 1 | 1 | 1 | - | - | - | - | - | 3 | 0.0% |
| | Professional conduct total | 236 | 229 | 37 | 174 | 15 | 7 | 10 | 3 | 711 | 10.3% |

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Table 17.19 Outcome of complaints assessed by issues identified in complaint 2008-09 (continued)

| Issue category | Issue name | Outcome | | | | | | | | Total | |
|--------------------------------------|---|--------------|--------------------------------|---------------------|-----------------------------|--------------|------------------------------------|--------------------------|------------------|------------|-------------|
| | | Discontinued | Referred to Registration Board | Assisted resolution | Investigation by Commission | Conciliation | Resolved during assessment process | Referred to another body | Local resolution | No. | % |
| Medication | Prescribing medication | 99 | 41 | 43 | 30 | 8 | 12 | 7 | 4 | 244 | 3.5% |
| | Administering medication | 70 | 33 | 34 | 12 | 9 | 6 | 5 | 3 | 172 | 2.5% |
| | Dispensing medication | 5 | 56 | 1 | 7 | – | – | 3 | – | 72 | 1.0% |
| | Supply/security/storage of medication | 3 | 5 | 2 | 5 | – | 1 | 1 | 1 | 18 | 0.3% |
| | Medication total | 177 | 135 | 80 | 54 | 17 | 19 | 16 | 8 | 506 | 7.3% |
| Fees/costs | Billing practices | 81 | 83 | 10 | 2 | 3 | 22 | 9 | 3 | 213 | 3.1% |
| | Financial consent | 7 | 7 | 2 | – | – | 5 | 1 | – | 22 | 0.3% |
| | Cost of treatment | 3 | 4 | – | – | – | 1 | – | – | 8 | 0.1% |
| | Fees/costs total | 91 | 94 | 12 | 2 | 3 | 28 | 10 | 3 | 243 | 3.5% |
| Environment/management of facilities | Administrative processes | 48 | 19 | 12 | 4 | 2 | 12 | 7 | 9 | 113 | 1.6% |
| | Physical environment of facility | 12 | 1 | 8 | 1 | – | 3 | 2 | 7 | 34 | 0.5% |
| | Cleanliness/hygiene of facility | 8 | 5 | 9 | 1 | 2 | 4 | 3 | 1 | 33 | 0.5% |
| | Staffing and rostering | 6 | – | 4 | 3 | 3 | – | 4 | 2 | 22 | 0.3% |
| | Statutory obligations/accreditation standards not met | 7 | 2 | 3 | 2 | 1 | – | 5 | – | 20 | 0.3% |
| | Environment/management of facilities total | 81 | 27 | 36 | 11 | 8 | 19 | 21 | 19 | 222 | 3.2% |
| Grievance processes | Inadequate/no response to complaint | 64 | 19 | 48 | 4 | 13 | 27 | 3 | 5 | 183 | 2.7% |
| | Reprisal/retaliation as result of complaint lodged | 8 | – | – | – | – | – | – | 3 | 11 | 0.2% |
| | Information about complaints procedures not provided | 3 | – | – | – | – | – | – | – | 3 | 0.0% |
| | Grievance processes total | 75 | 19 | 48 | 4 | 13 | 27 | 3 | 8 | 197 | 2.9% |
| Access | Refusal to admit or treat | 64 | 12 | 18 | – | 6 | 7 | 1 | – | 108 | 1.6% |
| | Service availability | 20 | 1 | 8 | – | – | 5 | – | 4 | 38 | 0.6% |
| | Waiting lists | 15 | – | 13 | – | – | 6 | – | 1 | 35 | 0.5% |
| | Access to subsidies | 2 | – | – | – | – | – | – | – | 2 | 0.0% |
| | Access to facility | 1 | – | 1 | – | – | – | – | – | 2 | 0.0% |
| | Remoteness of service | – | – | 1 | – | – | – | – | – | 1 | 0.0% |
| | Access total | 102 | 13 | 41 | – | 6 | 18 | 1 | 5 | 186 | 2.7% |
| Consent | Consent not obtained or inadequate | 32 | 18 | 17 | 5 | 6 | 2 | – | – | 80 | 1.2% |
| | Uninformed consent | 25 | 10 | 5 | 1 | 4 | 1 | – | – | 46 | 0.7% |
| | Involuntary admission or treatment | 31 | – | 10 | – | – | – | – | 1 | 42 | 0.6% |
| | Consent total | 88 | 28 | 32 | 6 | 10 | 3 | – | 1 | 168 | 2.4% |
| Reports/certificates | Accuracy of report/certificate | 72 | 17 | 7 | – | 1 | – | – | – | 97 | 1.4% |
| | Refusal to provide report/certificate | 10 | – | 1 | – | – | 5 | – | – | 16 | 0.2% |
| | Report written with inadequate or no consultation | 9 | 5 | – | – | 1 | – | – | – | 15 | 0.2% |
| | Timeliness of report/certificate | 7 | 3 | 1 | – | – | 2 | – | – | 13 | 0.2% |
| | Cost of report/certificate | 1 | 1 | – | – | – | – | – | – | 2 | 0.0% |
| | Reports/certificates total | 99 | 26 | 9 | – | 2 | 7 | – | – | 143 | 2.1% |

Table continued on next page

Table 17.19 Outcome of complaints assessed by issues identified in complaint 2008-09 (continued)

| | | Outcome | | | | | | | | Total | |
|---------------------------------------|-------------------------------|--------------|--------------------------------|---------------------|-----------------------------|--------------|------------------------------------|--------------------------|------------------|-------|--------|
| Issue category | Issue name | Discontinued | Referred to Registration Board | Assisted resolution | Investigation by Commission | Conciliation | Resolved during assessment process | Referred to another body | Local resolution | No. | % |
| | | | | | | | | | | | |
| Delay | 5 | - | 1 | 3 | 1 | - | - | - | 10 | 0.1% | |
| Mode of transport | 1 | - | 4 | - | 2 | - | - | - | 7 | 0.1% | |
| Patient not reviewed | 2 | - | 3 | - | - | 1 | - | - | 6 | 0.1% | |
| Discharge/transfer arrangements total | 38 | 5 | 60 | 10 | 22 | 5 | - | 2 | 142 | 2.1% | |
| Medical records | Record keeping | 23 | 23 | 12 | 9 | 6 | 1 | 1 | - | 75 | 1.1% |
| | Access to/transfer of records | 20 | 5 | 6 | 1 | 2 | 10 | 1 | 1 | 46 | 0.7% |
| | Records management | 3 | 3 | 1 | 1 | 1 | 2 | - | - | 11 | 0.2% |
| | Medical records total | 46 | 31 | 19 | 11 | 9 | 13 | 2 | 1 | 132 | 1.9% |
| Grand total | | 2,558 | 1,437 | 1,372 | 532 | 413 | 385 | 107 | 94 | 6,898 | 100.0% |

Counted by issues raised in complaint

Table 17.20 Outcome of complaints assessed by service area 2008-09

| Service area | Outcome | | | | | | | | Total | |
|------------------------|--------------|--------------------------------|---------------------|-----------------------------|------------------------------------|--------------|--------------------------|------------------|-------|-------|
| | Discontinued | Referred to Registration Board | Assisted resolution | Investigation by Commission | Resolved during assessment process | Conciliation | Referred to another body | Local resolution | No. | % |
| General medicine | 476 | 164 | 134 | 105 | 76 | 47 | 22 | 14 | 1,038 | 31.0% |
| Dentistry | 53 | 270 | 14 | 4 | 18 | 1 | 2 | 3 | 365 | 10.9% |
| Surgery | 101 | 28 | 109 | 26 | 16 | 32 | 3 | 2 | 317 | 9.5% |
| Emergency medicine | 69 | 20 | 80 | 9 | 19 | 18 | - | 4 | 219 | 6.5% |
| Mental health | 96 | 11 | 55 | 9 | 4 | 3 | 2 | 11 | 191 | 5.7% |
| Obstetrics | 36 | 10 | 28 | 23 | 1 | 15 | 1 | 1 | 115 | 3.4% |
| Psychiatry | 54 | 14 | 10 | 9 | 1 | 2 | - | 2 | 92 | 2.7% |
| Pharmacy/pharmacology | 5 | 72 | - | 9 | 1 | - | 3 | - | 90 | 2.7% |
| Aged care | 30 | 14 | 12 | 9 | 1 | - | 17 | 1 | 84 | 2.5% |
| Geriatrics/gerontology | 22 | 11 | 19 | 9 | 3 | 4 | 2 | - | 70 | 2.1% |
| Psychology | 16 | 45 | - | 4 | 2 | - | - | - | 67 | 2.0% |
| Medico-Legal | 52 | 9 | - | 2 | 1 | - | - | - | 64 | 1.9% |
| Gynaecology | 14 | 10 | 8 | 5 | 8 | 10 | - | - | 55 | 1.6% |
| Administration | 23 | - | 1 | 3 | 2 | 1 | 2 | 7 | 39 | 1.2% |
| Oncology | 16 | 1 | 5 | 4 | 2 | 3 | - | - | 31 | 0.9% |
| Physiotherapy | 15 | 7 | 1 | 4 | 1 | - | - | - | 28 | 0.8% |
| Non-health related | 17 | 2 | - | 3 | 2 | - | 2 | 1 | 27 | 0.8% |
| Other/unknown | 13 | 10 | - | 2 | - | - | 1 | 1 | 27 | 0.8% |
| Radiology | 17 | 1 | 4 | 1 | 3 | - | 1 | - | 27 | 0.8% |

Table continued on next page

Table 17.20 Outcome of complaints assessed by service area 2008-09 (continued)

| Service area | Outcome | | | | | | | | Total | |
|-------------------------------|--------------|--------------------------------|---------------------|-----------------------------|------------------------------------|--------------|--------------------------|------------------|--------------|---------------|
| | Discontinued | Referred to Registration Board | Assisted resolution | Investigation by Commission | Resolved during assessment process | Conciliation | Referred to another body | Local resolution | No. | % |
| Cardiology | 10 | 2 | 8 | 1 | 1 | 3 | – | – | 25 | 0.7% |
| Chiropractic | 3 | 20 | – | 1 | – | – | 1 | – | 25 | 0.7% |
| Paediatric medicine | 5 | 2 | 11 | 2 | 2 | 2 | – | 1 | 25 | 0.7% |
| Anaesthesia | 7 | 2 | 7 | 3 | 2 | 1 | – | – | 22 | 0.7% |
| Midwifery | 7 | 2 | 2 | 6 | 2 | 2 | – | – | 21 | 0.6% |
| Optometry | 15 | 4 | – | – | 1 | 1 | – | – | 21 | 0.6% |
| Cosmetic services | 10 | 4 | 2 | – | 1 | 2 | 1 | – | 20 | 0.6% |
| Drug and alcohol | 11 | 2 | 4 | – | 2 | 1 | – | – | 20 | 0.6% |
| Rehabilitation medicine | 12 | – | 3 | 1 | – | – | – | 3 | 19 | 0.6% |
| Urology | 9 | – | 5 | – | 2 | – | – | – | 16 | 0.5% |
| Ambulance service | 9 | – | 1 | – | 2 | – | – | 3 | 15 | 0.4% |
| Intensive care | 4 | – | 4 | 2 | 1 | 4 | – | – | 15 | 0.4% |
| Dermatology | 7 | 4 | – | 2 | 1 | – | – | – | 14 | 0.4% |
| Palliative care | 1 | 1 | 8 | 1 | – | 2 | – | 1 | 14 | 0.4% |
| Gastroenterology | 10 | – | – | – | 1 | 2 | – | – | 13 | 0.4% |
| Neurology | 4 | 2 | 2 | – | 1 | 4 | – | – | 13 | 0.4% |
| Ophthalmology | 5 | 2 | 4 | – | 1 | 1 | – | – | 13 | 0.4% |
| Reproductive medicine | 3 | 3 | 1 | 3 | 1 | 1 | – | 1 | 13 | 0.4% |
| Podiatry | 2 | 2 | 2 | 2 | 3 | – | – | – | 11 | 0.3% |
| Pathology | 4 | 1 | – | 1 | – | 2 | – | – | 8 | 0.2% |
| Radiography | 3 | – | 4 | – | – | – | – | – | 7 | 0.2% |
| Counselling | 4 | – | 1 | – | – | – | – | – | 5 | 0.1% |
| Immunology | 2 | – | – | 1 | 1 | – | – | – | 4 | 0.1% |
| Personal care | 3 | – | 1 | – | – | – | – | – | 4 | 0.1% |
| Respiratory/thoracic medicine | – | – | 4 | – | – | – | – | – | 4 | 0.1% |
| Alternative health | 2 | – | – | 1 | – | – | – | – | 3 | 0.1% |
| Developmental disability | 1 | – | 1 | – | – | – | 1 | – | 3 | 0.1% |
| Early childhood | 1 | 1 | 1 | – | – | – | – | – | 3 | 0.1% |
| Endocrinology | 1 | 1 | – | – | – | 1 | – | – | 3 | 0.1% |
| Infectious diseases | 2 | – | 1 | – | – | – | – | – | 3 | 0.1% |
| Massage therapy | – | – | – | 3 | – | – | – | – | 3 | 0.1% |
| Family planning | 1 | – | 1 | – | – | – | – | – | 2 | 0.1% |
| Haematology | – | – | – | – | – | 2 | – | – | 2 | 0.1% |
| Occupational therapy | 2 | – | – | – | – | – | – | – | 2 | 0.1% |
| Osteopathy | 2 | – | – | – | – | – | – | – | 2 | 0.1% |
| Prosthetics and orthotics | – | – | 1 | – | 1 | – | – | – | 2 | 0.1% |
| Psychotherapy | 1 | – | – | – | 1 | – | – | – | 2 | 0.1% |
| Speech therapy | 1 | – | 1 | – | – | – | – | – | 2 | 0.1% |
| Natural therapy | 1 | – | – | – | – | – | – | – | 1 | 0.0% |
| Nutrition and dietetics | – | 1 | – | – | – | – | – | – | 1 | 0.0% |
| Occupational health | – | – | 1 | – | – | – | – | – | 1 | 0.0% |
| Rheumatology | 1 | – | – | – | – | – | – | – | 1 | 0.0% |
| Total | 1,291 | 755 | 561 | 270 | 188 | 167 | 61 | 56 | 3,349 | 100.0% |

Counted by provider identified in complaint

Table 17.21 Time taken to assess complaints 2006-07 to 2008-09

| | 2006-07 | 2007-08 | 2008-09 |
|--|---------|---------|---------|
| Percentage of complaints assessed within 60 days | 83.7% | 88.2% | 88.9% |
| Average days to assess complaints | 39 | 39 | 42 |

Counted by provider identified in complaint

Table 17.22 Requests for review of assessment decision 2006-07 to 2008-09

| | 2006-07 | 2007-08 | 2008-09 |
|--|---------|---------|---------|
| | No. | No. | No. |
| Requests for review of assessment decision | 284 | 230 | 281 |

Counted by provider identified in complaint

Table 17.23 Outcome of reviews of assessment decision 2006-07 to 2008-09

| Review result | 2006-07 | | 2007-08 | | 2008-09 | |
|--|------------|---------------|------------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| Original assessment decision confirmed | 297 | 88.4% | 216 | 89.3% | 261 | 96.0% |
| Assessment decision varied | 39 | 11.6% | 26 | 10.7% | 11 | 4.0% |
| Total | 336 | 100.0% | 242 | 100.0% | 272 | 100.0% |

Counted by provider identified in complaint

Table 17.24 Outcome of assisted resolutions 2006-07 to 2008-09

| Outcome | 2006-07 | | 2007-08 | | 2008-09 | |
|---|------------|---------------|------------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| Resolution did proceed | | | | | | |
| Resolved Resolved | 224 | 47.0% | 228 | 38.9% | 244 | 39.4% |
| Partially resolved | 116 | 24.4% | 124 | 21.2% | 167 | 26.9% |
| Not Resolved Not resolved | 50 | 10.5% | 81 | 13.8% | 103 | 16.6% |
| Resolution did proceed total | 390 | 81.9% | 433 | 73.9% | 514 | 82.9% |
| Resolution did not proceed | | | | | | |
| Referred for other process | 35 | 7.4% | 50 | 8.5% | 10 | 1.6% |
| Unable to be resolved | 51 | 10.7% | 103 | 17.6% | 96 | 15.5% |
| Resolution did not proceed total | 86 | 18.1% | 153 | 26.1% | 106 | 17.1% |
| Grand total | 476 | 100.0% | 586 | 100.0% | 620 | 100.0% |

Counted by provider identified in complaint

Table 17.25 Time taken to complete resolution process 2006-07 to 2008-09

| Time taken to complete | 2006-07 | | 2007-08 | | 2008-09 | |
|------------------------|------------|---------------|------------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| 1-30 days | 77 | 16.1% | 128 | 21.8% | 159 | 25.6% |
| 1-2 months | 132 | 27.7% | 163 | 27.8% | 164 | 26.5% |
| 2-3 months | 85 | 17.8% | 98 | 16.7% | 91 | 14.7% |
| 3-4 months | 59 | 12.4% | 62 | 10.6% | 62 | 10.0% |
| 4-5 months | 40 | 8.4% | 53 | 9.0% | 44 | 7.1% |
| 5-6 months | 29 | 6.1% | 22 | 3.8% | 34 | 5.5% |
| 6-7 months | 16 | 3.4% | 16 | 2.7% | 25 | 4.0% |
| 7-9 months | 15 | 3.2% | 24 | 4.1% | 23 | 3.7% |
| 9-12 months | 17 | 3.6% | 18 | 3.1% | 11 | 1.8% |
| >12 months | 6 | 1.3% | 2 | 0.3% | 7 | 1.1% |
| Total | 476 | 100.0% | 586 | 100.0% | 620 | 100.0% |

Counted by provider identified in complaint

Table 17.26 Outcome of conciliations 2006-07 to 2008-09

| Outcome | 2006-07 | | 2007-08 | | 2008-09 | |
|--|------------|---------------|------------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| Conciliation process did proceed | | | | | | |
| Resolved | | | | | | |
| Agreement reached at conciliation meeting | 89 | 35.3% | 63 | 30.4% | 43 | 18.9% |
| Complaint resolved between the parties with the assistance of the Registry | 15 | 6.0% | 17 | 8.2% | 15 | 6.6% |
| Not Resolved | | | | | | |
| Consent withdrawn | 30 | 11.9% | 25 | 12.1% | 34 | 14.9% |
| The conciliation was helpful in clarifying concerns | n/a | – | 10 | 4.8% | 27 | 11.8% |
| Parties did not reach agreement during conciliation meeting | 32 | 12.7% | 16 | 7.7% | 10 | 4.4% |
| Conciliation process did proceed total | 166 | 65.9% | 131 | 63.3% | 129 | 56.6% |
| Conciliation process did not proceed | | | | | | |
| Conciliation did not proceed | 81 | 32.1% | 75 | 36.2% | 99 | 43.4% |
| Complaint resolved prior to conciliation | 5 | 2.0% | 1 | 0.5% | – | 0.0% |
| Conciliation process did not proceed total | 86 | 34.1% | 76 | 36.7% | 99 | 43.4% |
| Grand total | 252 | 100.0% | 207 | 100.0% | 228 | 100.0% |

Counted by provider identified in complaint

Table 17.27 Time taken to complete conciliation process 2006-07 to 2008-09

| Time taken to complete | 2006-07 | | 2007-08 | | 2008-09 | |
|------------------------|------------|---------------|------------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| 1-30 days | 4 | 16.1% | 15 | 7.2% | 11 | 4.8% |
| 1-2 months | 46 | 18.3% | 32 | 15.5% | 58 | 25.4% |
| 2-3 months | 44 | 17.8% | 32 | 15.5% | 45 | 19.7% |
| 3-4 months | 42 | 16.7% | 29 | 14.0% | 26 | 11.4% |
| 4-5 months | 32 | 12.7% | 16 | 7.7% | 11 | 4.8% |
| 5-6 months | 16 | 6.3% | 13 | 6.3% | 19 | 8.3% |
| 6-7 months | 18 | 7.1% | 13 | 6.3% | 7 | 3.1% |
| 7-9 months | 28 | 11.1% | 12 | 5.8% | 6 | 2.6% |
| 9-12 months | 10 | 4.0% | 18 | 8.7% | 23 | 10.1% |
| >12 months | 12 | 4.8% | 27 | 13.0% | 22 | 9.6% |
| Total | 252 | 100.0% | 207 | 100.0% | 228 | 100.0% |

Counted by provider identified in complaint

Table 17.28 Outcome of investigations 2006-07 to 2008-09

| Outcome | | 2006-07 | | 2007-08 | | 2008-09 | |
|----------------------------------|---|------------|---------------|------------|---------------|------------|---------------|
| | | No. | % | No. | % | No. | % |
| Health organisation | Make comments or recommendation | 50 | 54.3% | 55 | 65.5% | 39 | 63.9% |
| | No further action | 42 | 45.7% | 29 | 34.5% | 22 | 36.1% |
| Health organisation total | | 92 | 100.0% | 84 | 100.0% | 61 | 100.0% |
| Health practitioner | Referred to Director of Proceedings | 112 | 38.8% | 129 | 50.8% | 100 | 50.0% |
| | No further action | 101 | 34.9% | 63 | 24.8% | 45 | 22.5% |
| | Referred to Registration Board | 36 | 12.5% | 35 | 13.8% | 36 | 18.0% |
| | Comments to the practitioner | 38 | 13.1% | 24 | 9.4% | 16 | 8.0% |
| | Public statement | n/a | – | n/a | – | 2 | 1.0% |
| | Referred to Director of Public Prosecutions | 2 | 0.7% | 3 | 1.2% | 1 | 0.5% |
| Health practitioner total | | 289 | 100.0% | 254 | 100.0% | 200 | 100.0% |
| Grand total | | 381 | 100.0% | 338 | 100.0% | 261 | 100.0% |

Counted by provider identified in complaint

17 Appendices

Table 17.29 Investigations into health organisations and health practitioners finalised 2006-07 to 2008-09

| Description | 2006-07 | | 2007-08 | | 2008-09 | | |
|----------------------------------|---|---------------|------------|---------------|------------|---------------|-------|
| | No. | % | No. | % | No. | % | |
| Health organisations | Public hospital | 63 | 68.5% | 63 | 75.0% | 46 | 75.4% |
| | Private hospital | 7 | 7.6% | 6 | 7.1% | 4 | 6.6% |
| | Area Health Service | – | 0.0% | 3 | 3.6% | 3 | 4.9% |
| | Aged care facility | 8 | 8.7% | 4 | 4.8% | 2 | 3.3% |
| | Pathology centre/lab | – | 0.0% | 1 | 1.2% | 2 | 3.3% |
| | Dental facility | – | 0.0% | – | 0.0% | 1 | 1.6% |
| | Drug and alcohol service | 2 | 2.2% | – | 0.0% | 1 | 1.6% |
| | Medical centre | 1 | 1.1% | 1 | 1.2% | 1 | 1.6% |
| | Radiology practice | 1 | 1.1% | 1 | 1.2% | 1 | 1.6% |
| | Ambulance service | 2 | 2.2% | – | 0.0% | – | 0.0% |
| | College/association | – | 0.0% | 2 | 2.4% | – | 0.0% |
| | Community health service | 2 | 2.2% | 1 | 1.2% | – | 0.0% |
| | Correction and detention facility | – | 0.0% | 2 | 2.4% | – | 0.0% |
| | Supported accommodation service | 1 | 1.1% | – | 0.0% | – | 0.0% |
| | Medical practice | 5 | 5.4% | – | 0.0% | – | 0.0% |
| Health organisation total | 92 | 100.0% | 84 | 100.0% | 61 | 100.0% | |
| Health practitioners | Medical practitioner | 175 | 60.6% | 150 | 59.1% | 112 | 56.0% |
| | Nurse | 68 | 23.6% | 75 | 29.5% | 69 | 34.5% |
| | Psychologist | 17 | 5.9% | 9 | 3.5% | 6 | 3.0% |
| | Podiatrist | – | 0.0% | 1 | 0.4% | 2 | 1.0% |
| | Radiographer | n/a | – | n/a | – | 2 | 1.0% |
| | Alternative health provider | – | 0.0% | 6 | 2.4% | 1 | 0.5% |
| | Chiropractor | 3 | 1.0% | 3 | 1.2% | 1 | 0.5% |
| | Dentist | 11 | 3.8% | 2 | 0.8% | 1 | 0.5% |
| | Homeopath | n/a | – | n/a | – | 1 | 0.5% |
| | Massage therapist | n/a | – | n/a | – | 1 | 0.5% |
| | Osteopath | – | 0.0% | – | 0.0% | 1 | 0.5% |
| | Optometrist | – | 0.0% | – | 0.0% | 1 | 0.5% |
| | Physiotherapist | 2 | 0.7% | 2 | 0.8% | 1 | 0.5% |
| | Psychotherapist | 1 | 0.3% | – | 0.0% | 1 | 0.5% |
| | Ambulance personnel | – | 0.0% | 2 | 0.8% | – | 0.0% |
| | Natural therapist | 2 | 0.7% | – | 0.0% | – | 0.0% |
| | Naturopath | – | 0.0% | 2 | 0.8% | – | 0.0% |
| | Pharmacist | 2 | 0.7% | 2 | 0.8% | – | 0.0% |
| | Social worker | 1 | 0.3% | – | 0.0% | – | 0.0% |
| | Traditional Chinese medicine practitioner | 7 | 2.4% | – | 0.0% | – | 0.0% |
| Health practitioner total | 289 | 100.0% | 254 | 100.0% | 200 | 100.0% | |
| Grand total | 381 | 100.0% | 338 | 100.0% | 261 | 100.0% | |

Counted by provider identified in complaint

Table 17.30 Investigations finalised by issue category 2006-07 to 2008-09

| Category | 2006-07 | | 2007-08 | | Category | 2008-09 | |
|------------------------|------------|---------------|------------|---------------|--------------------------------------|------------|---------------|
| | No. | % | No. | % | | No. | % |
| Treatment | 271 | 60.8% | 237 | 57.2% | Treatment | 196 | 45.6% |
| Professional conduct | 129 | 28.9% | 141 | 34.1% | Professional conduct | 148 | 34.4% |
| Communication | 23 | 5.2% | 19 | 4.6% | Medication | 28 | 6.5% |
| Access | 5 | 1.1% | 10 | 2.4% | Communication/information | 23 | 5.3% |
| Consent | 4 | 0.9% | 6 | 1.4% | Environment/management of facilities | 9 | 2.1% |
| Privacy/discrimination | 4 | 0.9% | 1 | 0.2% | Grievance processes | 8 | 1.9% |
| Costs | 5 | 1.1% | – | 0.0% | Medical records | 7 | 1.6% |
| Corporate services | 4 | 0.9% | – | 0.0% | Discharge/transfer arrangements | 6 | 1.4% |
| Grievances | 1 | 0.2% | – | 0.0% | Consent | 4 | 0.9% |
| | | | | | Access | 1 | 0.2% |
| Total | 446 | 100.0% | 414 | 100.0% | | 430 | 100.0% |

Counted by issues raised in complaint

Table 17.31 Outcome of investigations finalised by profession and organisation type 2008-09

| Outcome | Health practitioner | | | | | | | | | | | | | | Total | |
|---|----------------------|------------------|---------------------|----------------------|--------------------|-----------------------------|--------------------------|----------------|--------------------|-------------------|-------------|------------|-----------------|-----------------|------------|---------------|
| | Medical practitioner | Nurse | Psychologist | Podiatrist | Radiographer | Alternative health provider | Chiropractor | Dentist | Homeopath | Massage therapist | Optometrist | Osteopath | Physiotherapist | Psychotherapist | No. | % |
| Referred to Director of Proceedings | 52 | 42 | 4 | – | – | – | 1 | – | – | – | – | 1 | – | – | 100 | 50.0% |
| No further action | 31 | 9 | 1 | 2 | – | – | – | 1 | 1 | – | – | – | – | – | 45 | 22.5% |
| Referred to Registration Board | 19 | 14 | 1 | – | – | – | – | – | – | – | 1 | – | 1 | – | 36 | 18.0% |
| Comments to practitioner | 9 | 4 | – | – | – | 1 | – | – | – | 1 | – | – | – | 1 | 16 | 8.0% |
| Public statement | – | – | – | – | 2 | – | – | – | – | – | – | – | – | – | 2 | 1.0% |
| Referred to Director of Public Prosecutions | 1 | – | – | – | – | – | – | – | – | – | – | – | – | – | 1 | 0.5% |
| Health practitioner total | 112 | 69 | 6 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 200 | 100.0% |
| Outcome | Health organisation | | | | | | | | | | Total | | | | | |
| | Public hospital | Private hospital | Area Health Service | Pathology centre/lab | Aged care facility | Dental facility | Drug and alcohol service | Medical centre | Radiology practice | | | No. | % | | | |
| Recommendation | 24 | 2 | 2 | – | – | – | 1 | 1 | 1 | | | 31 | 50.8% | | | |
| No further action | 17 | 2 | – | 1 | 1 | 1 | – | – | – | | | 22 | 36.1% | | | |
| Comments | 5 | – | 1 | 1 | 1 | – | – | – | – | | | 8 | 13.1% | | | |
| Health organisation total | 46 | 4 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | | | 61 | 100.0% | | | |
| Grand total | | | | | | | | | | | | 261 | 100.0% | | | |

Counted by provider identified in complaint

Table 17.32 Requests for review of investigation decision 2006-07 to 2008-09

| | 2006-07 | | 2007-08 | | 2008-09 | |
|--------------------------------------|---------|--|---------|--|---------|--|
| | No. | | No. | | No. | |
| Requests for review of investigation | 18 | | 15 | | 4 | |

Counted by provider identified in complaint

Table 17.33 Outcome of reviews of investigation decision 2006-07 to 2008-09

| Outcome | 2006-07 | | 2007-08 | | 2008-09 | |
|---|-----------|---------------|-----------|---------------|----------|---------------|
| | No. | % | No. | % | No. | % |
| Original investigation decision confirmed | 21 | 91.3% | 15 | 100.0% | 5 | 83.3% |
| Re-opened for investigation | 2 | 8.7% | – | 0.0% | 1 | 16.7% |
| Total | 23 | 100.0% | 15 | 100.0% | 6 | 100.0% |

Counted by provider identified in complaint

Table 17.34 Time taken to complete investigations 2006-07 to 2008-09

| Time taken to complete | 2006-07 | | 2007-08 | | 2008-09 | |
|--|------------|---------------|------------|---------------|------------|---------------|
| | No. | % | No. | % | No. | % |
| < 6 months | 55 | 14.4% | 62 | 18.3% | 66 | 25.3% |
| 6-12 months | 211 | 55.4% | 169 | 50.0% | 145 | 55.6% |
| 12-18 months | 97 | 25.4% | 90 | 26.6% | 38 | 14.6% |
| 18-24 months | 14 | 3.7% | 16 | 4.7% | 12 | 4.6% |
| 24-30 months | 3 | 0.8% | 1 | 0.3% | – | 0.0% |
| 30-36 months | – | 0.0% | – | 0.0% | – | 0.0% |
| > 36 months | 1 | 0.3% | – | 0.0% | – | 0.0% |
| Total | 381 | 100.0% | 338 | 100.0% | 261 | 100.0% |
| Average days taken to complete investigation | 318 | | 309 | | 274 | |

Counted by provider identified in complaint

Table 17.35 Open complaints as at 30 June 2009

| Category | 2006-07 | | 2007-08 | | 2008-09 | |
|----------------------------|--------------|---------------|--------------|---------------|--------------|---------------|
| | No. | % | No. | % | No. | % |
| Open assessments | 342 | 33.2% | 583 | 45.7% | 597 | 58.4% |
| Open investigations | 286 | 27.8% | 215 | 16.9% | 165 | 16.1% |
| Open complaints in legal | 129 | 12.5% | 209 | 16.4% | 114 | 11.2% |
| Open resolutions | 137 | 13.3% | 152 | 11.9% | 78 | 7.6% |
| Open conciliations | 105 | 10.2% | 95 | 7.5% | 42 | 4.1% |
| Open assessment reviews | 28 | 2.7% | 18 | 1.4% | 25 | 2.4% |
| Open investigation reviews | 3 | 0.3% | 3 | 0.2% | 1 | 0.1% |
| Total | 1,030 | 100.0% | 1,275 | 100.0% | 1,022 | 100.0% |

Counted by provider identified in complaint

Appendix D – List of expert advisers

The Commission would like to thank its expert advisers below. In addition, the Commission would also like to thank those experts who provided phone advice throughout the year that helped to clarify clinical issues during the assessment of complaints.

| | | | |
|---------------------------------|--------------------------------------|----------------------------------|-----------------------------------|
| Dr Richard Abbott | Dr Andrew Byrne | Dr David Eizenberg | Mrs Sue Greig |
| Dr Ion Alexander | Mrs Janice Caldwell | Dr Ian Elder | Ms Ann Greive |
| Dr John Alexander | Ms Jann Capizzi | Ms Jeanette Eldridge | Mrs Eunice Gribbin |
| Dr Roger Allan | Dr Daniel Challis | Dr Barry Elison | Ms Katherine Grover |
| Dr Hugh Allen | Dr Harry Champion | Dr John Ellard | Mrs Janine Haigh |
| Dr Stephen Allnutt | Professor Richard Chard | Mr Colin Ellis | Dr Neal Hamilton |
| Dr Anthony Anker | Miss Kate Chellew | Mr Roger Engel | Professor David Handelsman |
| Ms Deborah Armitage | Dr Andrew Child | Dr John England | Mr Christopher Hanna |
| Dr Francis Arnaudon | Dr Clive Childs | Ms Ellen Evans | Dr Michael Harding |
| Dr Mark Arnold | Dr Louis Christie | Dr Anthony Eyers | Dr John Harkness |
| Mr John Baker | Dr Ian Chung | Dr Gregory Falk | Dr Stephen Harlamb |
| Dr Michael Baldwin | Dr David Church | Dr David Farlow | Mr Martin Harris |
| Dr Gary Banks | Mr Peter Cleasby | Dr Diana Farlow | Mr Steven Harris |
| Mrs Susan Banks | Professor Geoffrey Cleghorn | Dr Alan Farnsworth | Ms Bethne Hart |
| Professor David Barnes | Ms Vanessa Clements | Dr Annabelle Farnsworth | Dr Keith Hartman |
| Mrs Jeanne Barr | Professor Paul Colditz | Professor Glen Farrow | Dr Ray Hayek |
| Dr Bruce Barracrough | Mr Albert Coleiro | Mr John Ferguson | Dr Phillip Hazell |
| Mr Glen Barrington | Mr Mark Coleman | Professor Rex Ferris | Mr Antony Heath |
| Dr Philip Bekhor | Dr Brian Collits | Dr Charles Fisher | Dr Paul Hendel |
| Professor James Bell | Professor Christopher Commens | Professor John Fletcher | Mr Chris Henderson |
| Dr Lynette Bellamy | Mr Shaun Connolly | Ms Vikki Fogarty | Dr Wilson Heriot |
| Dr Warwick Benson | Mrs Helen Cooke | Dr Anthony Freeman | Dr Ralph Higgins |
| Dr Peter Bentivoglio | Ms Anne Cooper | Dr James Friend | Dr Anthony Hobbs |
| Dr Peter Berton | Dr Marcela Cox | Ms Julianne Friendship | Ms Danette Holding |
| Dr James Bertouch | Ms Allison Cummins | Professor Gordian Fulde | Dr Peter Holman |
| Ms Robin Billings | Dr John Curotta | Dr Paul Gaudry | Dr Herbert Hooi |
| Dr Hani Bittar | Dr Paul Curtis | Mrs Marianne Gaul | Dr Craig Hore |
| Dr Peter Bland | Mr Eric Daniels | Dr Rafat Ghabrial | Dr Kenneth Hume |
| Dr Steven Blome | Professor David Davies | Dr Mark Gianoutsos | Dr Carole Hungerford |
| Prof Elie Leslie Bokey | Mr John Davis | Dr Margaret Gibbons | Mrs Sarah Hunstead |
| Ms Kim Bonnici | Ms Susan Dawson | Dr Michael Giblin | Professor James Isbister |
| Mr Sam Borenstein | Dr Robert Day | Dr William Gibson | Ms Lee-Ann Jackson |
| Dr David Bowers | Dr Michael Delaney | Professor David Gillett | Dr Allan James |
| Dr David Brazier | Mr Christopher Derkenne | Dr Jonathan Gillis | Dr Walid Jammal |
| Professor Bruce Brew | Professor Hugh Dickson | Dr Peter Gillman | Dr Elizabeth Jane |
| Dr George Bridger | Ms Pauline Dobson | Dr Leslie Glen | Professor Richmond Jeremy |
| Professor Henry Brodaty | Dr Glenys Dore | Mrs Greta Goldberg | Dr Ian Johnson |
| Dr Geoffrey Brodie | Ms Jasmin Douglas | Dr Michael Golding | Ms Maren Jones |
| Professor Pat Brodie | Dr Geraldine Duncan | Dr Philip Goldstone | Ms Andrea Jordan |
| Dr Andrew Brooks | Dr Iain Dunlop | Mrs Alison Goodfellow | Dr Anthony Joseph |
| Ms Elspeth Browne | Ms Maureen Edgton-Winn | Ms Amanda Gordon | Dr Stephen Jurd |
| Professor Richard Bryant | Dr Frederick Ehrlich | Professor David Gottlieb | Ms Blanche Kairies |
| Dr Jeremy Bunker | Dr David Eisinger | Professor Kerry Goulston | Dr Jeffrey Keir |
| Dr Richard Burns | | Professor James Greenwood | Dr Adrian Keller |

| | | | |
|----------------------------|--------------------------------|-------------------------------|----------------------------|
| Professor Anne-Maree Kelly | Dr Louis McGuigan | Dr John Quinn | Dr Michael Suranyi |
| Ms Fiona Kendall | Dr Christopher McMahon | Dr Geoffrey Ramin | Dr Joanna Sutherland |
| Dr Timothy Keogh | Mr Bernard McNair | Dr Dennis Raymond | Ms Sally Sutherland-Fraser |
| Dr Emery Kertes | Dr Michele Meltzer | Ms Patricia Reynolds | Dr Eric Taft |
| Dr Suresh Khatri | Ms Rebekkah Middleton | Dr Shawn Richards | Dr Deniz Tek |
| Mr Raymond Khoury | Dr Geoffrey Mifsud | Ms Jenifer Richardson | Dr Christopher Tennant |
| Mr Michael Kinchington | Ms Colleen Mill | Dr Adam Rish | Dr Kenneth Tiver |
| Mr David Kitching | Ms Helen Miller | Professor Darren Rivett | Dr Tom Tseng |
| Professor Leon Kleinman | Dr Janelle Miller | Prof Ivor Roberts | Ms Deborah Tully |
| Dr Peter Klug | Mr Peter Moore | Dr Wendy Roberts | Dr Robert Turner |
| Ms Diana Knagge | Dr Peter Morse | Dr Patricia Robertson | Mr Andrew Van Essen |
| Dr Martin Knapp | Dr Muniswami Mudaliar | Dr Tuly Rosenfeld | Dr Christopher Vickers |
| Dr David Knox | Ms Christine Muller | Dr William Ross | Mr Alyn Vincent |
| Dr Andrew Korda | Dr Raymond Mullins | Ms Nadime Roumieh | Dr John Vinen |
| Dr Beth Kotze | Dr Anne Murray | Ms Robyn Rudner | Mr Christopher Waite |
| Dr Paul Kovac | Ms Donna Muscardin | Professor Richard Ruffin | Professor Denis Wakefield |
| Ms Wendy Kramer | Dr Gregory Nelson | Mrs Fiona Russell | Dr Martine Walker |
| Professor Joanne Kurtberg | Dr Harry Nespolon | Dr Anthony Samuels | Mr Anthony Wallace |
| Dr Mary Langcake | Mr Frank Newman | Ms Suzanne Samuels | Dr Bernard Walsh |
| Dr Kit Lau | Dr Louise Newman | Mrs Julie Scott | Dr James Walter |
| Ms Janine Learmont | Ms Robin Norton | Mr Trevor Scott | Dr Stephen Ward |
| Dr Vinoo Lele | Mr Daryl Nye | Dr Raymond Seidler | Dr Robert Ware |
| Dr Garth Leslie | Dr Nicholas O'Connor | Dr Diana Semmonds | Mr Athol Webb |
| Dr Michael Levitt | Dr Wendy O'Dey | Mr Stephen Seymour | Mrs Rachel Weeks |
| Dr Edward Loughman | Professor Lynne Douglas Oliver | Dr Gabriel Shannon | Ms Elvina Weissel |
| Mr Ashton Lucas | Mr Brendan O'Loughlin | Ms Nerralie Shaw | Mr Adam Whitby |
| Ms Sara Lucas | Dr Matthew O'Meara | Ms Rosalee Shaw | Ms Robyn Anne White |
| Ms Sue Lukersmith | Ms Sonya Otte | Mr Warren Shaw | Mr Lawrence Whitman |
| Dr Peter Lye | Ms Michelle Parker | Ms Agnes Shea | Dr Andrew Wignall |
| Dr Robert Lyneham | Dr Julian Parmegiani | Dr John Sippe | Professor Ian Wilcox |
| Dr Kenneth Mackey | Dr Martyn Patfield | Dr George Skowronski | Mr Cearns William |
| Dr Colin Macleod | Dr Gordon Patrick | Dr John Slaughter | Dr Cholmondeley Williams |
| Dr Andrew MacQueen | Dr John Pearman | Dr Denis Smart | Mr Michael Williamson |
| Mr Philip Major | Professor Roger Pepperell | Ms Catriona Smith | Dr Andrew Wilson |
| Dr Linda Mann | Dr John Percy | Dr Graydon Smith | Dr Alexander Wodak |
| Ms Elizabeth Ann Marsh | Dr Kenneth Perkins | Dr William Smith | Professor Robin Woods |
| Ms Carol Martin | Dr Jonathan Phillips | Dr Velencia Soutter | Ms Fiona Wright |
| Dr Hugh Martin | Dr Peter Pigott | Dr Barbara Spark | Dr John Wright |
| Dr Lawrence Mashford | Dr John Pitkin | Professor Kaye Spence | Mr Theo Yalouris |
| Ms Kerri Masters | Dr Justin Playfair | Dr Oscar Stanley | Dr Deborah Yates |
| Professor James May | Dr Alan Porter | Professor Katharine Steinbeck | Dr Simon Young |
| Ms Susan Mayhew | Professor Solomon Posen | Dr Michael Steiner | Dr Rasiah Yuvarajan |
| Ms Toni McCallum Pardey | Dr Jeffrey Post | Dr Warwick Stening | Ms Jennifer Zwart |
| Dr Sally McCarthy | Ms Tracey Powell | Ms Adrienne Stern | |
| Professor William McCarthy | Professor Joseph Proietto | Ms Helen Stevens | |
| Professor Kevin McConkey | Dr Jennifer Prowse | Dr Janine Stevenson | |
| Dr Martin McGee | Dr Donald Pryor | Dr David Storey | |
| Dr Michael McGlynn | Professor Carolyn Quadrio | Dr Marian Sullivan | |

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Health Care Complaints Commission Annual Report 2008-09

Published by the Health Care Complaints Commission 2009

Printed on 100% chlorine free paper produced from sustainable forests, 50% recycled

Electronic copies of this report are available on the Commission's website www.hccc.nsw.gov.au

Production costs \$18,900

ISBN 978-0-9752390-9-4



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