

# Complaints Procedure

QP: 5.7.1

Version 2

Date: March 2018

Authorised: Fiona Strang

ABN: 48 603 486 442

New England North West Health Ltd (Trading as HealthWISE New England North West) will be referred to as HealthWISE for the purpose of this document.

## Purpose

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This procedure has been developed to ensure a systematic quality improvement process is utilised to address complaints that may arise during the delivery of HealthWISE services.

When a person makes a complaint, they have the right to be heard and to have their concerns taken seriously, with a view to resolution. To ensure clients are aware of the process for feedback, or complaints, all new clients to HealthWISE are to be given a brochure that outlines their rights and responsibilities as a service recipient. This includes information on the complaints procedure.

## Authorised Staff

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All staff can accept a complaint and where necessary refer it to their Line Manager and/or the HealthWISE Operations Manager. A central contact point (HealthWISE Operations Manager) is also available for receiving complaints. They are then directed to the appropriate Senior Manager for response.

The Integrated Care Manager is authorised to respond to all clinical services complaints using the procedure outlined below.

The Aboriginal Health Access Manager is authorised to respond to all complaints regarding Aboriginal Health service delivery.

If the complaint arises about other aspects of the HealthWISE business (eg. Member services) or staff conduct, the response will be provided by the relevant Senior Manager.

If the complaint is deemed to be 'Serious' or 'Major', it shall be escalated to the attention of the CEO (who will notify the Board for 'serious' risks). Other complaints deemed to be 'Moderate', 'Minor' or 'Minimum' will be managed at the level of Senior Manager (or delegated staff member). **(Refer to severity assessment codes in Appendix A).**

## Procedure

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### Complaint to a Service Provider

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When a client (or their advocate), member, or stakeholder expresses what is considered to be a relatively minor concern or issue with a service provider, the service provider should initially attempt to resolve the problem with the complainant (and their advocate, if relevant).

The service provider should note key points during the discussion, advising the person they are doing so, to ensure that both the organisational representatives and the service provider

## Complaints Procedure

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have a concurrent record of the initial complaint, should it progress further. The record of the complaint shall be filed with the relevant Senior Manager (even if action is not needing to be taken by that Manager).

When it is evident that a complainant is not satisfied with the proposed solution and wishes to formalise the complaint, or when the service provider considers that the complaint requires a more formal process, then the following procedure should be initiated:

- Advise the complainant of the name and contact details of the appropriate authorised person (this is usually the appropriate Senior Manager) and ensure the complainant has a copy of the complaints policy, complaints procedure and complaints form.
- The service provider should also contact the authorised person (by e-mail and telephone) and advise them that a complaint has been received, the nature of the complaint, actions to date, and a copy of any written documentation that may be pertinent to the issue. In the absence of the relevant Senior Manager, the staff member shall discuss the complaint with another Senior Manager or the CEO. It is recommended that the complaint be reported to a Senior Manager on the day it is received.

### **Anonymous Complaints**

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HealthWISE is able to receive complaints made anonymously. The facility is set up on the website such that the complainant is able to leave the name, email address and phone fields blank if preferred. The website states that 'HealthWISE is able to receive anonymous feedback, however if you choose not to provide your name, phone number or email address we may not be able to provide a response to you personally'.

If the complaint is made verbally, the complainant will be asked how they would like to receive feedback about the outcome.

### **Action by Authorised Staff Member**

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The Senior Manager or delegate shall contact the relevant parties separately and at the earliest opportunity to establish the facts, actions to date, and obtain copies of any relevant documentation that may be pertinent to the issue. For complaints relating to Notifiable Data Breaches, please ensure that the Notifiable Data Breach Flow Chart and or the Notifiable Data Breach Online Notification Form is utilised. In the event that the complaint relates to a notifiable data breach as determined by the Privacy Amendment (Notifiable Data Breaches) Act 2017, the complaint must also incorporate the IT management and staff in the investigation and reporting processes of the complaint.

The details may be obtained either face-to-face or by telephone, as determined by the situation.

When arranging meetings, advise those attending that notes will be taken during the discussion to ensure that the issues are clearly stated, and that actions are recorded so that they can be followed up effectively. Take notes during all meetings.

## Complaints Procedure

QP: 5.7.1

Version 2

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### Meeting with the Complainant (and advocate where relevant)

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Ask the person for factual details regarding the event.

Restate and reflect the concerns expressed by the complainant and seek confirmation from them regarding the accuracy and completeness of the information.

Ask the complainant if they would be prepared to complete the Complaint Form (if not already done). If not, the staff member or the client advocate should complete the Complaint Form on the person's behalf.

Express regret at the situation and apologise for any distress the person may feel (without saying that the organisation accepts responsibility for an error).

Ask the person what remedy they would suggest, and negotiate a solution where possible.

Document the solution on the form, and advise the complainant that this will be de-identified and then submitted to the Finance Audit and Risk subcommittee for collation and analysis, and may be presented to the relevant Sub-Committee for review and any additional recommendations, as part of continuous improvement.

### Managing Complainant Frustration During Meetings

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Recognise that the person's anger or aggression (if present) is related to the stressful situation, and is not a personal attack. In the event of aggressive or threatening behaviour:

- Calmly ask the person if they need to take a break, or need support or assistance, and recommence the conversation once they are calmer.

Where the situation:

- remains unresolved, seek support from another member of the Team or a carer/support person if relevant, and initiate any further action as required.

### Internal Actions to Support Continuous Improvement

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**Where the complainant is satisfied** by the recommendations of the Senior Manager, the completed form should be de-identified and forwarded to the Corporate Services Manager, who will register it and present it to the CEO and relevant subcommittee/s. The role of the subcommittee is to suggest additional strategies to reduce the likelihood of an issue recurring, and direct the implementation of any further actions.

**Where the complainant is not satisfied** with the solution suggested by the Senior Manager, the CEO and relevant sub-committee will recommend strategies and actions for the resolution of the complaint at the earliest opportunity, and determine with the Senior Manager how these strategies and actions are to be implemented.

The Senior Manager will need to contact the complainant as soon as possible and inform them of any additional solutions proposed by the Sub-Committee to resolve the complaint and avoid a future incident.

### Complaints to an External Body

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## Complaints Procedure

QP: 5.7.1

Version 2

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If the complainant is not satisfied with the way the complaint is handled, an external complaint bodies maybe contacted by the complainant at any stage.

- NSW Health Care Complaints Commission 1800 043 159.
- Ombudsman NSW (Disability and Community services including NDIS) 1800 451 524

### Threat of Litigation

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In the case of the threat of legal action, the Authorised person will immediately notify the CEO who will in turn immediately notify the Board Chair and the organisation's insurers.

No action is to be taken without the advice and direction of the insurers.

### Document Control

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#### Source Documents and Cross Reference

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HEALTHWISE Complaints Management Policy

Australian Medicare Locals Alliance Complaints Management Version: 1.0

ATAPS Clinical Governance Implementation Resource Kit

Australian Government: Attorney General's Department Complaints Management

Central Coast Division of General Practice Complaints Procedure

Coorong District Council Complaints Procedure

Melbourne General Practice Network Complaints procedure

Healthcare Complaints Commission

NSW Health Complaint Management Guidelines

Western Australian Health Complaint Management Toolkit 2009

Better Practice Guide to Complaint Handling

[The NSW Ombudsman and the NDIS factsheet](#)

HEALTHWISE website

NEML Complaints Procedure

Privacy Amendment (Notifiable Data Breaches) Act 2017

### Revision History

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The following table shows the changes that have been made to this document.

Author	Version	Date	Reviewed by...	Comments
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QP: 5.7.1

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Christine Kershaw	1	October 2015	Senior Managers	
Christine Kershaw	1a	September 2017	Susanne Kable	Approved
Fiona Strang	1b	Nov 2017	Senior Managers	Approved
Christine Kershaw, Debi Richardson	2	March 2018	Senior Managers	Amended to incorporate Privacy Amendment (Notifiable Data Breaches) Act 2017 Approved

### Update Schedule

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This document should be reviewed on the following dates: November 2020

## Complaints Procedure

QP: 5.7.1

Version 2

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### Appendix A

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Category	Description
Serious	Issues regarding serious adverse events, sentinel events, long-term damage, grossly substandard care, professional misconduct or death that require investigation. Highly probable legal action and Ministerial notification.
Major	Significant issues of standards, quality of care, or denial of rights. Complaints with clear quality assurance or risk management implications or issues causing lasting detriment that require investigation. Threat of legal action and Ministerial notification.
Moderate	Issues that may require investigation. Potential to impact on service provision/delivery. Legitimate consumer concern, especially about communication or practice management, but not causing lasting detriment. Potential for legal action.
Minor	No impact on or risk to the provision of health care or the organisation. Complaint could not be easily resolved at the frontline.
Minimum	Trivial, vexatious, misconceived.

For adverse events, severity is assigned on the actual condition of the complainant. If the event is a near miss, severity is assigned on the most likely scenario.

**(from NSW Health Complaint Management Guidelines)**

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### Appendix B

#### Sample Acknowledgement Letter to Consumer (Serious/Major)

*from NSW Health Policy*

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Letterhead

Reference Number: [Click here to enter text.](#)

To: [Click here to enter text.](#) [Click here to enter text.](#)

Address: [Click here to enter text.](#) [Click here to enter text.](#) [Click here to enter text.](#)

[Click here to enter text.](#) [Click here to enter text.](#)

Date: [Click here to enter text.](#)

Dear [Click here to enter text.](#),

I have received your complaint about [Click here to enter text.](#)

[[Click here to enter text.](#)]

I understand that your complaint is about [Click here to enter text.](#)

We plan to review what has happened to you, why it has happened and what we can do to prevent it happening again. As part of our inquiries, we will consider what you have told us and provide a copy of your complaint to the [provider/s] who was caring for you. We will also interview those who were caring for you, and examine your medical records and other internal documents and policies. [As the incident has been rated as serious, we will also be notifying insurers and our funding body.]

Our inquiries should be completed within [Click here to enter text.](#) days/weeks.

If you are not satisfied with the way we handle your complaint, you can contact the NSW Health Care Complaints Commission 1800 043 159 at any stage.

If you have any queries or would like to discuss anything in the meantime, please feel free to contact me on [Click here to enter text.](#)].

Yours sincerely,

[Click here to enter text.](#)

[position title]

## Complaints Procedure

QP: 5.7.1

Version 2

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### Appendix C

#### Sample Acknowledgement Letter to Consumer (Moderate, Minor or Minimum)

*from NSW Health Policy*

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Letterhead

Reference Number: [Click here to enter text.](#)

To:

Address:

Date:

Dear

I have received your complaint about [Click here to enter text.](#)

Thank you for bringing your concerns to our attention. We value feedback from patients and their families as it enables us to improve services and provide better healthcare.

Your complaint is currently being investigated. I will keep you informed of progress and hope to resolve your complaint as soon as possible.

If you have any queries or would like to discuss anything in the meantime, please feel free to contact me on [Click here to enter text.](#)

Yours sincerely,

[Click here to enter text.](#)

## Complaints Procedure

QP: 5.7.1

Version 2

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### Appendix D

#### Sample Letter Confirming Complaint has been Resolved (Moderate, Minor, or Minimum) *from NSW Health policy*

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Letterhead

Reference Number: [Click here to enter text.](#)

To:

Address:

Date:

Dear

Thank you for discussing your concerns about [Click here to enter text.](#) on [Click here to enter text.](#)

I wish to confirm that we have agreed to [Click here to enter text.](#)

I understand that you do not want to take any further action on this matter. Please let me know if there is anything else you would like to discuss with me.

Thank you for taking the time to assist us to provide better services.

Yours sincerely,

[Click here to enter text.](#)

## Complaints Procedure

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### Appendix E

#### Sample Letter confirming complaint has been resolved (Serious or Major)

*from NSW Health Policy*

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Letterhead

Reference Number: [Click here to enter text.](#)

To:

Address:

Date:

Dear

Thank you for bringing your concerns to our attention. [Click here to enter text.](#)

I understand that your complaint is about [Click here to enter text..](#)

Our investigation/inquiry [Click here to enter text..](#)

The specific issues we inquired into included [Click here to enter text..](#)

We understand that [Click here to enter text.](#) [Click here to enter text.](#) [Click here to enter text..](#)

Our inquiries concluded that [Click here to enter text..](#)

In response, we are [Click here to enter text..](#)

I understand that you do not want us to take further action on this matter. Please let me know if there is anything else that you would like to discuss with me.

Thank you for taking time to assist us.

Yours sincerely,

[Click here to enter text.](#)