

SERVICE LEVEL AGREEMENT

between

INVESTIGATIONS AND LEGAL DIVISIONS

Preamble

The purpose of this agreement is to formalise services between the Investigations and the Legal Divisions of the Office of the Health Care Complaints Commission.

Duration of this Agreement

This service level agreement is continual and will be reviewed by the Director of Investigations and the Director of Proceedings on a 12 monthly basis or sooner if necessary.

Accountabilities

Referral of matters for determination under section 39(1)(a) of the *Health Care Complaints Act 1993*:

Investigations will forward a brief to Legal within 10 days of the investigation being finalised.

All briefs referred will have been audited by the Manager in accordance with the brief checklist (Annexure A to this agreement).

The brief will comprise the investigation file/s, all medical or other records together with a separate brief of evidence and handover memorandum endorsed with the date of the handover and signed by the Director of Investigations.

The Director of Investigations will close the "Brief Preparation" process and open the "Legal Determination" process on Casemate on the handover date.

Requests for formal legal advice:

All requests for formal legal advice will be in writing and submitted through the Manager and the Director of Investigations to the Director of Proceedings.

The Director of Investigations will open a legal advice activity on Casemate on the handover date.

Legal advice will be provided within 21 days or as agreed between the Managers. When legal advice is delayed, formal notification will be provided via a file note on the Casemate process between the Managers.

A handover memorandum endorsed with the date of the handover and signed by the Director of Proceedings will accompany the written advice.

The Director of Proceedings will close the legal advice activity on Casemate on the handover date

Requisitions:

All requisitions will be in writing clearly stating what is required, the reasons and the date required. The requisitions are to be submitted through the Director of Proceedings to the Director of Investigations.

A handover memorandum endorsed with the date of the handover and signed by the Director of Proceedings will accompany the requisition. The Director of Proceedings will open an “obtain information for DoP” process on Casemate on the handover date.

If a timeframe is not provided by Legal the information will be provided within 30 days or as directed by the Director of Investigations.

The Investigation Officer will forward the completed requisitions with a file note confirming the tasks performed and any tasks outstanding or unable to be completed with the reasons to their Manager.

A handover memorandum endorsed with the date of the handover and signed by the Director of Investigations will accompany the requisition advice. The Director of Investigations will close the “obtain information for DoP” process on Casemate on the handover date

Assigning a legal officer for on-going legal advise during an investigation:

All requests to have a Legal Officer assigned during an investigation will be in writing and submitted through the Manager and the Director of Investigations to the Director of Proceedings.

The Director of Proceedings will advise the Director of Investigations of the assigned Legal Officer within five working days, of approving the request and add the legal officer as an additional process officer on Casemate.

Once a Legal Officer has been assigned they can deal directly with the Investigation Officer, with all communications recorded in the Casemate process.

Miscellaneous

Requests from either an Investigation Officer or a Legal Officer for an Investigation Officer to attend a conference, hearing or part of a hearing, are to be in writing and submitted through the Manager. The Manager's approval is required for the continued involvement of the Investigation Officer during a hearing.

Disputes

Any disputes arising from this agreement are to be reported to the staff member's Director through their Manager and will be dealt with jointly by the Director of Investigations and the Director of Proceedings.

Director of Investigations

Karen Mobbs
Director of Proceedings