

Assessing complaints



The Health Care Complaints Commission is an independent body that deals with complaints about health service providers in NSW.

It receives complaints about individual health practitioners, such as medical practitioners, nurses and dentists, massage therapists or counsellors; as well as complaints about health organisations, such as hospitals, medical centres or practices.

The powers of the Commission are set out in the *Health Care Complaints Act*. The Commission acts impartially and fairly towards all parties involved in a complaint.

Complaints about health service providers are best made as soon as possible after the event. If an incident happened more than five years ago, the Commission usually does not deal with it.

Please note

The person making the complaint must act in good faith when making a complaint and are exempt from defamation claims when doing so.

It is an offence for any person to provide false or misleading information to the Commission.

It is also an offence for any person trying to harass or intimidate a person making a complaint or a person who assists the Commission in dealing with a complaint.

What happens during the assessment?

Every written complaint must be assessed. The aim of the assessment is to decide how to best address the issues raised in the complaint.

The Commission has 60 days to assess a complaint. In complex cases, it may take longer.

If the complaint includes enough information, the Commission may assess it without making any further inquiries. In other cases, the Commission will provide a copy of the complaint to the health service provider and ask for their response. It can also request medical records or other relevant information. The Commission may seek expert advice.

Please note

The Commission cannot:

- force a health service provider to provide a specific service
- award damages or compensation
- order a refund
- force a provider to apologise.

Once sufficient information is available, an assessment committee - consisting of the Commissioner, the Director of Assessments and Resolution, and relevant staff - decides about the most appropriate way to deal with the complaint.

The Commission has several options, including to:

- investigate, if it raises serious issues of public health or safety, or could lead to disciplinary action against a practitioner
- refer it to the relevant health professional Council/National Board to take appropriate action
- refer it to another appropriate body
- refer it to the Commission's Resolution Service
- refer it back to the public health organisation complained about for local resolution
- take no further action.

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Consultation with health professional Councils

If the complaint is about a registered health practitioner, such as a doctor, nurse or dentist, the Commission must consult with the relevant professional Council.

Notification of the outcome

The Commission writes to all parties within 14 days advising them of the final assessment decision. In its letter, the Commission gives reasons for the assessment decision.

Taking no further action on a complaint

The Commission may decide to take no further action, because the complaint:

- does not raise issues that require investigation and there is no prospect of resolution
- does not relate to the clinical care or treatment provided to a patient
- is more than five years old and there is no sufficient reason for the delay in lodging it
- is trivial, frivolous, vexatious or not made in good faith
- there are more appropriate avenues to pursue the complaint.

The Commission may also decide to take no further action when the person making the complaint has not provided additional information requested by the Commission within the specified time.

Review of assessment decisions

Once advised of the Commission's decision, the person who made the complaint has the right to request a review of the assessment decision.

More information

If you would like more information about the assessment process, please contact the Commission stating the file number on the letter the Commission has sent you.

Contact the Commission

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Level 13, 323 Castlereagh Street,
SYDNEY NSW 2000

Office hours

9.00 am to 5.00 pm Monday to Friday

Postal address

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People using telephone typewriters please call (02) 9219 7555.

Interpreting Service

If you need an interpreter, contact the Translating and Interpreting Service (TIS National) on **131 450** and ask to be connected to the Health Care Complaints Commission (Monday to Friday 9.00 am to 5.00pm).