



The Health and Disability Services Complaints Office

The Health and Disability Services Complaints Office (HaDSCO) is an independent statutory authority that aims to resolve complaints between consumers and providers of health and disability services.

HaDSCO has the authority to deal with health and disability service complaints under the *Health and Disability Services (Complaints) Act 1995* and Part 6 of the *Disability Services Act 1993*.

HaDSCO works closely with providers and consumers of disability and health services to help resolve disputes and achieve fair and positive outcomes when complaints arise. HaDSCO staff do not act as advocates for complainants or providers. Their role is to deal with each complaint impartially and work with both parties to achieve a satisfactory resolution.

Staff are able to provide advice about best practice complaints management and the Office's role and function.

What kind of complaints does HaDSCO deal with?

HaDSCO can deal with complaints about health and disability services including allegations that a provider has acted unreasonably by:

- refusing to provide a service
- the way or manner a service has been provided
- denying or restricting the user's access to records
- breaching patient confidentiality
- charging an excessive fee,
- acted unreasonably about a fee
- not effectively dealing with a complaint
- failing to comply with the *Carer's Charter*

HaDSCO can also consider whether the Disability Services Commission has been unreasonable in giving or refusing to give a grant to a consumer.

HaDSCO does not generally deal with matters that

- are more than two years old
- have already been decided by a court or tribunal.

Who can be complained about?

HaDSCO can deal with complaints about individuals or bodies that provide a health or disability service, including:

- hospitals (public and private)
- medical practitioners (GPs and specialists)
- ambulance services
- dentists
- nurses
- occupational therapists
- optometrists
- pharmacists
- physiotherapists
- podiatrists
- psychologists
- therapy services
- respite care
- accommodation
- in home support



Resolving Complaints

Health and disability service consumers are always advised to first try to resolve their complaint directly with the provider. If this does not resolve the matter a complaint can be made to HaDSCO.

Where possible the complaint to HaDSCO should be made on our complaint form to ensure all relevant information is provided. Complaint forms are available by telephoning (08) 9323 0600, 1800 813 583 (free call) or via our website www.hadsco.wa.gov.au. A representative can lodge a complaint on behalf of another person.

HaDSCO uses three different processes to resolve complaints: negotiated settlement, conciliation and investigation. HaDSCO makes every effort to deal with issues as quickly as possible, however, complex complaints can take longer to resolve. Whether a complaint is simple or complex, it is taken seriously and dealt with thoroughly. HaDSCO is an impartial body and works with both parties to achieve a fair outcome.

Negotiated settlement

Negotiated settlement involves an exchange of information between the parties with the help of a case manager. Negotiated settlement can be conducted over the phone or in writing but generally does not involve the parties meeting face to face

Conciliation

Generally conciliation involves all parties engaging voluntarily in face to face meetings to discuss the complaint. Meetings are organised and conducted by a trained conciliator.

Investigation

Matters are investigated if a complaint cannot be resolved through negotiated settlement or conciliation and an investigation is warranted. HaDSCO investigates a limited number of complaints.

Depending on the nature of the complaint, both the provider and the consumer may wish to obtain legal advice. Providers may also contact their insurer to discuss the complaint.

Outcomes that may be achieved through our process:

- mutual understanding
- explanation given
- open discussion of issues between parties
- greater awareness of circumstances surrounding complaint
- apology given
- concern registered and acknowledged
- refund provided
- financial settlement
- improvement in practices and procedures
- appropriate training provided or undertaken
- systems improvements
- identification of systemic issues

It is important for consumers and providers to understand that anything said or admitted during negotiated settlement and conciliation is strictly confidential and cannot be used later as evidence in a legal setting. There are penalties under the law for breaching this confidentiality.

Interaction with boards

While HaDSCO is a conciliatory and investigator body, registration boards have important regulatory and disciplinary functions.

We work cooperatively with the various registration boards to ensure that complaints are dealt with by the appropriate organisation.

If a board and the Director of HaDSCO agree that a complaint is suitable for conciliation, it may be referred to us.

Other functions of the office

As well as dispute resolution, HaDSCO's other functions include:

- analysing the causes of complaints and suggesting ways of reducing them in consultation with affected stakeholders
- advising providers on how to improve their complaints handling processes
- inquiring into broader issues of health care arising from complaints.



For further information please contact HaDSCO:

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