

# HEALTH COMPLAINTS COMMISSIONER SERVICE CHARTER

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## OUR COMMITMENT TO YOU

The Health Complaints Commissioner is an independent and impartial statutory body that established under the [Health Complaints Act 2016](#). We support safe and ethical health care in Victoria by offering a complaints service and undertaking investigations. We also handle complaints about the management of health information under the [Health Records Act 2001](#).

Our Service Charter explains what we do, what we cannot do, how we work and how you can expect us to treat you. It also explains what we need from you when you are involved with our service.

This Service Charter is our commitment to you.

## OUR VALUES

We are committed to the following values:

<b>Impartiality:</b>	We are fair and transparent in all we do.
<b>Integrity:</b>	We provide services in a respectful and ethical manner.
<b>Collaboration:</b>	We are inclusive and engaged in our approach.
<b>Courage:</b>	We act with strength and are committed to our purpose.

## WHAT WE CAN DO

We can:

- help resolve complaints about health services and the handling of health information
- investigate health service providers who pose a serious risk to the health, safety or welfare of the public
- monitor and review trends in complaints data and use this analysis to inform quality improvement possibilities within health services and the health system
- provide a free, independent and accessible alternative to legal proceedings
- educate consumers and health service providers about healthcare rights and responsibilities.

## WHAT WE CANNOT DO

We cannot:

- force health service providers to take part in the complaint resolution process
- always get agreement on the outcome a complainant wants
- discipline practitioners registered by a National Board with the Australian Health Practitioner Regulation Agency (AHPRA)
- act as an advocate or take sides for one party or another
- provide legal advice or operate outside the legislation that governs us

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### WHEN YOU SEEK OUR ASSISTANCE, WE WILL:

- ensure our service is easily accessible to you and help you to put together your complaint
- explain our role and what we can and cannot do
- guide you to organisations that may be able to help if we cannot
- acknowledge written complaints within three (3) working days
- explain how we will handle your complaint and what will help to resolve it
- work with you to identify your key issues of concern
- treat you with fairness and respect
- notify AHPRA if your complaint is about a practitioner registered by a National Board.

### WHEN YOU COMPLAIN TO US, WE NEED YOU TO:

- complain to the health service provider first, wherever appropriate, so that they have a chance to address the issue
- treat our staff and the health service provider with respect
- tell us if you have any particular needs that we should be aware of
- provide us with the factual information we need in a timely way.

### IF YOU ARE A HEALTH SERVICE PROVIDER, WE NEED YOU TO:

- show you have followed the Complaint Handling Standards when you addressed the complaint
- treat our staff and the people who make a complaint with respect
- provide us with factual information and respond to complaint issues in a timely way.

### WHEN RESOLVING COMPLAINTS, WE WILL:

- work with the complainant to agree on the key issues of concern
- only discuss the complaint with people relevant to it
- declare when we have a conflict of interest
- agree on how we will communicate about the progress of the complaint
- do what's reasonable to resolve the complaint as quickly and informally as practicable
- do our best to resolve straightforward complaints within 30 days
- do our best to resolve at least 85 per cent of all complaints within 90 days
- tell you if we cannot resolve your complaint within the expected time frame
- ask the health service provider to respond to key complaint issues
- use the information given to us only for the purposes for which it was collected
- work in a way that is fair, transparent and impartial to everyone involved
- provide parties with a final outcome and reasoning
- invite feedback about our service and offer information about the avenues for reviewing the outcome.

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### WHEN DO WE INVESTIGATE?

We deal with most complaints through our complaint resolution process.

The Commissioner may decide to investigate a complaint in some circumstances. The decision is made at the discretion of the Commissioner.

We will not investigate a complaint simply because the complaint resolution process did not achieve the outcomes the complainant was seeking.

When we investigate a complaint, we will:

- give notice of the investigation to all involved parties as soon as possible wherever practicable
- act as quickly and informally as is reasonably possible and consistent with the proper exercise of our functions
- act in accordance with the principles of natural justice
- provide an opportunity to make submissions before making a decision that affects a person.

### FEEDBACK ABOUT OUR SERVICE

#### **If you are unhappy with the way we handled your complaint about a health service provider under the *Health Complaints Act 2016***

If you are unhappy with the way we handled your complaint about a health service provider, please speak to the officer handling the matter as a first step. We will listen to your feedback, and, where possible, use it to improve our service.

If we cannot resolve your concerns we will inform you of your appeal rights which may include an internal review. You can also find information on your appeal rights and our internal review process [here](#).

#### **If you are concerned about the way we have handled your personal information**

If you are concerned about the way we have handled your personal information, please speak to the officer handling the matter as a first step.

If we cannot resolve your concerns you can lodge a complaint with the [Office of the Victorian Information Commissioner](#) either on-line or by calling 1300 006 842.