



NSW GOVERNMENT RESPONSE

**Inquiry into the review of the Health Care Complaints Commission
2020-21 annual report**

CONTENTS

Introduction	2
Response to recommendations	3
Recommendation 1	3
Recommendation 2	3
Recommendation 3	3
Recommendation 4	4
Recommendation 5	4
Recommendation 6	5

INTRODUCTION

The Health Care Complaints Commission (HCCC) serves an important function in protecting public health and safety, and through the complaints process, identifies areas of healthcare delivery that require further improvement.

Representatives from NSW Health and the HCCC regularly meet to discuss complaints data and to identify any emerging trends that may be of concern. This governance mechanism ensures the HCCC's complaints data is consistently reviewed, and opportunities for health service improvement across NSW are identified, escalated and managed appropriately.

In 2020-21, the HCCC continued to maintain its complaint handling standards, despite an increase in workload due to the COVID-19 pandemic. The HCCC has also worked with its state and national counterparts to counter the spread of vaccine and health misinformation that has proliferated over the course of the pandemic.

The introduction of a new case management system, as well as the creation of a dedicated business analysis team, will further bolster the HCCC's capacity and effectiveness.

The HCCC also continues to work closely with the Australian Health Practitioner Regulation Agency and the Medical Board of Australia to:

- support the work of the newly established Cosmetic Surgery Enforcement Unit; and
- help develop and promote national public education initiatives aimed at members of the public who may be considering a cosmetic procedure.

The NSW Government thanks and welcomes the committee's review of the HCCC's 2020-21 annual report. Of the committee's 6 recommendations, the NSW Government supports or supports in principle 5 of the recommendation and notes the remaining recommendation. The response to the final report's recommendations is addressed in the following section.

RESPONSE TO RECOMMENDATIONS

RECOMMENDATION 1

That the Health Care Complaints Commission collect and report on additional complaints data, including detail about the age of the recipient of care, so it can provide more detailed information about the standard of health services, including in rural, regional and remote areas.

Position	Supported in principle
Response	The Health Care Complaints Commission (HCCC) is replacing its case management system, which is due to be completed in 2024. This project will enable the HCCC to re-assess its approach to recording and extracting complaints data, to assist in the analysis of complaints based on the location the service is delivered. It is noted that data capture and analysis on the age of the recipient of care will be limited, as this specific information is often not provided in a complaint.

RECOMMENDATION 2

That the Ministry of Health use the complaints data provided by the Health Care Complaints Commission to identify sub-standard health services, including the absence of services, in rural, regional and remote areas, and that this data be used to improve services in these areas.

Position	Supported
Response	Representatives from NSW Health and the HCCC regularly meet to discuss HCCC complaints data, including any local health districts or health services that may be of concern. This governance mechanism ensures HCCC complaints data is consistently reviewed, and opportunities for health service improvement across NSW are identified, escalated and managed appropriately. Complaint data is analysed, relative to the volume of services provided, for example complaint reports received by local health districts and the geographic distribution of metropolitan versus non-metropolitan complaints.

RECOMMENDATION 3

That the Health Care Complaints Commission prioritises completing and enacting its First Nations Engagement and Connection strategy, and reports on its outreach and engagement work with Aboriginal and Torres Strait Islander people.

Position	Supported
Response	The HCCC has a First Nations Engagement and Connection Strategy, which will continue to be prioritised within the HCCC Customer Engagement Framework. The HCCC reports on specific outreach and engagement actions undertaken as part of the Strategy in each Annual Report.

RECOMMENDATION 4

That the Health Care Complaints Commission strengthens its collaborative work with health regulators on the issue of vaccine misinformation and broadens its public outreach and education work to counter the spread of misinformation.

Position	Supported in principle
Response	<p>The core contribution of the HCCC to vaccine misinformation will continue to be the management of complaints about service providers engaging in such misinformation.</p> <p>Broader public outreach and education occurs at a national and statewide level, led by Health Departments and their public health entities, and the HCCC partners in this work and reinforces public health messages.</p> <p>During the COVID-19 pandemic, the HCCC participated in and published a joint statement on COVID-19 vaccinations with the Australian Health Practitioner Regulation Agency (Ahpra), the Therapeutic Goods Administration, the Australian Competition and Consumer Commission and the Queensland Health Ombudsman to counter anti-vaccination messages and connect consumers with authoritative sources of advice.</p>

RECOMMENDATION 5

That the NSW Government introduces legislation to limit or prevent the spread of health related misinformation during a declared pandemic.

Position	Noted
Response	<p>There is existing legislation that can help prevent and counter health related misinformation during a pandemic.</p> <p>The <i>Public Health Act 2010</i> makes it an offence for a person to advertise or promote the provision of a health service in a manner that is false, misleading or deceptive, or create, an unjustified expectation of beneficial treatment. The Chief Health Officer can issue a public warning under the Act if there is a risk to the health or safety of the public.</p> <p>Relevant health organisations must also comply with their code of conduct, and the HCCC can issue a prohibition order or a public warning against an organisation that breaches the code and poses a risk to the public.</p> <p>Under the Health Practitioner Regulation National Law (NSW), it is an offence for a person to advertise a regulated health service (that is, a service provided by a registered health practitioner) in a manner that is misleading or deceptive.</p> <p>Registered health practitioners must also comply with standards and guidelines issued by the relevant national board (such as the Medical Board of Australia). A similar code of conduct and HCCC action applies for non-registered health practitioners.</p>

RECOMMENDATION 6

That the Health Care Complaints Commission, in partnership with NSW Health, develop and promote public education materials about the health complaints process that specifically targets people who are considering cosmetic procedures.

Position	Supported in principle
Response	<p>The health and safety of members of the public considering cosmetic procedures is a national issue, and there are national public education initiatives underway to which the HCCC and NSW Health will contribute.</p> <p>Ahpra and the Medical Board commissioned an external review into patient safety issues in the cosmetic surgery industry. The final report was handed down on 1 September 2022 and made a number of recommendations, including the establishment of a dedicated Hotline for inquiries and complaints relating to cosmetic surgery, and a range of targeted public education initiatives to strengthen advice to patients about the complaints process.</p> <p>Ahpra and the Medical Board accepted all recommendations and have established a Cosmetic Surgery Enforcement Unit and a Cosmetic Surgery Oversight Group. The HCCC continues to work with Ahpra and the Medical Board to help develop and promote the targeted public education material and support the work of the Cosmetic Surgery Enforcement Unit.</p>