



NSW Consumer Advisory Group – Mental Health Inc.
ABN 82 549 537 349

5 February 2013

Committee on the Health Care Complaints Commission
Parliament of New South Wales
Email: chccc@parliament.nsw.gov.au

To the Committee on the Health Care Complaints Commission

Re: Inquiry into Health Care Complaints and Complaints Handling in NSW

Thank you for the opportunity for NSW Consumer Advisory Group – Mental Health Inc. (NSW CAG) to appear before the Committee on the Health Care Complaints Commission on 19 November 2012. NSW CAG is pleased to offer further information to the Inquiry into Health Care Complaints and Complaints Handling in NSW.

Health care complaints are an important source of information about people's experiences of health services, as well as an impetus for service quality improvement. People with mental health problems experience significant barriers to raising mental health care complaints, and many who have lodged formal complaints have had negative experiences with the complaints handling processes. Our submission makes recommendations on changes that are needed to improve mental health consumers' access to health care complaints processes, as well as improvements to the management of mental health care complaints.

Thank you for considering this submission. If you have further questions, please do not hesitate to contact our Senior Policy Officer, Ka Ki Ng on 02 9332 0200 or email kaking@nswcag.org.au.

Yours sincerely,

Dr Peri O'Shea
Chief Executive Officer



NSW Consumer Advisory Group – Mental Health Inc.

**Responses to questions from NSW Parliamentary
Committee on the Health Care Complaints Commission**

5 February 2013

This submission was compiled on behalf of NSW CAG by:

Ka Ki Ng, Senior Policy Officer

Acknowledgements

NSW CAG would like to thank the individual participants who generously shared with us their experiences and insights.

We would also like to acknowledge the staff at all agencies that gave us the opportunity to consult with the individuals accessing their services.

NSW Consumer Advisory Group – Mental Health Inc.
501 / 80 Willam Street
Sydney NSW 2011

ABN 82 549 537 349

P: 02 9332 0200

F: 02 9332 0299

W: www.nswcag.org.au

NSW Consumer Advisory Group - Mental Health Inc.

NSW Consumer Advisory Group – Mental Health Inc. (NSW CAG) is the independent, state-wide peak organisation for people with a lived experience of mental illness (consumer). We work with consumers to achieve and support systemic change.

NSW CAG’s vision is for all consumers to be able to participate meaningfully in society and to experience fair access to quality and recovery focused services which reflect their needs. Participation is a fundamental human right as enshrined in Article 25 of the *International Covenant on Civil and Political Rights* (ICCPR). We work from the premise that the participation of consumers results in more effective public policy and facilitates individual recovery.

Our work is guided by six principles:

- Being person centred and empowering consumers in the interests of consumers;
- Adopting a recovery approach to building positive futures;
- Promoting positive images and reducing stigma and discrimination;
- Enhancing best practice and building understanding of effective approaches to consumer participation;
- Capacity building of our organisation, consumers and services; and
- Promoting professionalism and continuous improvement in our ways of working.

NSW CAG is an independent non-government organisation that receives core and project funding from the NSW Ministry of Health.

Introduction

Health care complaints are a good source of information about people's experience of health services, as well as the quality of health services being provided. Information from health care complaints is only useful in improving services if they are supported by effective complaints handling mechanisms and processes.

NSW CAG appreciates the opportunity to provide further information to the Committee on the Health Care Complaints Commission (the Committee) on ways to improve health care complaints handling in NSW. This submission responds to the letter request from the Committee dated 21 January 2013. It addresses the following issues:

- Beneficial places to distribute information on complaints handling processes for mental health consumers.
- Ways to improve complaint resolution at a local level.
- Ways for the HCCC to improve communication with consumers during the assessment phase of the complaints process.

Places to distribute information on complaints handling processes for mental health consumers

Information about complaints handling processes needs to become more accessible to mental health consumers. The current lack of information about complaints handling processes is a major barrier to mental health consumers raising complaints about health care providers.

To improve accessibility, information about complaints handling processes needs to be presented in a format that is easy to understand. The resources containing the information need to be widely available and easily obtained by mental health consumers. Service providers also need to have a strong understanding of complaints handling, and be able to discuss the information with people.

In regards to places for distributing information on complaints handling processes, NSW CAG recommends the information that is currently available on the Health Care Complaints Commission's website should be maintained. However, the information should be made more easily accessible on the HCCC website through better web linkages. The website should be designed so that consumers with limited computer literacy or computer access are able to easily locate and access information about complaints processes and their rights in relation to raising complaints.

NSW CAG recommends that information about complaints handling processes should also be made available in printed form, including as booklets and posters. The information should be distributed at all mental health services, as well as key agencies that work with mental health consumers. This should include all public and private specialist mental health services, community managed support services and other services, such as youth health centres, Aboriginal Medical Services, and migrant resource centres. Services should display the poster in areas that are highly visible to consumers,

and they should display multiple copies of the booklet at areas where they could be easier accessed by consumers.

Furthermore, the printed resource containing the information should be given to all persons admitted into a mental health inpatient facility, and the information should be explained to the person in a way that the person can understand. It is important for people in mental health inpatient facilities to know about their rights and the available complaints mechanisms. This is because people experience a significant loss of autonomy in an inpatient environment, especially if they are being held involuntarily. People are likely to feel particularly vulnerable to poor care and treatment in such situations.

Recommendations:

NSW CAG recommends that:

1. The HCCC website should be designed in ways that ensure people with limited computer literacy or computer access are able to access information about complaints handling processes and their rights in relation to raising complaints.
2. Information about complaints handling processes should be provided in booklet and poster form.
3. The poster should be displayed and the booklets should be distributed at all mental health services, as well as other relevant agencies that work with people with mental health issues.
4. All persons admitted into a mental health inpatient facility should receive a copy of the booklet, and information about complaints processes should be explained to the person in a way that he/she could understand.

Improving complaint resolution at a local level

In NSW CAG's previous submission to the Inquiry, we raised the issue that mental health consumers have poor perceptions as well as poor experiences with local complaints mechanisms. Many people said they were not comfortable raising concerns with services because they felt their concerns would be ignored, or their complaint might lead to retaliation. Although some people reported positive experiences with raising concerns at services, many said their concerns were either not responded to, or had led to further negative experiences at the services.

To improve complaints resolution at a local level, services should have clearly established complaint mechanisms and processes. Services should be required to record all formal complaints, including those made verbally or in writing. The outcomes of the complaints should also be recorded. To ensure transparency and accountability, the records of the complaints received and their resolutions should be included in the service's regular public auditing and reporting processes.

We are aware that many concerns from consumers would not have escalated into a complaint if they were properly responded to when they first arose. Consumers also said their relationships with services improved when services acknowledged and actively addressed people's concerns at the onset.

To improve services' capacity to properly and quickly respond to concerns raised by consumers, NSW CAG recommends that the HCCC provides support to services to enhance their understanding of their responsibilities as service providers, as well as their responsibilities when having to handle a complaint. The HCCC should work closely with the health care sector, including the mental health sector, to identify strategies to achieve this. The Discussion Paper on the Aged Care Complaints Scheme proposes complaints resolution skills education programs to support the aged care sector's compliance with the Scheme.¹ We recommend the Committee to consider a similar approach.

Recommendations:

NSW CAG recommends that:

5. Health care services to be required to record all formal complaints and their outcomes, and the information to be included in the services' public auditing and reporting requirements.
6. The HCCC work with the health care sector to identify strategies to enhance services' capacity to effectively respond to concerns, as well as to handle complaints.

Improving the HCCC's communication with consumers during the assessment phase of the complaints process

The HCCC needs to significantly improve its communications with consumers throughout the complaints management process. People who have lodged complaints with the HCCC said they were dissatisfied with the HCCC's process for a number of reasons, including that:

- they did not receive any response from the HCCC to acknowledge their complaint.
- their complaints were given to the service the complaint was about without the complainant's awareness or consent.
- they felt dismissed by the HCCC because the outcomes to the complaints were determined without their involvement.

Experiences such as the above led to poor public perceptions and confidence in the HCCC. To address this issue, the HCCC should be required to provide a written acknowledgement to a complainant within the first five days of receiving the complaint. A follow up phone call should be made with the complainant within the first two weeks of receiving the complaint. The purpose of the call should be to discuss the details of the complaint, the complaints management processes and timeframes, as well as the possibility that details of the complaint could be given to the service the complaint is about. The call should also be used to explain to the complainant if the issue is outside the scope of the HCCC.

¹ Australian Government Department of Health and Ageing, *Discussion Paper: Aged Care Complaints Scheme: proposed complaints management framework* (2011), p7.

We further recommend the HCCC provide updates to the complainant at all key stages of the complaints management process, from when the complaint was received, to when a decision has been made. Raising formal complaints against a service can be a highly stressful experience for a consumer. Actively involving the consumer through the complaints management process would reassure the person that they have been heard, and the complaint would also be more likely to lead to a satisfactory outcome.

Recommendations:

NSW CAG recommends that:

7. The HCCC should be required to provide a written acknowledgement to a complainant within the first five days of receiving the complaint, and it should be required to follow up with the complainant by phone within two weeks of receiving the complaint.
8. The HCCC should be required to provide updates to the complainant at all key stages of the complaints management process.

Conclusion

Effective complaints handling mechanisms and processes are vital for maintaining service accountability, as well as improving service quality. The barriers to mental health consumers making complaints, as well as the poor experiences of those who have made complaints, indicate that much needs to be done to improve the mental health care complaints systems in NSW. NSW CAG is pleased to be able to contribute to this process, and would be happy to provide further assistance if required.