

Submission

No 40

INQUIRY INTO THE OPERATION OF THE HEALTH CARE COMPLAINTS ACT 1993

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**HUNTER NEW ENGLAND
NSW HEALTH**

Our Ref: TRIM
Your Ref: HCC185

23 October 2009

Ms Mel Keenan
Committee Manager
Committee on the Health Care Complaints Commission
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

Dear Ms Keenan

Re: Inquiry into the Operation of the *Health Care Complaints Act 1993*

Thank you for the opportunity to review the Discussion Paper arising from the above Inquiry. Hunter New England Health (HNE Health) supports the comments in the Discussion Paper and particularly wishes to comment on the following:

- Issue 5: Support this recommendation and suggest that Clinical Governance via the Senior Complaints Officer for the Area Health Service be identified as the person that can provide support and advice to clinicians responding to a complaint.
- Issue 11: HNE Health suggests inclusion of specific circumstances in which this could occur, such as focused on the care of an individual or focus on the care provided by a specific clinician.
- Issue 13: In HNE Health, the incidence of vexatious or malicious complaints is low. It is important that complaints are not judged as vexatious or malicious just because they are difficult complainants. Guidelines for making such a determination need to support such judgments and ensure transparency.
- Issue 28: It is suggested that this should be broadened to include all employers, for example, to include notification to private hospitals or agencies, or where a complaint is serious. Where the clinician works at more than one workplace, each workplace needs to be notified if there is a risk to patient safety.
- Issue 29: HNE Health suggests the committee consider the implications of privacy legislation where it allows the use of personal information to prevent threat or harm to staff or patients.

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If you would like further clarification on any of the comments above please contact Executive Support Service Manager Ms Dianne Sales on 0428 105 903.

Yours sincerely,



Dr Nigel Lyons
Chief Executive

cc Dr Kim Hill, Director, Clinical Governance, Hunter New England Health
Ms Dianne Sales, Executive Support Service Manager, Hunter New England Health