

Submission

No 30

INQUIRY INTO THE OPERATION OF THE HEALTH CARE COMPLAINTS ACT 1993

Organisation: Carers NSW
Name: Ms Elena Katrakis
Position: Chief Executive Officer
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Date Received: 23/10/2009



Mel Keenan
Committee Manager
Committee on the Health Care Complaints Commission
Parliament of NSW
Macquarie Street Sydney 2000
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23 October 2009

Dear Mel

Re Inquiry into the operation of the *Health Care Complaints Act 1993*

Carers NSW welcomes the opportunity to respond to the *Operation of the Health Care Complaints Act 1993 Discussion Paper Report No. 5/54*. Carers NSW acknowledges that some of our input into the first stage of the inquiry process has been incorporated into the Discussion Paper.

Carers NSW has reviewed the Discussion Paper and only has comments pertaining to the issues identified in Chapter Two - A complex health care complaints system, Issue 6, Sections 2.10 to 2.15.

Chapter Two – A complex health care complaints system

Issue 6: That the Health Care Complaints Commission develop guidelines or criteria by which either 'best endeavours' may be measured, or by which a client's capacity to understand might be assessed.

Issue 6 relates to the section *Complainants with special needs* which includes people who have limited decision-making capacity. Carers NSW believes that in further addressing this issue that the Health Care Complaints Commission (HCCC) does not need to reinvent guidelines or criteria to measure a client's capacity. Rather, Carers NSW advises the HCCC consult with the Office of the NSW Trustee and the Public Guardian and the NSW Trustee and Guardian Bill 2009 to inform any definition of capacity used in relationship to making a health care complaint.

Carers NSW agrees with the concern raised in 2.15 that complaints only being acted on when put into writing unnecessarily limits people with disability to make complaints. In addition, Carers NSW supports the HCCC use of plain English in publications and when working with people who have limited literacy and writing skills, as well as limited understanding of English. It is also important in these instances that a scribe or interpreter

is provided when required. Carers NSW also believes that further consideration of how the complaints process can be made more accessible to people with a disability, such as the use of audio recording technology, would be important in the finalisation of the review of the operation of the Health Care Complaints Act.

If you require any further information about Carers NSW response to the review, please contact Anne-Marie Taylor, Senior Policy and Development Officer, on 9280 4744 or email annemariet@carersnsw.asn.au.

Yours sincerely



Elena Katrakis
CEO
Carers NSW

About Carers NSW

Carers NSW is the peak organisation for carers in NSW. It is a member of the national Network of Carers Associations and has an exclusive focus on supporting and advocating for all carers in the state.

The core work of Carers NSW is to:

- Be the voice for carers in NSW
- Undertake research, policy development and advocacy
- Provide carer services and programs
- Provide education and training for carers and services providers
- Build capacity in the sector.

Carers NSW vision is that caring is accepted as a shared community responsibility and that all carers in NSW are recognised, valued and supported by the community and by governments.

The goal of all of the work Carers NSW undertakes is for carers in NSW to have improved opportunities and access to services that meet their needs regardless of their age, gender, circumstances, location or cultural and linguistic backgrounds.