



Victoria Government Gazette

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Health Complaints Act 2016

REVISED HEALTH COMPLAINT HANDLING STANDARDS 2023

Order in Council

The Governor in Council under section 136(2) of the **Health Complaints Act 2016** orders that the Complaints Handling Standards 2020 be revoked and that the amended complaint handling standards, titled 'Revised Health Complaint Handling Standards 2023', be made.

This Order comes into effect on the day that is 20 business days after the day that this Order is made.

Dated: 30 April 2024

Responsible Minister:

THE HON MARY-ANNE THOMAS MP

Minister for Health

ANGELA SMITH
Clerk of the Executive Council

SPECIAL



REVISED HEALTH COMPLAINT HANDLING STANDARDS 2023

The revised Health Complaint Standards (the Standards 2023) aim to strengthen and improve complaint handling systems across the Victorian health sector. They will provide a common benchmark that all health service providers will need to meet, offering consistency for consumers, complainants, health service providers and other stakeholders. Each standard includes guiding principles that aim to support effective complaint handling processes by all health service providers. Some standards provide performance indicators, for example, three working days in which to acknowledge a complaint, and others do not provide specific metrics to allow providers to tailor their complaint management to individual consumer needs. Health service providers should develop their own performance indicators to measure their success in complaint handling and guide continuous improvement.

The revised five health complaint standards complement existing standards and good practice guides across other jurisdictions. And reinforce the importance of consumer feedback, person-centred care and good governance in health services. Key documents used include, but are not limited to:

- the National Safety and Quality and Health Service Standards, by the Australian Commission on Safety and Quality in Health Care¹, and
- Australian Standard AS 10002:2022 – Guidelines for complaint management in organisations², and
- the Victorian Ombudsman’s ‘Good practice guides related to complaint handling’³.



1. POLICIES AND PROCEDURES



2. EFFECTIVE COMMUNICATION



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¹ Australian Commission on Safety and Quality in Health Care, The HSQHS Standards available at <https://www.safetyandquality.gov.au/standards/nsqhs-standards> (accessed 28 November 2023)

² AS 10002:2022 Guidelines for Complaint Management in organisations (ISO 10002:2018, NEQ), Published 25 March 2022.

³ Good Practice Guides, Victorian Ombudsman. Available at <https://www.ombudsman.vic.gov.au/learn-from-us/practice-guides/> (accessed 28 November 2023)



1. POLICIES AND
PROCEDURES

STANDARD 1 – Policies and procedures: health service providers have a complaints management system which enables timely acknowledgement and resolution of the complaint.

Guiding principles for implementation

- 1.1 The health service provider⁴ has a complaints management system which includes, but is not limited to, complaint management policies, processes, and response time frames defined by the complexity of the complaint and needs of the consumer. Service providers should aim to finalise complaints within 90 days.
- 1.2 The health service provider ensures all staff are appropriately trained for their role in the complaint handling processes and complaint management system.
- 1.3 The health service provider can receive complaints in a range of ways, with information about how to make a complaint easily available and accessible⁵ to any person who is provided or offered a health service, and their care partners.⁶
- 1.4 The health service provider acknowledges receipt of the complaint within three (3) working days.⁷
- 1.5 The health service provider communicates expectations to the complainant about what will happen next and when, and any conditions that may change these expectations.
- 1.6 Health service providers offer alternative avenues for raising a complaint where a complainant does not feel safe or comfortable raising their issue directly with their provider. Escalation avenues are available such as internal appeal processes, referral to external agencies (e.g. HCC) or referral for legal guidance.

⁴ Refer to HCA (2016) Part 1 for definition of Health service.

⁵ Accessible: Accessible means that making a complaint is made easy for all consumers by reducing barriers and adopting deliberate measures that recognise the challenges of people of all communities. This includes using simple language, information in different languages, access to information using assisted digital technologies and assistance by trained staff to lodge a complaint.

⁶ Care Partners: A care partner is a person with authority to support and assist an individual meet their self-care deficits. Adapted from Bennett PN, et al. doi: 10.1016/j.outlook.2016.11.005.

⁷ When choosing how to provide acknowledgement of a complainant, considerations include the complainant's expressed preference for means of communication, the medium used to make the complaint and record keeping requirements.



STANDARD 2 – Ensure clear and concise communication with complainants, actively listen to their concerns, confirm accurate understanding, and provide relevant updates throughout the resolution process.

2. EFFECTIVE
COMMUNICATION

Guiding principles for implementation

- 2.1 The health service provider gives information about how a complaint⁸ may be made and the process for making a complaint in a manner that is easy to use and includes how to get assistance to make a complaint.
- 2.2 The health service provider has systems and procedures that support timely and regular communication with the complainant, in a way that they prefer.⁹
- 2.3 The health service provider informs the complainant about what the complainant needs to do, when it needs to be done and offers to support their participation in a complaint resolution process.
- 2.4 The health service provider gives the complainant regular updates on the progress of their complaint, explanation for any delay, prompt notification when further information is required, and timely updates about any change.
- 2.5 The health service provider uses processes and technology to makes it easy for complainants to raise concerns with their health service provider, make contact with their health service provider to share new information relevant to their current complaint, or to request an update.
- 2.6 Where possible, the health service provider makes reasonable adjustments to support the complainant to fully participate in the complaint process, including ensuring culturally safe interactions for all and provide appropriate translation services as required for persons from culturally and linguistically diverse backgrounds.¹⁰

⁸ Complaint: An expression of dissatisfaction made to or about an organization, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. (Adapted from AS 10002:2022).

⁹ If the preferred communication style is verbal, the health service provider must complement verbal communication with electronic or written information and keep a record of the communication.

¹⁰ Inclusion and Diversity: Recognition and respect of diversity all people and communities, including but not limited to culturally and linguistically diverse people, LGBTIQ+ people, those living with a disability, younger and older people, those living with socio-economic disadvantage, rural communities, support people and other priority populations. (see <https://www.vic.gov.au/dpc-diversity-and-inclusion-strategy-2019-2021/what-do-we-mean-diversity-and-inclusion>)



3. FAIR AND
IMPARTIAL
REVIEW &
RESPONSE

STANDARD 3 – Fair and impartial review and response: conduct a thorough and unbiased review of complaints, and ensure all relevant information and different perspectives are considered before reaching an outcome.

Guiding principles for implementation

- 3.1 Where possible, the health service provider avoids conflicts of interest. When a conflict of interest is identified, it is declared and managed.¹¹
- 3.2 The health service provider asks the complainant about the outcome they are seeking early in the process.
- 3.3 The health service provider aims to resolve complaints within 90 days¹² and handles the complaint in an impartial, fair, timely and efficient manner.
- 3.4 The health service provider's complaint review process includes consultation with staff, review of relevant records and review of correspondence with the complainant.
- 3.5 The health service provider provides the complainant with information about the information and facts considered when managing their complaint.
- 3.6 The health service provider ensures all staff managing complaints are trained in effectively communicating responses, especially to those dissatisfied with the outcomes.
- 3.7 The health service providers value diversity and inclusion. Complaint handling process are culturally safe and respectful, free from racism, bias and other forms of discrimination.
- 3.8 Complainants are provided with reasonable assistance to make a complaint, including, but not limited to, writing and translation services where required.
- 3.9 The health service provider employs a policy of non-intimidation and reprisal, ensuring complaints can be made safely and access to health care remains unaffected.
- 3.10 The health service provider follows relevant laws and policies when responding to complaints. In Victoria, all public sector agencies actions are compatible with the **Charter of Human Rights and Responsibilities Act 2006** and **Health Complaints Act 2016**.¹³

¹¹ Where possible, the person managing review of a complaint must be independent of the provider/s that are the subject of a complaint.

¹² See **Health Complaints Act 2016**, section 6 2c

¹³ Available at <https://www.legislation.vic.gov.au/in-force/acts/charter-human-rights-and-responsibilities-act-2006/015>

4. TRANSPARENT
RESOLUTION**STANDARD 4 – Transparent resolution: provide complainants with a clear explanation of the findings, the reasons behind a resolution decision, and any actions taken to address the complaint.****Guiding principles for implementation**

- 4.1 The health service provider has processes to monitor the progress of complaints. All steps in complaint management and resolution are efficient and timely.
- 4.2 The health service provider seeks complaint resolution outcomes that are least formal, clear, fair, proportionate and address the complainant's needs where possible.
- 4.3 The health service provider considers risk to the person and public and the complexity of issues raised when estimating timeframes and allocating resources to complaint management.
- 4.4 The health service provider ensures both the complainant and those the complaint is about have the opportunity to comment on the response to the complaint before the complaint is finalised.¹⁴
- 4.5 The health service provider provides information to the complainant in an accessible manner, and checks their understanding of the information considered, any actions taken, the reasons for decisions made, and the outcome reached.
- 4.6 Complaint resolution may not always satisfy all parties. Therefore, the reasons for a decision must always be communicated in a clear and easily understandable manner,¹⁵ along with any internal or external review processes available to the complainant.

¹⁴ Further information is available at Victorian Ombudsman's '*A good practice guide to handling complaints*'

¹⁵ <https://www.safetyandquality.gov.au/our-work/clinical-governance/open-disclosure#:~:text=Open%20disclosure%20is%20the%20open,%20or%20we%20are%20sorry>) and the **Health Services Act 1988**.



5. CONTINUOUS
IMPROVEMENT
& RECORD
KEEPING

STANDARD 5 – Continuous improvement and record keeping: regularly review and evaluate complaint handling processes, identify areas for improvement, implement corrective actions and monitor effectiveness to enhance overall complaint management.

Guiding principles for implementation

- 5.1 The health service provider records all complaints, regardless of the severity or form in which the complaint is received.
 - 5.2 The health service provider handles and stores complaint data separately from the complainant's health records and in accordance with all relevant privacy and data security laws.
 - 5.3 The health service provider has a complaint data system which captures, tracks and codes complaint issues and actions taken in a systematic and meaningful way.
 - 5.4 The health service provider systematically invites feedback on the management of their complaint.
 - 5.5 The health service provider regularly analyses complaint data to identify potential trends and uses analysis to inform actions to continuously improve the quality of their health service.
 - 5.6 The health service provider captures complaint data in a manner which provides sufficient evidence for a third party to audit, monitor and report on the progress of complaints.
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Level 2, 1 Macarthur Street
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Victoria Government Gazette
Ground Floor, Building 8,
658 Church Street,
Richmond 3121



Telephone

03 8523 4601

email

gazette@ivegroup.com.au

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