

Health Review

April 2011 Volume 11

New process facilitates financial claims

The Health and Disability Services Complaints Office (HaDSCO), is expanding the range of claims for financial settlement it deals with through conciliation.

This expansion will augment the existing HaDSCO complaint resolution service. Some complaints are already resolved through the negotiated settlement process, including claims for full or partial refund, waiver of fees or further treatment. With the expansion, HaDSCO will deal with specific and general claims which involve a greater range of damages. These may be more directly related to adverse outcomes from treatment.

The scheme will provide a free and voluntary alternative option to legal action which can prove costly and time consuming

HaDSCO is currently trialling financial settlement cases with private service providers and insurers and will be working with all parties to develop a scheme that meets the needs of all participants.

Anne Donaldson, HaDSCO Director, said: "As an impartial agency, with over 15 years experience in complaint resolution, HaDSCO is well placed to supply this service. HaDSCO promotes a mediation approach where all parties involved can establish mutually agreeable outcomes."

There are a number of benefits associated with the HaDSCO process:

- The service is provided free of charge
- It is voluntary
- Matters can be resolved in a timely way
- HaDSCO is independent and impartial
- The process aims to achieve agreed outcomes between the parties
- Other issues may also be conciliated, for example explanations can be given
- Conciliation is confidential

Ms Donaldson stressed the importance of understanding the options including undertaking conciliation with HaDSCO, raising a complaint with the Australian Health Practitioners Regulation Agency or taking legal action. "As an alternative to legal action, it is important that complainants understand the difference between their options."

Once a compensation claim has been determined by a court, tribunal or registration board, HaDSCO cannot take any further action. The HaDSCO

service is completely confidential. This means anything said or admitted during negotiated settlement is not admissible in proceedings before a court or tribunal.” Ms Donaldson added.

For further information or enquiries contact HaDSCO via mail@hadsco.wa.gov.au.

Legislative changes allow negotiated settlement

In November 2010, legislative changes to both the Health and Disability Services (Complaints) Act and Disability Services Act came into effect which introduced new mechanisms for complaint management.

HaDSCO can now resolve relatively straight forward complaints via negotiated settlement.

Negotiated settlement involves an exchange of information between parties via a case manager.

This may be conducted over the telephone, email or in writing and generally does not require a face-to-face meeting. A HaDSCO negotiator will assist in the exchange of information and promote resolution of the complaint.

Case study

In late 2010, Mrs Smith visited a Podiatry Centre, she had a holiday coming up and wanted an assessment before leaving Australia.

Unfortunately, the Podiatrist failed to provide the assessment report to Mrs Smith, leaving her very concerned.

After being contacted by Mrs Smith, HaDSCO worked with all parties to resolve the complaint through the negotiated settlement process. This involved HaDSCO discussing the complaint with the Podiatrist.

During discussions, the Podiatrist expressed regret that a high workload resulted in the failure and offered Mrs Smith a free consultation. Mrs Smith no longer required the assessment and instead accepted a refund for the full \$115 assessment fee.

Case study

In November 2010, Mr Jones' GP retired and he provided hand written medical records to a new medical practitioner. When Mr Jones requested these notes back he was told they had been destroyed.

Mr Jones was very upset and wanted an explanation. When HaDSCO got in contact with the GP, it turned out the Practice Manager had not checked with the GP where the notes were held.

After the GP requested Mr Jones' notes from the Practice Manager, Mr Jones' records were found. The GP personally handed back the notes to Mr Jones and gave him an apology.

New flyers for carers

HaDSCO has developed a new flyer, dedicated to raising awareness of the Carers Recognition Act 2004 and Carers Charter amongst the users and providers of health and disability services in Western Australia.

Broadly speaking, a carer is a person who provides ongoing care or assistance to another person who has a disability, a chronic or mental illness, or who is frail. This definition excludes persons paid to provide care services and those working as volunteers.

The flyer assists individuals identify themselves as a carer and understand their rights to complain under the Carers Recognition Act 2004 and the Western Australian Carers Charter.

It also acts as an educational tool which highlights to service providers the expectations on them within the Act and Charter, encouraging and promoting compliance.

Anne Donaldson, HaDSCO Director, said: "Previously, carers and service providers have not realised that carers can make a complaint on behalf of the person they provide care for as well as on their own behalf. This flyer explains these options in an easy to follow format, detailing who and what can be complained about, by who and when."

The flyer is available to all free of charge. To request copies of the new leaflet contact HaDSCO on (08) 9323 0600.