



4. Significant issues impacting the Office

In this section we identify internal and external factors that could impact on the services we deliver.

4.1. New legislation – Mental Health Act 2014

The *Mental Health Act 2014* (the MH Act) came into operation on 30 November 2015. Under Part 19 of the MH Act, HaDSCO has responsibility to manage complaints about mental health services relating to all public, private and not-for-profit service providers. Although the Office previously dealt with complaints about mental health services under its health complaints jurisdiction, the introduction of the MH Act has formalised this arrangement in this important area.

In preparation for the introduction of the MH Act, in 2015, HaDSCO coordinated the establishment of a Mental Health Complaints Partnership Agreement and Addendum, a joint initiative between HaDSCO, the Department of Health, the Mental Health Commission, the Office of the Chief Psychiatrist and the former Council of Official Visitors (now the Mental Health Advocacy Service). This aims to streamline the complaints process for consumers and service providers, and clarify roles and responsibilities of the individual organisations. During 2015-16, HaDSCO has been working with the Partnership organisations on a range of initiatives as detailed in the Agreement.

Under the MH Act, HaDSCO is responsible for the collection of State-wide mental health complaints data from public, private and not-for-profit service providers in Western Australia. A process will be commenced to prescribe mental health service providers by regulation, for this purpose in the future.

4.2. The National Code of Conduct for health care workers

At the Council of Australian Governments Health Council meeting on 17 April 2015, the Health Ministers agreed the terms of the first National Code of Conduct for health care workers not registered with the National Registration and Accreditation Scheme for health practitioners.

Ministers agreed that, under the proposed arrangements, each state and territory would be responsible for enacting (or amending) legislation and regulations to give effect to the National Code. In Western Australia, this will see the National Code regulated by HaDSCO, which will allow for effective action to be taken against a healthcare worker who fails to comply with standards of conduct or practice.

Legislative changes will be required to give effect to the National Code in Western Australia. A policy framework is required to underpin the new powers and functions of HaDSCO under proposed legislation to implement the National Code. Preliminary work to implement the National Code commenced in 2016.

4.4. Managing complaints about registered health practitioners

An independent review of the National Accreditation Scheme for Health Professionals was concluded in 2014 and contained a number of recommendations to improve the operation of complaints and notifications processes for the National Boards, Australian Health Practitioner Regulation Agency (AHPRA), and Health Complaints Entities (HCEs) operating in each state and territory.

As a result, in February 2015 a joint national working group was established to identify areas for change in the complaint and notification processes. This included streamlining processes to ensure they are more responsive for all parties; providing greater consistency in the complaint and notification processes between jurisdictions; and providing increased clarity regarding the roles of the HCEs and AHPRA. HaDSCO has been contributing to the national working group to implement tools to streamline the complaint management and notification processes.

4.5. Managing complaints about disability services

Under Part 6 of the *Disability Services Act 1993*, HaDSCO manages complaints relating to disability service providers that are wholly or partly State-funded.

The implementation of the National Disability Insurance Scheme (NDIS) and WA National Disability Insurance Scheme is continuing in Western Australia.

In May 2015, HaDSCO made a submission on the NDIS consultation paper 'Proposal for a National Disability Insurance Scheme Quality and Safeguarding Framework' in respect of future arrangements for managing complaints about disability services; supporting HaDSCO's role to provide a statutory, independent complaints function to manage NDIS complaints. HaDSCO's role in managing complaints that arise from the trials and the outcome of the consultation will require clarification. In the meantime, HaDSCO will continue to work with key stakeholders during 2016-17 to clarify ongoing roles and responsibilities.

4.3. Review of legislation

In October 2010, amendments to the *Health and Disability Services (Complaints) Act 1995* (the Act) came into operation. The legislation requires a review of the Act, including Part 6 of the *Disability Services Act 1993*, to occur as soon as practicable after five years of operation. It is expected this review will be progressed in 2017.

4.6. New strategic plan

Work is currently underway to develop a new strategic plan, having undertaken extensive public consultation in 2015-16.

A variety of feedback mechanisms were used to gain input from HaDSCO stakeholders, including a future direction planning forum with the health, disability and mental health sectors, and the community. In addition, the former Director undertook a series of executive interviews with key leaders across the three sectors, including advocates and relevant groups who have links with the community. An online survey was used to obtain input from interested parties. The Office also reviewed the issues identified through ongoing engagement programs with key consumer groups.

The new strategic plan will be finalised during 2016-17 taking into consideration the feedback, comments and suggestions received and having regard to sector-wide initiatives.

4.7. Providing access to our services

HaDSCO seeks to ensure its services are accessible to all Western Australians. Consultation with stakeholders in regional areas has identified a growing need for HaDSCO to connect with rural and remote communities. HaDSCO will continue to work with a range of public, private and community sector agencies to achieve this.

This year HaDSCO released a video in several languages to promote its services, having identified a need for an educational tool for use in Culturally and Linguistically Diverse communities. The Office was able to launch the video in 2015-16 as a result of consultation undertaken with Christmas Island community members during the 2014-15 financial year, some of whom feature in the video.