

Health & Community Services Complaints Commissioner (HCSCC)

HAVE YOUR SAY!

Discussion Paper – Draft Health & Community Services Charter of Rights

1 July 2010

HCSCC welcomes feedback forms / written submissions until 11 AUGUST 2010.

Mail to: HCSCC - Charter of Rights Consultation
PO Box 199
RUNDLE MALL SA 5000

Fax to: (08) 8226 8620

Online: www.hcsc.sa.gov.au

Email: info@hcsc.sa.gov.au

About HCSCC

The office of the Health and Community Services Complaints Commissioner (HCSCC) is an independent statutory body set up to:

- promote and protect the rights of people who use health or community services
- help patients, consumers or clients – service users, their families and carers, - and service providers to resolve complaints about health or community services, including child protection services, when a direct approach is either unreasonable, or has not succeeded
- improve the safety and quality of health and community services.

Further information about HCSCC can be obtained from our website: www.hcsc.sa.gov.au

What is the HCSCC Charter about?

HCSCC is required by law to develop a Charter of Health and Community Services Rights (the HCSCC Charter). The HCSCC Charter will set out the rights of people who use most health and community services in South Australia. Once developed, the HCSCC Charter will be used when a complaint has been lodged, to enable HCSCC to determine whether a health or community service provider has acted reasonably.

The principles that the HCSCC must have regard to in developing the Charter are outlined in section 22 of the Health & Community Services Complaints Act 2004 (H&CSC Act):

- a) That a person should be entitled to participate effectively in decisions about his / her health, well-being and welfare;
- b) That a person should be entitled to take an active role in his / her health care and in decisions about the provision of health or community services to the person;
- c) That a person should be entitled to be provided with appropriate health or community services in a considerate way that takes into account his / her background and any requirements that are reasonably necessary to ensure that he / she receives such services;
- d) That both professional and non-professional providers of health and community services should be given consideration and recognition for their contribution to health care and the well-being and welfare of individuals;
- e) That a person should be able to obtain reasonable access to records concerning his / her health or other personal information relating to the person, but that otherwise confidentiality of such information should be maintained; and
- f) That a person should be entitled to have access to procedures for dealing with complaints about the provision of health or community services.

The South Australian government endorsed an additional Charter principle, in response to the review of section 88 of the H&CSC Act:

- g) That a person should be entitled to nominate a representative to assist in resolving a complaint.

Who does the HCSCC Charter affect?

The HCSCC Charter will apply to most service users and health and community service providers in South Australia, and to the family members, carers and nominees who act on behalf of service users. The HCSCC Charter will cover a wide range of service providers, in the public, private or community services sector. Some examples include:

- Hospitals
- Mental health services
- Pathology services
- Disability services
- Social workers
- Counsellors
- Registered health professionals (e.g. doctors, nurses, dentists etc.)
- Allied health providers (e.g. physiotherapy, speech therapy etc.)
- Alternative / Complementary health services (e.g. massage, herbalists etc.)
- Community support services
- Child protection agencies
- Community health centres

The HCSCC Charter Consultation process

This document presents a draft HCSCC Charter of Rights for discussion. It is being circulated widely to consumer groups, carer groups, health and community service providers, peak bodies, non-government organisations, professional organisations and government departments to stimulate discussion. The Consultation Charter is based on the section 22 charter principles, the Australian Charter of Healthcare Rights and Charters and Codes from other states / territories and New Zealand.

Comments received during the consultation period will be considered before a final Charter is presented to the Minister for Health by 1 October 2010.

SECTION 2 – Charter

Draft HCSCC Charter of Rights

The draft Charter includes eight rights based on the principles in section 22 of the Health & Community Services Complaints Act 2004 (H&CSC Act). The draft Charter also includes five guiding principles which are general requirements for all Charter rights.

Guiding Principles	
DIVERSITY:	South Australia is a diverse society made up of people with different cultures, needs, values and ways of life and this is to be recognised and supported.
CAPACITY:	Some people may have an impaired mental capacity to make decisions due to illness, injury, disability or development. Mental incapacity may be temporary or permanent, partial or complete. If a person has a mental incapacity the service provider must involve or seek consent of a legally recognised substitute decision maker. Individuals with a mental incapacity must not be disadvantaged in the provision of health or community services, including child protection services.
PARTNERSHIP:	To achieve safe, high quality services it is recognised that service users and service providers need to work together. This can be achieved by sharing relevant information, treating each other with respect and taking responsibility for the results of any decisions made.
CONTRIBUTION:	Service providers of health and community services, including child protection services are recognised for their contribution to the health, well-being and welfare of individuals in our community.
AUTHORITY:	Some rights can be affected when legal orders or processes are in place.
My Rights	What This Means
1. ACCESS – Right to access health and community services.	You have a right to reasonable access to health and community services, including child protection services that meet your identified needs, within the resources available to the service provider.
2. SAFETY – Right to be safe and free from abuse.	You have a right to be safe from abuse, or the risk of abuse, and to have your legal and human rights respected and upheld. You have a right to receive services free from discrimination and harassment.
3. QUALITY – Right to quality service.	You have a right to have services provided with care and skill. Services should minimise your potential for harm and promote your quality of life. Services received should comply with legal, professional, ethical and other relevant standards.
4. RESPECT – Right to be treated with respect.	You have a right to have your dignity respected and to be treated with courtesy. You have a right to receive services that are respectful of your culture, needs, values and beliefs.
5. INFORMATION – Right to be informed.	You have a right to be provided with relevant information in a way that you can understand. When needed and reasonably practical, you have the right to a competent interpreter.

6. PARTICIPATION – Right to actively participate.	You have a right to be involved in decisions and choices about the services you receive. You have a right to obtain support and advocacy so you can participate. You have a right to seek advice or information from other sources. You have a right to grant, withhold or withdraw consent at anytime.
7. PRIVACY – Right to privacy and confidentiality.	You have a right to have your privacy respected and your personal information kept confidential and secure. Personal information about you may not be disclosed without your consent, unless the disclosure is allowed by law. You have a right to request and gain access to your records, unless there is legal restriction in place. You can nominate another person/s with whom information can be shared.
8. COMMENT – Right to comment and / or complain.	You have a right to be listened to and to comment on, or make a complaint about the services provided to you. You have a right to have your complaint dealt with promptly and without retribution as a result of having made a complaint. You have a right to have a representative to support and advocate for you when making a complaint.

Definitions

Impaired mental incapacity - means the inability of a person to look after his or her own health, safety or welfare or to manage his or her own affairs, due to illness, injury, disability or development.

Rights - is used to express what service users are entitled to expect.

Service provider - means a person, government agency or organisation that provides a health or community service or offers to provide a health or community service.

Substitute decision maker - a person or persons chosen by the service user to act on their behalf.

SECTION 3 – Consultation questions & feedback form

Consultation questions

Please refer to the feedback form on the next three pages.

Feedback

Individuals, groups or organisations can provide feedback electronically via the HCSCC website or email, in writing by letter or formal submission, or by completing and returning the attached feedback form.

To order more copies

This Consultation paper is available on the HCSCC website - www.hcsc.sa.gov.au Alternatively, you can request a copy be mailed to you by contacting HCSCC on (08) 8226 8652 or email at: info@hcsc.sa.gov.au .

Have Your Say!



Consultation Charter - HCSCC Charter of Rights

Feedback Form

Please tell us about you:

Which role best describes you? Service User Health Service Provider Other
 Carer Community Service Provider

Other (please specify)

Name (optional):

Email (optional):

Your Post Code:

Do you identify as Aboriginal or Torres Strait Islander? (Please circle) Yes No

Do you identify as a person with a disability? (Please circle) Yes No

What is your first language spoken at home (other than English)?

Consultation Questions:

1. Do you agree that the following right should be included in the HCSCC Charter?

ACCESS – Right to access health and community services. (Please circle) Yes No

Comments:

2. Do you agree that the following right should be included in the HCSCC Charter?

SAFETY – Right to be safe and free from abuse. (Please circle) Yes No

Comments:

3. Do you agree that the following right should be included in the HCSCC Charter?

QUALITY – Right to quality service.

(Please circle)

Yes No

Comments:

4. Do you agree that the following right should be included in the HCSCC Charter?

RESPECT – Right to be treated with respect.

(Please circle)

Yes No

Comments:

5. Do you agree that the following right should be included in the HCSCC Charter?

INFORMATION – Right to be informed.

(Please circle)

Yes No

Comments:

6. Do you agree that the following right should be included in the HCSCC Charter?

PARTICIPATION – Right to actively participate.

(Please circle)

Yes No

Comments:

7. Do you agree that the following right should be included in the HCSCC Charter?

PRIVACY – Right to privacy and confidentiality.

(Please circle)

Yes No

Comments:

8. Do you agree that the following right should be included in the HCSCC Charter?

COMMENT – Right to comment and / or complain.

(Please circle)

Yes No

Comments:

9. Is there any other right/s that should be included in the HCSCC Charter?

Please provide further information:

(Please circle)

Yes No

10. Please note any other comments that you wish to make:

PLEASE FORWARD YOUR COMMENTS TO:

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HCSCC is collecting the information on this form, including your personal information, for the purposes of feedback about the HCSCC Consultation Charter and including it in, and / or attaching it to, a report to be provided to the Minister for Health.

To ensure transparency and promote robust discussion, all submissions will be published on the HCSCC website, including the names of individuals and / or organisations making the submission. HCSCC will consider requests to withhold the identity or the contents of any submissions made, in whole or part.