

HCSCC Charter of Health and Community Services Rights

Information Sheet



23 June 2011

About HCSCC

The office of the Health and Community Services Complaints Commissioner in South Australia, HCSCC, is an independent statutory body established by the Health and Community Services Complaints Act 2004 (the H&CSC Act) to:

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

About the HCSCC Charter

Part 3 of the H&CSC Act includes a Charter of Health and Community Services Rights (the HCSCC Charter). The HCSCC Charter was developed following consultation with service users, carers and health and community service providers in 2010. The HCSCC Charter substantially incorporates the Australian Charter of Healthcare Rights 2008.

The HCSCC Charter sets out the rights of adults, young people and children who use most health and community services in South Australia, and to the family members, carers and nominees who act on their behalf. Health and community services within HCSCC's scope include a wide range of health, community, disability and child protection services in the public, private and non-government sectors. When a complaint is made to HCSCC, the Charter will be used as one measure to determine whether a health or community service provider has acted reasonably in the specific circumstances.

The HCSCC Charter has five guiding principles relevant to all eight HCSCC Charter rights.

Guiding Principles

DIVERSITY:	South Australian society is made up of people with different cultures, needs, values and ways of life and this is to be recognised and respected.
DECISION MAKING CAPACITY:	Some people may have impaired capacity to make decisions due to illness, injury, disability or development. Impaired capacity may be temporary or permanent, partial or complete. If a person has impaired decision making capacity the service provider should enable supported decision making. If a person has impaired decision making capacity the service provider must involve or seek the consent of a substitute decision maker, including a carer. Individuals with impaired decision making capacity must not be disadvantaged in the provision of health or community services.
PARTNERSHIP:	A genuine partnership between service users, carers and providers promotes safe, high quality services and the best possible outcomes. This requires sharing relevant information and treating each other with respect.
PROVIDER CONTRIBUTION:	Providers of health and community services are recognised for their contribution to the healthcare, well-being and welfare of individuals.
AUTHORITY:	Some rights can be affected when legal processes or orders are in place.

My Rights

What This Means

1. ACCESS – Right to access health and community services.	I have a right to access health and community services that meet my identified needs.
2. SAFETY – Right to be safe from abuse.	I have a right to be safe from abuse, or the risk of abuse, and to have my legal and human rights respected and upheld. I have a right to receive services free from discrimination and harassment.
3. QUALITY – Right to high quality services.	I have a right to receive safe, reliable, coordinated services that are appropriate to my needs and provided with care, skill and competence. Services I receive should comply with legal, professional, ethical and other relevant standards. Any incidents involving me are managed openly to ensure improvements.
4. RESPECT – Right to be treated with respect.	I have a right to be treated with courtesy, dignity and respect. I have a right to receive services that respect my culture, beliefs, values and personal characteristics.
5. INFORMATION – Right to be informed.	I have a right to open, clear and timely communication about services, treatment, options and costs in a way that I can understand. When needed, I have the right to a competent professional interpreter.
6. PARTICIPATION – Right to actively participate.	I have a right to be fully involved in decisions and choices about services planned and received. I have a right to support and advocacy so I can participate. I have a right to seek advice or information from other sources. I have a right to give, withhold or withdraw my consent at anytime.
7. PRIVACY – Right to privacy and confidentiality.	I have a right to have my privacy respected and my personal information kept confidential and secure. Personal information about me may not be disclosed without my consent, unless the disclosure is required to lessen or prevent a serious threat to life, wellbeing, or safety or is required by law. I have a right to request and gain access to my records, unless there is legal restriction in place. I can nominate person/s with whom information can be shared.
8. COMMENT – Right to comment and / or complain.	I have a right to be listened to and to comment on, or make a complaint about services sought or provided to me. I have a right to have my complaint dealt with properly and promptly, and without retribution as a result of having made a complaint. I have a right to a representative of my choice to support and advocate for me when making a complaint. My feedback and complaints are managed openly to ensure improvements.

For more information about the HCSCC Charter, including details about the HCSCC Charter Champions Network visit www.hcsc.sa.gov.au – hcsc charter of rights