Western Australia

Health and Disability Services (Complaints) Act 1995

Health and Disability Services (Complaints) Regulations 2010

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|  |  | **Reprinted under the *Reprints Act 1984* as** |
| **at 12 August 2011** |

Western Australia

Health and Disability Services (Complaints) Regulations 2010

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Western Australia

Health and Disability Services (Complaints) Act 1995

Health and Disability Services (Complaints) Regulations 2010

##### 1. Citation

These regulations are the *Health and Disability Services (Complaints) Regulations 2010*1.

[Regulation 1 inserted: Gazette 20 May 2011 p. 1838.]

##### 2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day after that day1.

##### 3. Prescribed time (Act s. 75(1))

For the purposes of section 75(1) of the Act, the prescribed time is 31 days.

##### 4. Prescribed providers and classes of providers (Act s. 75(1))

(1) For the purposes of section 75(1) of the Act, each of these is a prescribed provider —

(a) the chief executive officer of the department of the Public Service principally assisting in the administration of the *Prisons Act 1981*;

(b) the chief executive of St John Ambulance Australia (Western Australia) Inc.;

(c) the chief executive of the Royal Flying Doctor Service of Australia (Western Operations);

(d) the chief executive of Silver Chain Nursing Association Incorporated.

(2) For the purposes of section 75(1) of the Act, each of these is a prescribed class of providers —

(a) the class comprising health service providers established by order under the *Health Services Act 2016* section 32(1);

(b) the class comprising the people who manage or are the chief executives of the private hospitals listed in Schedule 1.

[Regulation 4 amended: Gazette 20 May 2011 p. 1838; 24 Jun 2016 p. 2314.]

##### 5. Return, form of (Act s. 75(2))

For the purposes of section 75(2) of the Act, the prescribed form is Form 1 in Schedule 2.

Schedule 1 — Private hospitals

[r. 4(2)(b)]

[Heading inserted: Gazette 20 May 2011 p. 1838.]

1. Abbotsford Private Hospital

2. Albany Community Hospice

3. Attadale Private Hospital

4. Bethesda Hospital

5. Busselton Hospice Care Incorporated

6. Glengarry Private Hospital

7. Hollywood Private Hospital

8. Joondalup Health Campus

9. The Marian Centre

10. Mercy Hospital

11. Mount Hospital

12. Mount Lawley Private Hospital

13. Ngala Family Services

14. Peel Health Campus

15. Perth Clinic

16. South Perth Hospital

17. St John of God Hospital, Bunbury

18. St John of God Hospital, Geraldton

19. St John of God Hospital, Murdoch

20. St John of God Hospital, Subiaco

21. Subiaco Private Hospital Pty Limited

22. Waikiki Private Hospital

[Schedule 1 inserted: Gazette 20 May 2011 p. 1838-9.]

Schedule 2 — Form

[r. 5]

1. Annual return of complaints information

|  |  |  |  |
| --- | --- | --- | --- |
| *Health and Disability Services (Complaints) Act 1995* s. 75  **Annual return of complaints information** | | | |
| The information in this return must relate to complaints received by the provider in the year ending on the previous 30 June (whether or not the complaints were resolved in that year). | | | |
| This return must be given to the Director of the Health and Disability Services Complaints Office by 31 July each year. | | | |
| **Name of provider** | | *[name]* | |
| **Return year (e.g. 2009/2010)** | | *[year]* | |
| **General information about complaints** | | | |
| Total number of complaints received | | | *[number]* |
| Total number of complaints referred to another organisation | | | *[number]* |
| Who made the complaints (the complainants) | People who were users | | *[number]* |
| People who were acting on behalf of users | | *[number]* |
| Unknown | | *[number]* |
| **Information about users who were complainants or on whose behalf complaints were made** | | | |
| Gender | Male | | *[number]* |
| Female | | *[number]* |
| Unknown | | *[number]* |
| English | First language | | *[number]* |
| Not first language | | *[number]* |
| Unknown | | *[number]* |
| Aboriginal or Torres Strait Islander | Yes | | *[number]* |
| No | | *[number]* |
| Unknown | | *[number]* |
| Age (years) | 0‑9 | | *[number]* |
| 10‑19 | | *[number]* |
| 20‑29 | | *[number]* |
| 30‑39 | | *[number]* |
| 40‑49 | | *[number]* |
| 50‑59 | | *[number]* |
| 60‑69 | | *[number]* |
| 70‑79 | | *[number]* |
| 80‑89 | | *[number]* |
| 90+ | | *[number]* |
| Unknown | | *[number]* |
| Residential postcode | 6000‑6199 | | *[number]* |
| 6200‑6299 | | *[number]* |
| 6300‑6399 | | *[number]* |
| 6400‑6499 | | *[number]* |
| 6500‑6599 | | *[number]* |
| 6600‑6699 | | *[number]* |
| 6700‑6799 | | *[number]* |
| Other or unknown | | *[number]* |
| **Information about complainants who were acting on behalf of users** | | | |
| Gender | Male | | *[number]* |
| Female | | *[number]* |
| Unknown | | *[number]* |
| English | First language | | *[number]* |
| Not first language | | *[number]* |
| Unknown | | *[number]* |
| Aboriginal or Torres Strait Islander | Yes | | *[number]* |
| No | | *[number]* |
| Unknown | | *[number]* |
| Age (years) | 18‑29 | | *[number]* |
| 30‑39 | | *[number]* |
| 40‑49 | | *[number]* |
| 50‑59 | | *[number]* |
| 60‑69 | | *[number]* |
| 70‑79 | | *[number]* |
| 80‑89 | | *[number]* |
| 90+ | | *[number]* |
| Unknown | | *[number]* |
| Residential postcode | 6000‑6199 | | *[number]* |
| 6200‑6299 | | *[number]* |
| 6300‑6399 | | *[number]* |
| 6400‑6499 | | *[number]* |
| 6500‑6599 | | *[number]* |
| 6600‑6699 | | *[number]* |
| 6700‑6799 | | *[number]* |
| Other or unknown | | *[number]* |
| **Categories of complaint** | | | |
| Access | Delay in admission or treatment | | *[number]* |
| Waiting list delay | | *[number]* |
| Staff member or contractor unavailable | | *[number]* |
| Inadequate resources/lack of service | | *[number]* |
| Refusal to provide services | | *[number]* |
| Failure to provide advice about transport options | | *[number]* |
| Physical access/entry | | *[number]* |
| Parking | | *[number]* |
| **Total** | | *[number]* |
| Communication | Inadequate information about diagnostic testing, treatment procedures and risks | | *[number]* |
| Inadequate information about services available | | *[number]* |
| Misinformation or failure in communication (but not failure to consult) | | *[number]* |
| Inadequate or inaccurate records | | *[number]* |
| Inadequate communication | | *[number]* |
| Inappropriate verbal/nonverbal communication | | *[number]* |
| Failure to listen to patient/client/carer/family | | *[number]* |
| **Total** | | *[number]* |
| Decision making | Failure to consult patient/client | | *[number]* |
| Choice regarding admission as public or private patient | | *[number]* |
| Consent not informed | | *[number]* |
| Consent not obtained | | *[number]* |
| Consent invalid | | *[number]* |
| **Total** | | *[number]* |
| Quality of clinical care | Inadequate assessment | | *[number]* |
| Inadequate treatment/therapy | | *[number]* |
| Poor coordination of treatment | | *[number]* |
| Failure to provide safe environment | | *[number]* |
| Pain | | *[number]* |
| Medication | | *[number]* |
| Complications after surgical procedure | | *[number]* |
| Complications after non-surgical procedure | | *[number]* |
| Inadequate infection control | | *[number]* |
| Patient’s test results not followed up | | *[number]* |
| Discharge or transfer arrangements | | *[number]* |
| Refusal to refer for or assist to obtain a second opinion | | *[number]* |
| **Total** | | *[number]* |
| Costs | Inadequate information about costs | | *[number]* |
| Unsatisfactory billing practice | | *[number]* |
| Amount charged | | *[number]* |
| Over‑servicing | | *[number]* |
| Private health insurance | | *[number]* |
| Lost property | | *[number]* |
| Responsibility for costs and resourcing | | *[number]* |
| **Total** | | *[number]* |
| Rights, respect and dignity | Patient rights | | *[number]* |
| Inconsiderate service/lack of courtesy | | *[number]* |
| Absence of caring | | *[number]* |
| Failure to ensure privacy | | *[number]* |
| Breach of confidentiality | | *[number]* |
| Discrimination | | *[number]* |
| Failure to comply with the requirements of the *Mental Health Act 2014* | | *[number]* |
| Translating and interpreting service problems | | *[number]* |
| Certificate or report problems | | *[number]* |
| Denying or restricting access to personal health records | | *[number]* |
| **Total** | | *[number]* |
| Grievances | Response to a complaint | | *[number]* |
| Reprisal following a complaint | | *[number]* |
| **Total** | | *[number]* |
| Corporate services | Administrative actions | | *[number]* |
| Catering | | *[number]* |
| Physical surroundings/environment | | *[number]* |
| Security | | *[number]* |
| Cleaning (inadequate provision and maintenance of a clean environment) | | *[number]* |
| Inaccuracy of records | | *[number]* |
| **Total** | | *[number]* |
| Misconduct | Fraud/illegal practice of a financial nature | | *[number]* |
| Illegal practices (e.g. abortion, sterilisation or euthanasia) | | *[number]* |
| Physical or mental impairment of health professional | | *[number]* |
| Sexual impropriety (behaviour that is sexually demeaning to a patient/client including comments or gestures) | | *[number]* |
| Sexual misconduct | | *[number]* |
| Aggression/assault | | *[number]* |
| Unprofessional behaviour (e.g. shouting, swearing, inappropriate comments or gestures) | | *[number]* |
| **Total** | | *[number]* |
| Carers | Failure to consider needs of carer | | *[number]* |
| Failure to consult carer | | *[number]* |
| Failure to treat carer with respect and dignity | | *[number]* |
| Failure to address carer’s complaint | | *[number]* |
| **Total** | | *[number]* |
| **Information about resolving complaints** | | | |
| Outcome of complaints | Concern registered | | *[number]* |
| Explanation provided | | *[number]* |
| Apology provided | | *[number]* |
| Costs refunded/reduced | | *[number]* |
| Compensation paid | | *[number]* |
| Services provided | | *[number]* |
| Change in practice/procedure effected | | *[number]* |
| Change in policy effected | | *[number]* |
| Counselling and/or performance support and development provided to staff member or contractor | | *[number]* |
| Complaints withdrawn by complainants | | *[number]* |
| Complaints not yet resolved | | *[number]* |
| Time (days) taken to resolve complaints | 0‑15 | | *[number]* |
| 16‑30 | | *[number]* |
| 31‑60 | | *[number]* |
| 61‑90 | | *[number]* |
| 91‑120 | | *[number]* |
| 121‑150 | | *[number]* |
| 151‑180 | | *[number]* |
| 181‑210 | | *[number]* |
| 211+ | | *[number]* |

[Schedule 2 amended: Gazette 20 May 2011 p. 1839; 29 Dec 2015 p. 5173.]

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Notes

1 This is a compilation of the *Health and Disability Services (Complaints) Regulations 2010* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Health Services (Conciliation and Review) Regulations 2010*2 | 21 May 2010 p. 2159-73 | r. 1 and 2: 21 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 22 May 2010 (see r. 2(b)) |
| *Health Services (Conciliation and Review) Amendment Regulations 2011* | 20 May 2011 p. 1837-9 | r. 1 and 2: 20 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 May 2011 (see r. 2(b)) |
| **Reprint 1: The *Health and Disability Services (Complaints) Regulations 2010* as at 12 Aug 2011** (includes amendments listed above) | | |
| *Health and Disability Services (Complaints) Amendment Regulations 2015* | 29 Dec 2015 p. 5172‑3 | r. 1 and 2: 29 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Dec 2015 (see r. 2(b)) |
| *Health Services (Consequential Amendments) Regulations 2016* Pt. 6 | 24 Jun 2016 p. 2311‑15 | 1 Jul 2016 (see r. 2 and *Gazette* 24 Jun 2016 p. 2291) |

2 Now known as the *Health and Disability Services (Complaints) Regulations 2010*; citation changed (see note under r. 1).