Submission to the NRAS Review

14 October 2014

The Health and Disability Services Complaints Office (HaDSCO) has prepared this submission in response to the Review of the National Registration and Accreditation Scheme for health professions. The scope of this submission is confined to the management of complaints and notifications that involve registered practitioners.

This submission outlines our response to the following questions raised in the consultation paper:

**Question 9: What changes are required to improve the existing complaints and notifications system under the National Scheme?**

**Question 11: Should there be a single entry point for complaints and notifications in each State and Territory?**

**Introduction**

HaDSCO and AHPRA both receive complaints relating to registered health practitioners. HaDSCO was established to provide an efficient and effective conflict resolution service that contributes to system improvement and quality of service delivery.

HaDSCO works with parties to achieve a range of acceptable outcomes. These may include acknowledgement, apology, explanation, refund or waiver of fees, changes to policy, procedure or improvement in practice. Acting impartially, HaDSCO reviews and reports on the cause of complaints, advises on complaints management, undertakes dispute resolution through facilitative processes of negotiation and conciliation, and makes recommendations for service improvement. HaDSCO may investigate complaints that raise significant concerns of public health and safety to determine whether remedial action should be taken.

AHPRA was established to receive notifications to assist in regulating the health, performance and conduct of registered health professionals. Boards focus on public safety and professional standards. While our respective organisational objectives are distinct, we acknowledge our complementary roles and responsibilities for receiving and managing complaints/notifications. It is essential that the public; consumers/notifiers and practitioners have confidence in systems to manage complaints and notifications relating to the regulation of health practitioners. To this end, HaDSCO has a strong interest in ensuring that the mandatory complaints/notifications process with AHPRA is:

- clear and easy for consumers and practitioners to navigate
- responsive to consumer needs and expectations
- timely and efficient for consumers and practitioners
Complaints management and notifications
HaDSCO is generally supportive of **Option 1: Retain the existing configuration of notification handling but improve the process via a range of administrative and legislative changes.** HaDSCO supports changes to the current system of managing notifications and complaints that include a clear entry point and identifies the most appropriate pathway to manage a matter at the earliest opportunity.

**Question 9: What changes are required to improve the existing complaints and notifications system under the National Scheme?**

HaDSCO and AHPRA (WA) work collaboratively to manage notifications and complaints in Western Australia. We currently jointly consider matters on a weekly basis. While our joint efforts within the existing legislative framework and Memorandum of Understanding (MoU) have contributed to the more timely management of matters, it is acknowledged that there is scope for improvement.

Improvements can be made to strengthen the decision making process to more effectively manage complaints and to identify the more appropriate agency to manage the matter at the earliest opportunity. The process should take into consideration public safety, urgency to resolve the complaint, outcome sought and how this may be achieved, and provider response/action to resolve complaint.

The consultation paper identifies that approximately sixty per cent of notifications to the board result in no further action. At this late stage, the opportunity for an HCE to facilitate a successful resolution is significantly reduced. The National Law does not currently allow triage of matters between the HCE and AHPRA at the point of intake. This creates a significant barrier to identifying the most appropriate pathway for managing a complaint/notification at the earliest opportunity.

An option that would allow for a more effective triage process could be achieved through delegated decision making between the HCE and AHPRA following intake of complaints/notifications by either agency. This could be achieved if the boards delegated the decision to AHPRA. An amendment to s146 of the National Law to enable a notification to be sent directly to the HCE or for the HCE to retain a matter within specific thresholds, prior to an investigation by the board, would reduce the number of matters considered by the board that result in no further action as they do not pose sufficient risk of harm to public safety or reach the threshold for professional sanction. In addition, it would ensure that the board receives appropriate matters from the HCE at the earliest opportunity.

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1. *Review of the National Regulation and Accreditation Scheme for health professions.* (Snowball, 2014) (the consultation paper) August 2014, P 17. Approximately 60% of notifications result in no further action.
Our recommendation is to amend s146 of the National Law to enable a notification to be sent directly to the HCE or for the HCE to retain a matter within specific thresholds, prior to an investigation by the board.

This approach would provide the following benefits:

- Consistent joint triage resulting in fewer matters that are closed with no further action as matters would be managed appropriately at the earliest opportunity.
- Access to ADR advice at the earliest opportunity to increase the likelihood of early resolution
- Timely and efficient for all parties
- Efficient use of resources by reducing duplication of effort in the initial assessment of matters
- Increased efficiency of the boards that will not need to expend resources on notifications that do not reach the threshold for professional sanction
- Each agency maintains autonomy and independence
- Closer working relationship and increased understanding of each agency’s role will assist staff to manage complainant/notifier expectations at the initial contact point

**Entry point**

**Question 11: Should there be a single entry point for complaints and notifications in each State and Territory?**

It is acknowledged that the initial contact with the consumer/notifier is critical in providing information and managing expectations of the complaints process. It is identified that complainants and notifiers need a clear process to raise their concerns. Under current legislative arrangements, complaints and notifications are received by HaDSCO and AHPRA, respectively.

In close consultation with AHPRA (WA), HaDSCO considered a single entry point as a solution to assist the complainant/notifier to navigate the system. In this model the single entry point (the HCE is ideally positioned to receive all complaints/notifications) would have all responsibility for intake processes and initial triage.

While there are a number of benefits associated with the single entry point model, HaDSCO would have difficulty in absorbing the significant direct costs associated with managing an increase of 700 matters annually (based on current figures from AHPRA (WA)).

The issue is one of a clear entry point rather than single entry point. It should not matter which agency receives the complaint/notification as long as the complaint/notification is appropriately managed at the earliest opportunity and the process is clear and efficient for complainants and practitioners. Amendments to s146 of the National Law, outlined above, would enable a notification, in certain circumstances, to be referred directly to the HCE. This would provide a more timely response to the consumer/notifier and practitioner as well as provide clarity about which agency is managing the matter.
Summary
This submission addresses the complaints management and notifications process. HaDSCO generally supports Option 1, to retain the existing configuration of complaints/notifications management but to improve the process through an amendment to the National Law, to enable triage with the HCE at the earliest opportunity. This proposal will maintain each agency’s independence, accountability, efficiency and effectiveness consistent with our distinct but complementary roles.

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