

Learning from complaints about mental health services



The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority providing an impartial resolution service for complaints relating to health, disability and mental health services in Western Australia and the Indian Ocean Territories covering public and not-for-profit sectors, and prison health services

HaDSCO can accept complaints about private or public mental health services in Western Australia and the Indian Ocean Territories under [Western Australian Legislation](#) including the *Health and Disability Services (Complaints) Act 1995* and Part 19 of the *Mental Health Act 2014*, Part 6 of the *Disability Services Act 1993*.

HaDSCO can also respond to complaints where a service provider has failed to comply with the [Charter of Mental Health Care Principles](#), including where a service provider has not followed the treatment arrangements in a mental health care plan.

Who can make a complaint?

A complaint can be made by:

- The person who received the service.
- A relative, representative or carer.
- A representative of a person who died.
- A carer, about a failure to comply with the [Western Australian Carers Charter - Carers Recognition Act 2004](#).

What can we learn from complaints?

Complaints are complex and sensitive and highlight the levels of distress for individuals, family members and carers, who want to be heard and their stories told. During the complaints process, support for individuals, family members and carers is important.

Developing a good relationship with a practitioner is important, building and maintaining that trust is critical as well as maintaining dignity and respect.

Concerns often arise when an individual's practitioners are changed.

Clear communication is essential. It is not always clear to individuals about their voluntary or involuntary status or what it means to be on a Community Treatment Order. Individuals and carers also want to be involved in decision making, including for discharge and transition to the community, therefore communication and participation in discharge planning is important.

Individuals should be informed about their rights under the *Mental Health Act 2014*. Information about the assessment process, rights and obligations are also important. Individuals do not always know what information is used in a mental health assessment process.

It is important that individuals are given access to the appropriate forms and documents and that they are informed about their ability to obtain assistance from a mental health advocate. Individuals sometimes seek access to their medical records and raise concerns about confidentiality and privacy of information.





What do people complain about?

Complaints about mental health services received by HaDSCO relate to psychiatry, community mental health, inpatient services, psychologist services and prison mental health services.

Complaints about these services typically revolve around the quality of clinical care including inadequate assessment; treatment and/or therapy; diagnosis; medication; discharge and transfer arrangements; and continuity of care.

Complaints are also received about access to services and communication including poor communication with patients, family members and carers; provision of medical information; and lack of information about services.

Issues about rights, respect and dignity are also raised in complaints relating to privacy, confidentiality and courtesy.

Some individuals have expressed that they feel distressed and overwhelmed in a clinical environment. Others have indicated that it is important to ensure that the patient experience of a mental health service does not result in them feeling worse off.

HaDSCO's values

HaDSCO staff are impartial; handling complaints with empathy, courtesy and understanding in a confidential manner.

HaDSCO recognises the diversity of individuals and their unique circumstances and ensures that the complaints service is accessible, including referring to advocacy or support services, where relevant.

HaDSCO respects the need for privacy, and confidentiality while maintaining good communication between all parties about the complaints process.

How do we resolve complaints?

HaDSCO works with individuals and mental health service providers to remedy individual complaints resulting in redress and service improvements where appropriate.

Complaints can be resolved in three ways:

- **Negotiated Settlement** – assist with the exchange of information to reach an outcome acceptable to both parties.
- **Conciliation** – encourage settlement between the parties to assist in reaching an agreement.
- **Investigation** – to determine if there has been unreasonable conduct by the service provider.

What outcomes are achieved?

There are two component outcomes that can be derived from a complaint, the resolution of matters in dispute between the parties to a complaint and the opportunity for service delivery improvements.

Complaints can give an indicator of service delivery issues and trends in an organisation and can drive system changes. From one complaint, there can be redress for the individual and system changes for many others to improve service delivery.

Complaints can be valuable feedback for service providers and can lead to quality improvements for other service users. Complaints can result in a number of outcomes including service improvements; an explanation or apology; change in policy or procedure; refund or waiver of fees; access to a service; training or education for the service provider.





De-identified complaints are often used as case studies for training purposes to assist in learning from complaints.

Case Study 1: Patient Rights

An individual was admitted as an involuntary patient under the *Mental Health Act 2014* and was not provided with the relevant forms and information regarding rights to a Mental Health Advocate. HaDSCO facilitated a conciliation meeting for the individual to express their concerns about the impact of the mental health assessment process.

Through this process the service provider apologised to the individual for the distress caused as a result of the mental health assessment. A meeting was arranged to provide the individual with the relevant forms and have their views included as an addendum to the medical record.

As a result of the complaint resolution process, the service provider developed a case study for the orientation program for mental health staff.

Case Study 2: Access to subsidised medication

An individual contacted HaDSCO about the cessation of their access to fully subsidised medication. They advised that they had presented to their psychiatry service and were verbally informed on the day that they could no longer access their exemption voucher that enabled access to the subsidised medication. The individual wanted to know why the change had occurred and what rules had changed to prevent access to the exemption voucher.

As a result of HaDSCO's negotiated settlement process, the service provider gave an explanation about why the cessation of the access to subsidy had occurred, and the associated changes in eligibility criteria.

A service improvement was also implemented, whereby, in addition to their current practice of advising patients verbally, the service provider now sends written confirmation to patients confirming the decision in relation to their eligibility for exemption, the reasons for the decision, and what a patient should do if they are unhappy with the decision. A policy update to reflect these changes was also implemented.

Case Study 3: Hospital acknowledges role of long-term carer and personal support person

An individual contacted HaDSCO after receiving a response from a hospital to their complaint about not being informed that their partner, an involuntary patient, had changed their personal support person to a relative with whom they rarely had contact. The individual indicated that this resulted in them not being included in ongoing communications with the hospital about their partner's care. The individual informed the hospital that they had been their partner's long-term carer and personal support person. HaDSCO conciliated a meeting between the parties during which the individual's concerns were discussed and acknowledged by the hospital.

As a result, the hospital undertook to further educate staff about the *Mental Health Act 2014* in regards to the nomination of a carer or support person. The hospital also implemented processes for communication with long-term carers and support people and reviewed the process for the distribution of carers' packs to relevant parties involved in a patient's care during their hospital stay.

The hospital used the complaint as a de-identified case study for training purposes to highlight this type of situation. The hospital invited the individual to participate in a carer's forum and to become a member of its carer's focus group.





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What we do

HaDSCO acts impartially and in confidence to support improvements to health, disability and mental health services through resolution and investigation of complaints and providing education and training to service providers in the prevention and resolution of complaints.

HaDSCO encourages that complaints are raised with the service provider in the first instance. A complaint can be lodged by the service user or nominated representative. If this proves unsatisfactory, a complaint can be raised to HaDSCO.

What you can complain about

Complaints may include allegations that a health, disability and mental health service provider has acted unreasonably:

- by refusing to provide a service.
- by providing a service that should not have been provided.
- in the manner of providing a service.
- by denying or restricting the consumer's access to records.
- by breaching confidentiality.
- by not effectively dealing with a complaint.
- by failing to comply with the Carers Charter, Disability Services Standards and Mental Health Care Principles.

HaDSCO is generally unable to deal with matters that are more than two years old, or that have already been determined by a court, registration board or tribunal. In these cases referrals to alternative organisations may be suggested.

Supporting improvement through complaint resolution

Complaints and enquiries: (08) 6551 7600

Free call: 1800 813 583 (free from landlines)

Admin: (08) 6551 7620

Email: mail@hadsco.wa.gov.au

Web: hadsco.wa.gov.au



Health and Disability Services
Complaints Office (HaDSCO)



Interpreter Service: 131 450 - tisonational.gov.au

National Relay Service:

1800 555 660 - relayservice.wa.gov.au

