

## Complaint Resolution, Quality Improvement and Public Protection: The Diverse Roles of Australasian Health Complaints Entities

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### Introduction

Health complaints entities occupy a unique space in the health regulatory landscape in Australia and New Zealand.<sup>1</sup> They provide a simple, inexpensive means for patients and families to complain about a health service, avoiding the expense and complexity of civil lawsuits and enabling concerns to be resolved in ways that court processes are ill-suited to deliver. Official channels for complaint adjudication legitimise the consumer voice in the health system and operate as an accountability mechanism absent from traditional self-regulation of health professions. Lessons from complaints can provide valuable insights into patient experience and contribute to health care quality improvement. Finally, complaints entities ideally serve as public watchdogs, since they may detect early warning signs of problems in the health system and can alert responsible authorities to take action for patient safety.

Given the weighty expectations on complaints entities, it is no surprise that they struggle to fulfil their multiple roles and periodically face vocal criticism. Over the past two decades, the Australasian entities have performed creditably in responding to dramatically rising complaint volumes. They have also faced justified criticism about backlogs and delays, dissatisfaction from complainants unhappy with 'low-level' resolution, claims by providers of intrusive and unfair processes, concerns about their effectiveness in holding errant practitioners accountable and taking action to remedy unsafe health systems, and calls for their work to be subject to greater transparency and accountability. Their task is not an easy one.

This chapter focuses on the evolution of the New South Wales Health Care Complaints Commission (HCCC) and the New Zealand Health and Disability Commissioner (HDC),<sup>2</sup> which have been forerunners as independent complaints entities in Australia

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- 1 Australian and New Zealand health complaints entities have differing titles. Many of the entities are headed by Commissioners and referred to as Commissions. We have used the term 'health complaints entity', given its official recognition in the *Health Practitioner Regulation National Law* (set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld)) as a body 'whose functions include conciliating, investigating and resolving complaints made against health services providers and investigating failures in the health system' (s 5).
  - 2 One of us, Ron Paterson, was the second Health and Disability Commissioner, 2000-10.

This is a preview. Not all pages are shown.