

Management of Complaints about Treatment and Care of Patients

1. Purpose

This Policy outlines how complaints received by an authorised mental health service (AMHS) about the treatment and care of patients are to be managed.

Complaints and feedback mechanisms allow AMHSs to identify areas for improvement, which can result in improved patient outcomes. Complaints and feedback processes also strengthen the accountability of staff, and provide oversight in the administration of AMHSs, which increases patient and public confidence.

2. Scope

This Policy is mandatory for all AMHSs. An authorised doctor, authorised mental health practitioner, AMHS administrator, or other person performing a function or exercising a power under the Act must comply with this Policy.

This Policy applies if a patient or someone on the patient's behalf, such as a nominated support person, family, carer or other support person, wishes to make a complaint about any aspect of the patient's treatment or care. This may include a complaint about the quality or standard of mental health treatment or care, or an alleged failure to provide appropriate treatment and care by an AMHS or particular staff member.

This Policy must be implemented in way that is consistent with the Objects and Principles of the Act.

3. Authorising Legislation

Section 305(1)(c) of the Mental Health Act 2016.

4. Background

The Act requires the Chief Psychiatrist to prepare a policy on the management of complaints by patients and their nominated support persons, family, carers and other support persons in relation to the treatment and care of patients.

A complaint is any expression of dissatisfaction or concern, by or on behalf of a patient or group of patients, regarding the provision of a health service.

A 'patient' is defined in section 297 of the Act as:

- an involuntary patient, or
- a person receiving treatment and care for a mental illness in an AMHS, other than as an involuntary patient, including a person receiving treatment and care under an advance health directive or with the consent of a personal guardian or attorney.

5. Policy

Complaints must be received, acknowledged and assessed in accordance with established Hospital and Health Service procedures or, for a private sector AMHS, in accordance with the hospital's complaints management procedures.

Independent patient rights advisers and other staff of AMHSs must provide assistance to patients and their support persons in making a complaint, if requested. Where a patient requires specific help to make a complaint, such as with the assistance of an interpreter, personal guardian, support person or community visitor, every reasonable effort must be made by the AMHS to organise the appropriate support.

In assessing any complaint, regard must be given to the *Chief Psychiatrist Policy: Right of a Patient to Request a Second Opinion* which applies if an AMHS has not been able to resolve a complaint made by a patient, or an interested person for the patient, about the patient's treatment and care.

5.1 Notifying the Chief Psychiatrist

The major function of the Chief Psychiatrist is to protect the rights of patients and, to the extent practicable, ensure compliance with the Act. For this purpose, the AMHS administrator must notify the Chief Psychiatrist of complaints relating to significant non-compliance with the Act and for specified critical incidents.

Further information on matters that must be notified to the Chief Psychiatrist is provided in the *Chief Psychiatrist Policy: Notification to Chief Psychiatrist of Critical Incidents and Non-Compliance with Act*. This Policy applies whether or not a complaint has been made about a matter.

The Chief Psychiatrist has powers under the Act (section 308) to investigate these matters.

Investigative powers also exist under the *Hospital and Health Boards Act 2011* and *Private Health Facilities Act 1999*.

6. Supporting documents

- Chief Psychiatrist Policy: Right of a Patient to Request a Second Opinion
- Chief Psychiatrist Policy: Notification to Chief Psychiatrist of Critical Incidents and Non-Compliance with Act
- Queensland Health Handbook for Managing Consumer Complaints (2016)
- Statement of Rights

Issued under section 305 of the Mental Health Act 2016



Assoc. Prof John Allan
Chief Psychiatrist, Queensland Health
5 March 2017