

# Information sheet: Investigations

The Health and Disability Services Complaints Office (HaDSCO) is one of the key independent statutory authorities able to undertake investigations into broad systemic issues related to the provision of health or disability services in Western Australia.

The investigations undertaken by HaDSCO are governed by the Health and Disability Services (Complaints) Act 1995 and the Disability Services Act 1993. This legislation provides guidelines to which HaDSCO investigations must adhere to. It explains who has the authority to request and undertake investigations, how they must be managed and the powers of the Director.

Within this information sheet:

- The role of investigations
- When and why investigations are undertaken
- When an investigation cannot be undertaken
- The difference between investigations and complaint resolution
- The investigation process and powers of the Director

## **The role of investigations**

Investigations are undertaken via a formal process through which HaDSCO determines if any unreasonable conduct has occurred on the part of a service provider and typically look into systematic issues.

It is the role of investigations to look into broad ranging issues, when necessary identify areas for improvement and provide recommendations which enable the continuous development of enhanced service provision

## **When and why investigations are undertaken**

The Health and Disability Services (Complaints) Act 1995 states the Director may undertake an investigation:

- When the Minister is of the opinion that it is in the public interest on a matter of general importance relating to health that an investigation be carried out
- At the direction of the Minister for Health or Minister for Disability Services
- If a complaint cannot be resolved through conciliation and warrants investigation

## **When an investigation cannot be undertaken**

Unless the Director is of the opinion a complaint warrants investigation, the Director must not investigate if a conciliator recommends that the Director should not investigate a complaint.

Before any investigations are undertaken, a thorough cost-benefit analysis is carried out. The Director will not undertake investigations when the cost outweighs the benefits to be achieved. For example, if all reasonable remedial action has already been.

## **The investigation process and powers of the Director**

HaDSCO investigations are impartial. HaDSCO prefers to work collaboratively with relevant individuals or organisations in order to gather information. During the investigation process, the investigator may for example, conduct interviews and view documents.

Typically all parties involved cooperate with HaDSCO investigations.

However, the Health and Disability Services (Complaints) Act 1995, provides the Director with the power to when necessary:

- Apply for a warrant to enter a premises
- Summons individuals or documents
- Apply for a warrant to enter a premises
- Enter and inspect premises and take copies of any necessary documents

This is last resort and HaDSCO rarely need to utilise this power.

At the completion of an investigation each party is provided with the opportunity to respond to the findings of the investigation and make representation to the Director. If any findings of unreasonable conduct have been made the provider must advise this Office what measures have been undertaken to comply with recommendations.

Any recommendations made as a result of an investigation will be followed up by HaDSCO.

## **The difference between investigations and complaint resolution**

It is important to understand that the investigative process is quite different to the HaDSCO complaint resolution service. The only main similarity between the two processes is that HaDSCO remain an independent and impartial body throughout both.

The key differences are:

- It is the aim of complaint resolution to assist parties to resolve a complaint to mutual satisfaction. Investigations however look into broad systemic issues and make recommendations for service improvement.
- It does not work to resolve a complaint.
- Complaint resolution is initiated by a complainant. Investigations are initiated by the Director, the Minister for Health or Minister for Disability Services.
- During complaint resolution, both parties are heavily involved in the process. During an investigation, parties are kept informed of the progress but are not involved in the process.

Typically individual complaints are more effectively and efficiently resolved via the HaDSCO complaint resolution service and may only be investigated when the Director or

Minister is of the opinion an investigation is warranted. In this case, the role of the complainant is limited in comparison to complaint resolution. HaDSCO will head the investigations as an impartial agency and will gather information from a variety of sources to make unbiased recommendations.

HaDSCO: Supporting improvement through complaint resolution

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