



# Significant issues and trends

## 3.1. Responding to policy initiatives and reform programs

It is recognised that the environment in which HaDSCO operates may change over time. It is vital that the Office is positioned to respond appropriately to policy initiatives and reform programs which impact on service delivery.

### National Code

HaDSCO commenced work on the implementation of the National Code of Conduct for health care workers (National Code) in Western Australia following a decision of the Council of Australian Governments (COAG) Health Council in April 2015 when Health Ministers agreed to the terms of the first National Code.

The purpose of the National Code is to protect the public by setting minimum standards of conduct and practice for all public and private health care workers who are not registered under the National Registration and Accreditation Scheme for health practitioners, or who provide services unrelated to their registration.

HaDSCO released its consultation paper in December 2017, titled *National Code of Conduct for health care workers in Western Australia – Consultation Paper December 2017*. The consultation paper detailed the main policy considerations for implementing the National Code in Western Australia.

A range of organisations including government agencies, service providers, professional associations, education and training institutions, unions, charities, and advocacy organisations were sent the consultation paper and were requested to provide feedback.

A total of 43 submissions were received in response to the consultation paper, with a report provided to the Deputy Premier on the consultation received. Phase 2 of the implementation process commenced in June 2018. This phase includes the progression of the activities required for the legislative changes necessary to give effect to the National Code in Western Australia, including obtaining legal advice on an appropriate definition of a 'health service' to be incorporated into the *Health and Disability Services Complaints Act 1995* to implement the National Code; submitting a Preliminary Impact Assessment to the Better Regulation Unit (BRU) at the Department of Treasury; meeting with the Department of Treasury regarding a budget submission for the 2019-20 budget process to support resourcing of the new National Code jurisdiction in HaDSCO; and commencing preparation of a Cabinet

In addition, HaDSCO continues to contribute to the implementation of elements of the National Code that require coordinated national action through participation on

the National Code Working Group. This includes the development of a common website for a national register of prohibition orders issued by Health Complaints Entities across Australia, the preparation of a nationally consistent suite of explanatory materials and the establishment of a common framework for the collection and reporting of data for annual performance reporting to Health Ministers.

The implementation of the National Code jurisdiction will be a new function for HaDSCO and impact the management of complaints by the Office. The Director will be provided with new powers to issue prohibition orders to health care workers where their continued practice presents a serious risk to public health and safety, to monitor compliance with any orders, and to initiate prosecution action where necessary. Currently the Office uses an Alternative Dispute Resolution approach.

### **HaDSCO's Contribution to the Sustainable Health Review**

The Sustainable Health Review (SHR), was announced by the Deputy Premier; Minister for Health; Mental Health, on 20 June 2017. The aim of the SHR is to prioritise the delivery of high quality, patient-centred sustainable healthcare across Western Australia into the future. The Government appointed an expert Panel for the SHR who sought submissions to help Western Australia shape the future of the Western Australian health system.

HaDSCO made a submission to the SHR Secretariat which contained information in relation to complaints data and trends from 2012-13 to 2016-17 from complaints received by the Office.

As noted in our submission, responding to, and learning from, complaints can assist to identify strategies to improve health outcomes and patient-centred care; to ensure safe and high quality services; improve patient experience; and drive clinical and financial performance. HaDSCO is well positioned to assist in identifying complaint trends and themes to assist in driving continuous improvement across the health sector.

HaDSCO was invited to become a member of the Sustainable Health Review Quality and Value Working Group. The focus of the Working Group was to focus on opportunities and strategies to enhance and improve safety, quality and value to support the medium and long term financial sustainability of the WA health system. The Working Group provided information to the SHR Panel which was considered as part of its preparation for the *Sustainable Health Review Interim Report to the Western Australian Government* (January 2018).

In a broad context, HaDSCO's work to implement the National Code referred to above complements the work of the Sustainable Health Review. The learnings from the Sustainable Health Review will inform HaDSCO about the environment in which it will operate, including for the new National Code jurisdiction. This will provide the opportunity to refocus our services where required for the 2018-19 period.

## **National Disability Insurance Scheme**

On 12 December 2017, the Western Australian Government and the Commonwealth Government announced a new agreement to bring Western Australia in to the NDIS (National Disability Insurance Scheme). This agreement replaces the agreement signed in late January 2017 by the previous Government for a Western Australian administered NDIS.

From 1 July 2018, the National Disability Insurance Agency (NDIA) will assume responsibility for the delivery of the NDIS in Western Australia. The NDIS will continue to roll out on a geographical basis and will be operating across all of Western Australia by 2020. A new independent body, the NDIS Quality and Safeguards Commission has been established. It regulates NDIS providers and supports the resolution of complaints about the quality and safety of NDIS supports and services and is due to commence operations in Western Australia from 1 July 2020.

HaDSCO continued to consult with the Department of Communities on matters associated with the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017* (which has been passed by the Commonwealth Parliament) including the *National Disability Insurance Scheme (Quality and Safeguards Commission Complaints) Rules*, complaint handling guidelines, process, and information sharing rules under the proposed legislation.

Discussions are also taking place with the Department of Communities and the National Disability Insurance Agency regarding the implications for HaDSCO's jurisdiction and the consequential changes to the complaints management function in Western Australia, including any transitional arrangements.

## **Contribution to Western Australian Prison Health Reforms**

HaDSCO has been contributing to the Justice Health Project which is considering potential options for the transfer of responsibility for the management and commissioning of custodial health services to the Western Australian health system. This included providing comments on potential governance options.

With 19 percent of complaints about health services closed by HaDSCO about prison health services and seven percent of complaints closed about mental health services about prison mental health services in 2017-18, HaDSCO recognises the need to ensure that decisions made about the future governance arrangements for prison health services ensure these services meet the needs of the individuals and at least cost to Government and that appropriate complaints mechanisms exist.

As part of the Justice Health Project, HaDSCO visited three metropolitan prisons and participated in consumer and peer support consultation sessions with peer support prisoners and met with clinical nurse managers to discuss issues relating to the provision of health services in prisons. We also provided comments on potential governance options as part of the Department of Justice's consultation.

### **3.2. Review of legislation**

The *Health and Disability Services (Complaints) Act 1995* requires, under Section 79, that the Minister for Health must carry out a review of, and prepare a report on, the operation and effectiveness of the Act and Part 6 of the *Disability Services Act 1993* as soon as practicable after five years after the date on which the *Health and Disability Services Legislation Amendment Act 2010* (Amendment Act) came into operation. This Amendment Act came into operation in October 2010.

Two key factors are impacting on the commencement of the review. Firstly, HaDSCO is progressing work for the implementation of the National Code as a priority through a separate process outside of the legislative review. In addition, the decision of the Government of Western Australia to join the nationally delivered NDIS will impact the jurisdiction for complaints about disability services in Western Australia. As a result of these, changes the Director of HaDSCO is in discussions with the Director General of the Department of Communities about the potential impact for the disability sector which will, consequently, affect a review of Part 6 of the *Disability Services Act 1993*.

### **3.3. Governance and accountability**

In 2017-18, the Office continued to build on the sound governance framework it established in 2016-17 in the areas of financial management, human resources management and records management. A risk register was implemented which identified the key strategic and operational risks for the Office. These risks are being monitored by the Corporate Executive group. Enhanced records management controls were achieved in 2016-17 and to support this, records management training was completed by staff in 2017-18.

HaDSCO also implemented a new Disability Access and Inclusion Plan 2018-22 (DAIP). This DAIP aligns with the Office's objectives and informs our Strategic Plan moving forward. After research into contemporary trends regarding best practice for access and inclusion, our new DAIP focusses on the wide-ranging needs of our stakeholders. This includes keeping up to date with new assistive technologies, always being open to thinking outside the box, increasing outreach and engagement with remote communities, continuing both our cultural and mental health awareness training, and upholding the importance of inclusive language.

### **3.4. Providing awareness of, and access to, our services**

HaDSCO continues to implement strategies to ensure its services are accessible to all Western Australians and people in the Indian Ocean Territories. In 2016-17, HaDSCO's Stakeholder Engagement Strategy January 2017–June 2018 was implemented to guide the delivery of targeted stakeholder engagement programs and outreach activities. This Strategy was reviewed at its conclusion and it was demonstrated that a range of programs to inform and educate communities about the role of the Office and further enhance accessibility to HaDSCO's complaint resolution services were implemented and utilised. The information obtained from the review of the Strategy will be used in the development of the new Stakeholder Engagement Strategy