



Department of Health
Government of Western Australia

Australian Commission

19 MAR 2008

on Safety and Quality
in Health Care

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Professor Chris Baggoley
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Australian Commission on Safety and Quality in Health Care
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Noted

Forward to Nicola

Sunbar

epb 19/3/08

Chris

Dear Professor Baggoley

RE: Call for Submissions on a draft National Patient Charter of Rights

Thank you for the opportunity to comment on the *Consultation Paper - Draft National Patient Charter of Rights*. The draft Charter and Principles are comprehensive and clearly articulate the key rights and responsibilities of both consumers and service providers in health care systems.

As requested the Office Of Safety and Quality in Healthcare (OSQH) has distributed the Consultation Paper via the Patient First, Health Complaints Coordinator and Clinical Governance Networks for additional review and comment to be directed back to the Australian Commission on Safety and Quality in Health Care.

Please find attached the OSQH response in regards to the Consultation Questions outlined in the Consultation Paper.

Yours sincerely

DR DOROTHY JONES
DIRECTOR
OFFICE OF SAFETY AND QUALITY IN HEALTHCARE

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March 2008

Response to Consultation Questions

(Consultation Questions page 13-15 ACSQHC Draft National Patient Charter of Rights Consultation Paper 22/1/08 – Attachment 3).

1. National Patient Charter of Rights and National Patient Charter Principles.

- The existence of both the Charter and the Principles is useful as the Principles expands further on the rights underpinning the Charter and provides explanation of how these rights will be demonstrated in a health system for both health care consumers and providers.
- The Charter and Principles are suitable for use by both patients and health care providers and the language is appropriate and clear to ensure understanding.

2. Rights included in the Charter.

- The rights presented in the Charter are relevant, comprehensive and represent a wide range of patient and human rights pertinent to all matters relating to the health care environment. The Charter promotes consumers actively participating in their health care choices and protects the patient's rights in doing so. Both the Charter and Principles provide clarity in the rights and some of the expectations of both health care consumers and providers.
- The Charter and Principles are lacking in the expectations of patients when working in partnership with health care providers to access health care services. For a National Patient Charter of Rights to be more balanced, additional responsibilities of patients should be considered for inclusion (for example);
 - Cooperating with staff while accessing health care.
 - Respecting the right of health care staff to work in a safe environment.
 - Providing health care staff with complete and accurate information about their medical conditions.
 - Consider the comfort and needs of other patients accessing health care.

3. Points included in the Principles.

- The Principles clearly outlines what a patient is entitled to (and what a health service should support) in regards to the rights of a patient as per the Charter. The Principles are useful in clarifying what these rights look like in theory and in practice, for both the patient and the health service providing care. The Principles add clarity to the rights provided to a patient by the Charter.

4. Rights and responsibilities.

- The Charter and Principles promote patient rights and make mention of some patient responsibilities however there is an imbalance in this area (see point 2). For the Charter and Principles to be successful at an area health service level there needs to be further consideration as to the responsibilities of the patient in working in partnership and collaboration with their health care provider to ensure safe and high quality care.

5. Existing charters.

- The Western Australian Public Patients' Hospital Charter produced by the Department of Health 2007 is a comprehensive document that provides information

to patients on their rights within WA's public hospitals. Carers are also referenced in this Charter as per the Carers Recognition Act 2004.

- The three fundamental rights (below) of the WA Public Patients' Hospital Charter are consistent with the key features of the Charter and Principles:
 1. Access to health services;
 2. Information about your health care;
 3. Complaints procedure.
- In many areas there is overlap between the Draft National Patient Charter of Rights and the WA Public Patients' Hospital Charter. However the Draft Charter does not make mention of a patients right to access their medical records where as the WA Charter does advise consumers of this right under the Freedom of Information Act (Fol) 1992.
- Another difference between the Draft Charter and the WA Charter is the issue of 'risk' being mentioned in the area of consent to treatment (Right 6 – Participation). The WA Charter references "the right to be given a clear explanation of any proposed treatment, including possible risks and alternatives, before agreeing or refusing to have the treatment" where as the matter of consumers being informed about risks is only included in the Principles and not the Charter.
- The potential value added by having a National Patient Charter of Rights would be the provision of a national standard upon which to review and amend pre-existing patient charters against. The existence of a National Patient Charter of Rights would also be beneficial as a reference in the creation and development of new patient charters.

6. Possible uses of the charter.

- It is unlikely that the Charter and Principles in their current form would be used in Area Health Services for training and orientation purposes as it is more likely that the charter specifically designed for that jurisdiction would be utilized (based on the WA Department of Health's WA Public Patients Hospital Charter.)
- The National Charter could serve as the basis to inform, develop or review pre-existing public hospital charters and act as an overarching guide of minimum standards to be included in all patient charters.

7. How the charter applies in different sectors and settings.

- The Charter and Principles provide adequate detail to allow health services to adapt the documents to make them relevant to their jurisdiction and consumer groups.
- The Charter and Principles have the potential to be adapted to suit the needs of special health care settings or patient or community groups with the provision of relevant consumer and health service feedback.