

Department of Health

health

The Australian Charter of Healthcare Rights in Victoria



The Australian Charter of Healthcare Rights

The *Australian Charter of Healthcare Rights* describes the rights of patients, consumers and other people using the Australian healthcare system. These rights are essential to make sure that, wherever and whenever health care is provided, it is of high quality and is safe.

The Charter recognises that people receiving health care and people providing health care all have important parts to play in achieving healthcare rights. It allows patients, consumers, families, carers and services providing care to share an understanding of the rights of people receiving health care. This shared understanding helps everyone to work together towards a safe and high quality healthcare system. A genuine partnership between patients, consumers and providers is important so that everyone achieves the best possible outcomes.

Guiding principles

These principles describe how this Charter applies in the Australian healthcare system.

1. Everyone has the right to be able to access health care and this right is essential for the Charter to be meaningful.
2. The Australian government is committed to international agreements about human rights which recognise everyone's right to have the highest possible standard of physical and mental health.
3. Australia is a society made up of people with different cultures and ways of life, and the Charter acknowledges and respects these differences.

Your rights in the *Australian Charter of Healthcare Rights*

- **Access** – a right to access health care.
- **Safety** – a right to receive safe and high quality health care.
- **Respect** – a right to be shown respect, and to be treated with dignity and consideration.
- **Communication** – a right to be informed about services, treatment, options and costs in a clear and open way.
- **Participation** – a right to be included in decisions and to make choices about your health care.
- **Privacy** – a right to privacy and confidentiality of your personal information.
- **Comment** – a right to comment on your health care, and to have your concerns addressed.

What does the Charter mean in Victoria?

This brochure describes the *Australian Charter of Healthcare Rights* and what it means to you as a patient, consumer, family member or carer using the Victorian healthcare system. It replaces the Public Hospital Patient Charter.

These rights apply to all health care services in Victoria.

This includes people using public and private hospitals, GP clinics, medical specialists, aged care and disability services, mental health services, community health centres and allied health providers such as psychologists, dentists, naturopaths and occupational therapists.

About this brochure

This brochure tells you what you can expect from healthcare services in Victoria and where to go for help if you have a concern about a service you are seeking or receiving.

Healthcare rights and human rights

The Australian and Victorian governments are committed to several international human rights agreements that recognise everyone's right to the highest possible standard of physical and mental health. They recognise your right to health care and to other services essential to health, including safe water, housing and health-related education.

In Victoria, publicly funded healthcare services must comply with the Victorian Charter of Human Rights and Responsibilities Act 2006, which protects many human rights.

Visit www.patientcharter.health.vic.gov.au to learn about how this may affect your healthcare rights.

Consumers, patients and providers

Consumers are people who are current or potential users of health services, including hospital patients. This includes children, women and men; people living with a disability; people from diverse cultural backgrounds and faiths, socioeconomic status and social circumstances, sexual orientations and health conditions.

The **healthcare provider** is the trained health professional providing your care. The **healthcare service** is the organisation responsible for providing healthcare services.

Access

You have a right to the health care you need. This right is supported by Medicare, which provides access to free or subsidised treatment by doctors, and access to free public hospital services.

You have a right to high quality health care that meets your health needs. The Victorian healthcare system includes **a wide range of services**. Getting the care you need may mean referral to a different service than the one you first visited.

You may choose to be **a public or private patient**. In a Victorian public hospital if you are a public patient, you will not be charged for hospital or medical services. If you are a private patient, you or your insurer will be charged for some services. Your health service should explain any costs or differences involved in your care if you were a private patient.

You may be charged a small fee for some publicly funded health care services such as dental or physiotherapy.

Safety

You have a right to safe and high quality care. Patients, consumers and healthcare providers are all entitled to a safe, secure and supportive healthcare environment.

You have a right to a high standard of **safe care and treatment**. Please **let staff know** if you have a concern about safety or think that a mistake might have been made.

Your right to safe and high quality care relies in part on **clear communication**. This means you giving your healthcare provider the information they need to treat you, and your provider telling you what you need to know to make decisions about your care.

You have a right to an **accredited interpreter** if you need one when using a **publicly-funded healthcare service**, such as a hospital or community health centre.

All healthcare services should work to continually improve their quality of care. Public health services report on this to the community through their annual quality of care report.

Respect

You have a right to be shown respect, to be treated with dignity and consideration, and without discrimination. Healthcare services should develop an environment that supports co-operation and communication between patients, consumers and staff.

You have a right to be treated in **a way that respects your dignity**. Healthcare staff also deserve to be treated with respect and consideration, and without discrimination.

You have a right to receive care that is **responsive to your culture and beliefs** such as your beliefs and practices around birth, illness and death, the gender of the person treating you, or your dietary requirements while in hospital.

You have a right to be treated **without discrimination** based on your race, age, gender, gender identity, sexual orientation, carer status, disability, marital status or religious belief.

As far as possible, healthcare services should provide care and treatment in **surroundings that allow personal privacy**.

Communication

High quality health care is based on open and effective two-way communication between you and your healthcare provider. You have a right to be informed about services, treatment, options and costs in a way that you can understand.

You have a right to **clear and understandable information** about your health care and condition including, treatment options, expected outcomes, possible side effects and costs. Your healthcare provider should give you the opportunity to ask questions.

If you have concerns about the treatment options your healthcare provider has offered, you have a right to obtain a **second medical opinion**.

Many things affect your health, your medical history, medications and complementary therapies you are taking, social circumstances and emotional wellbeing. **It is important to give your healthcare provider all relevant information**, so that they can offer you the most appropriate treatment.

You have a right to an **accredited interpreter for communication needs with your publicly-funded healthcare service**. Interpreters should be provided at important points during your care, such as when discussing medical history, treatments, test results, diagnoses, during admission and assessment and when you are required to give informed consent.

If you are a patient or consumer in a hospital or other large healthcare service, you may be treated by a number of people. You have a right to be kept informed about **who is responsible for your care**, and how to contact them.

You have a right to **involve a family member, carer or chosen support person** to help you to communicate with your healthcare provider. This person could be a friend or family member, or someone from a consumer support organisation. For example, most Victorian public hospitals have an Aboriginal liaison officer. See the back of this brochure for contact details.

Participation

You have a right to take an active role in your health care and to be included in decisions and choices about your care.

You have a right to **participate as fully as you wish in decisions about your care and treatment**. Your healthcare provider should give you all the information you need to make informed decisions, the opportunity to ask questions, and time to talk to your carers, family and friends before making decisions.

You have a **right to have your family, other carers or chosen support person** involved in your care. With your consent, they can also receive information and be involved in making decisions about your care with you.

You have **a right to refuse treatment**. However, there are circumstances in which you may be regarded as unable to give informed consent or to refuse treatment.

You have a right to **appoint someone to make medical decisions for you** in the event that you lose the capacity to do so. For more information, please contact the Office of the Public Advocate – see the back of this brochure for contact details.

If you are a hospital patient, you have a right to be involved in the decision about **how and when you leave hospital**.

Before you leave, the hospital should discuss what healthcare services you may need after you leave hospital and refer you to them. You have a right to participate in decisions about your ongoing care. Your GP should also be involved. You may discharge yourself against your doctor's advice, but you may be asked to sign a form accepting responsibility for this.

There are many opportunities to **participate in the planning, design and evaluation of public healthcare services**. Many organisations take into account consumers' experiences and ideas about their service when making improvements. You have a right to share your views, for example by filling in surveys, joining a community advisory committee, writing letters or telling staff about your experience. Both negative and positive feedback is useful.

Privacy

Australian and Victorian laws protect the privacy and confidentiality of your personal health and other information. Information must be collected, used, stored and shared in accordance with these laws.

Everyone involved in your treatment and care has a **professional and legal duty to keep information about you confidential.**

Sometimes your healthcare provider needs to share information about you with others involved in your care. They will only share your information with someone not involved in your health care with **your permission.** The **Victorian Health Records Act 2001** sets out privacy principles with which all health services must comply.

You have a right to **a say about what happens to your information.** If you decide not to share some of your information or restrict access to your health record, this is your right, but it may affect your healthcare provider's ability to provide you with the best possible care.

You have a right to access **your healthcare record.** Please tell your healthcare provider if any information is incorrect, incomplete or out of date. In some cases, you may be given only part of your record. If so, you have the right to apply under Freedom of Information laws for your complete record. Ask your patient representative or relevant staff member for more information – see the back of this brochure for contact details.

Comment

You have a right to comment on your care, and to have your concerns addressed. Healthcare services should make information about their feedback processes easy to find.

You have a right to **comment, ask questions and make complaints** about your health care.

It is always best to **try to resolve concerns with your healthcare provider** first. Healthcare services want to solve problems quickly, but need to know about the problem first. Try to provide feedback in a way that respects other consumers and healthcare providers.

Healthcare services record **positive and negative feedback**, for example through surveys, feedback and complaints processes. Your feedback should be used to improve services in the future.

In a hospital, if you are unsatisfied with how your doctor or treatment team is responding to your concerns, you have a right to **speak to the hospital's patient representative**.

If you are not satisfied with how your healthcare service or patient representative is responding to your concerns, you have a right to **complain to the Victorian Health Services Commissioner**. See the back of this brochure for contact details.

More information

Using the Charter

More national information on the *Australian Charter of Healthcare Rights* is available at www.safetyandquality.gov.au.

Visit www.patientcharter.health.vic.gov.au to learn more about how the Charter works in Victoria, including resources to help healthcare services use the Charter in their work.

Supports within your healthcare service

Large public hospitals have a patient representative, and most have an Aboriginal liaison officer. Many mental health services have consumer and carer advocates.

Your healthcare service may have listed a staff contact below.

All public health services can access accredited interpreters. They may be available on-site or accessed via the phone from outside agencies.

Useful contacts

These organisations can help resolve complaints, or support you as a consumer. Visit www.patientcharter.health.vic.gov.au for more useful contacts.

Health Services Commissioner

Phone: (03) 8601 5200

Freecall: 1800 136 066

TTY: 1300 550 275

Address: 30th floor, 570 Bourke Street, Melbourne Victoria 3000

Website www.health.vic.gov.au/hsc

Disability Services Commissioner

Phone: 1300 728 187

Freecall: 1800 677 342

TTY: 1300 726 563

Email: complaints@odsc.vic.gov.au

Address: 30th floor, 570 Bourke Street, Melbourne Victoria 3000

Website: www.odsc.vic.gov.au

Victorian Equal Opportunity and Human Rights Commission

Tel: (03) 9281 7100

TTY: (03) 9281 7110

Email: complaints@veohrc.vic.gov.au

Address: Level 3, 380 Lonsdale Street, Melbourne VIC 3000

Website: www.equalopportunitycommission.vic.gov.au

The Office of the Public Advocate

Phone (freecall): 1300 309 337

TTY: (03) 9603 9529

ACE: 133677 (03) 9603 9500

Address: Level 5, 436 Lonsdale Street, Melbourne Victoria 3000

Website: www.publicadvocate.vic.gov.au

If you have concerns or questions about your care in this service, please contact: (Please place Aboriginal liaison officer and Patient representative contact details here)

