



Know Your Rights

This is a guide to the Health and Community Services Complaints Commissioner (HCSCC) Charter of Health and Community Services Rights in South Australia.

The HCSCC Charter sets out the rights of people who use most health and community services in South Australia, and to the family members, carers and nominees who act on their behalf.

Services include a wide range of health and community services in the public, private and non-government sectors.

The HCSCC Charter will be used by:

Consumers:

- To help people understand their rights regarding health or community services.
- When raising a complaint with a service provider, to help communicate concerns.

Service Providers:

- To inform consumers about their rights.
- To identify and act on the areas of concern when responding to a complaint.
- To engage with service users about service improvements.
- As a person-centred quality improvement tool.
- To report to the HCSCC about complaints and their responses.

The HCSCC:

- To provide information, education and advice about the rights of consumers.
- To determine if a service provider acted reasonably, when a complaint is made.
- To monitor and report on complaint trends and systemic issues.

Five Guiding principles

Diversity: South Australian society is made up of people with different cultures, needs, values and ways of life and this is to be recognised and respected.



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Five Guiding Principles

1. Diversity

South Australian society is made up of people with different cultures, needs, values and ways of life. This is to be recognised and respected.

2. Decision-making capacity

Some people may have impaired capacity to make decisions due to illness, injury, disability or development. Impaired capacity may be temporary or permanent, partial or complete.

If a person has impaired decision-making capacity the service provider should enable supported decision making. The service provider must involve or seek the consent of a substitute decision maker, including a carer.

Individuals with impaired decision-making capacity must not be disadvantaged in the provision of health or community services.

3. Partnership

A genuine partnership between service users, carers and providers promotes safe, high quality services and the best possible outcomes. This requires sharing relevant information and treating each other with respect.

4. Provider contribution

Providers of health and community services are recognised for their contribution to the healthcare, wellbeing and welfare of individuals.

5. Authority

Some rights can be affected when legal orders or processes are in place.



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Eight Charter Rights

- 1. Access** – The right to access health and community services
'I have a right to access health and community services that meet my identified needs.'
- 2. Safety** – The right to be safe from abuse
'I have a right to be safe from abuse, or the risk of abuse, and to have my legal and human rights respected and upheld. I have a right to receive services free from discrimination and harassment.'
- 3. Quality** – The right to high quality services
'I have a right to receive safe, reliable, coordinated services that are appropriate to my needs and provided with care, skill and competence. Services I receive should comply with legal, professional, ethical and other relevant standards. Any incidents involving me are managed openly to ensure improvements.'
- 4. Respect** – The right to be treated with respect
'I have a right to be treated with courtesy, dignity and respect. I have a right to receive services that respect my culture, beliefs, values and personal characteristics.'
- 5. Information** – The right to be informed
'I have a right to open, clear and timely communication about services, treatment, options and costs in a way that I can understand. When needed, I have the right to a competent professional interpreter.'

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Eight Charter Rights...continued

6. **Participation** – The right to actively participate

'I have a right to be fully involved in decisions and choices about services planned and received. I have a right to support and advocacy so I can participate. I have a right to seek advice or information from other sources. I have a right to give, withhold or withdraw my consent at any time.'

7. **Privacy** – The right to privacy and confidentiality

'I have a right to have my privacy respected and my personal information kept confidential and secure. Personal information about me may not be disclosed without my consent, unless the disclosure is required to lessen or prevent a serious threat to life, wellbeing or safety, or is required by law. I have a right to request and gain access to my records, unless there is legal restriction in place. I can nominate person/s with whom information can be shared.'

8. **Comment** – The right to comment and/or complain

'I have a right to be listened to and to comment on, or make a complaint about services sought or provided to me. I have a right to have my complaint dealt with properly and promptly, and without retribution as a result of having made a complaint. I have a right to a representative of my choice to support and advocate for me when making a complaint. My feedback and complaints are managed openly to ensure improvements.'