

Complaints Investigation

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Cases**

**Prepared for OHSC Consultative
Workshops**



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PRESENTATION OUTLINE

- **Mandate**
- **Snapshot of Complaints Investigations**
- **Complaints Investigations Process Flow**
- **Handling of complaints by the Ombud & investigators**
- **Challenges**
- **Remedies**



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INTRODUCTION

- **Mandate: protect and promote the health and safety of users of health services,**
 - **Monitoring compliance of health establishments**
 - **Consider, investigate and dispose of complaints**



Snapshot of Complaints



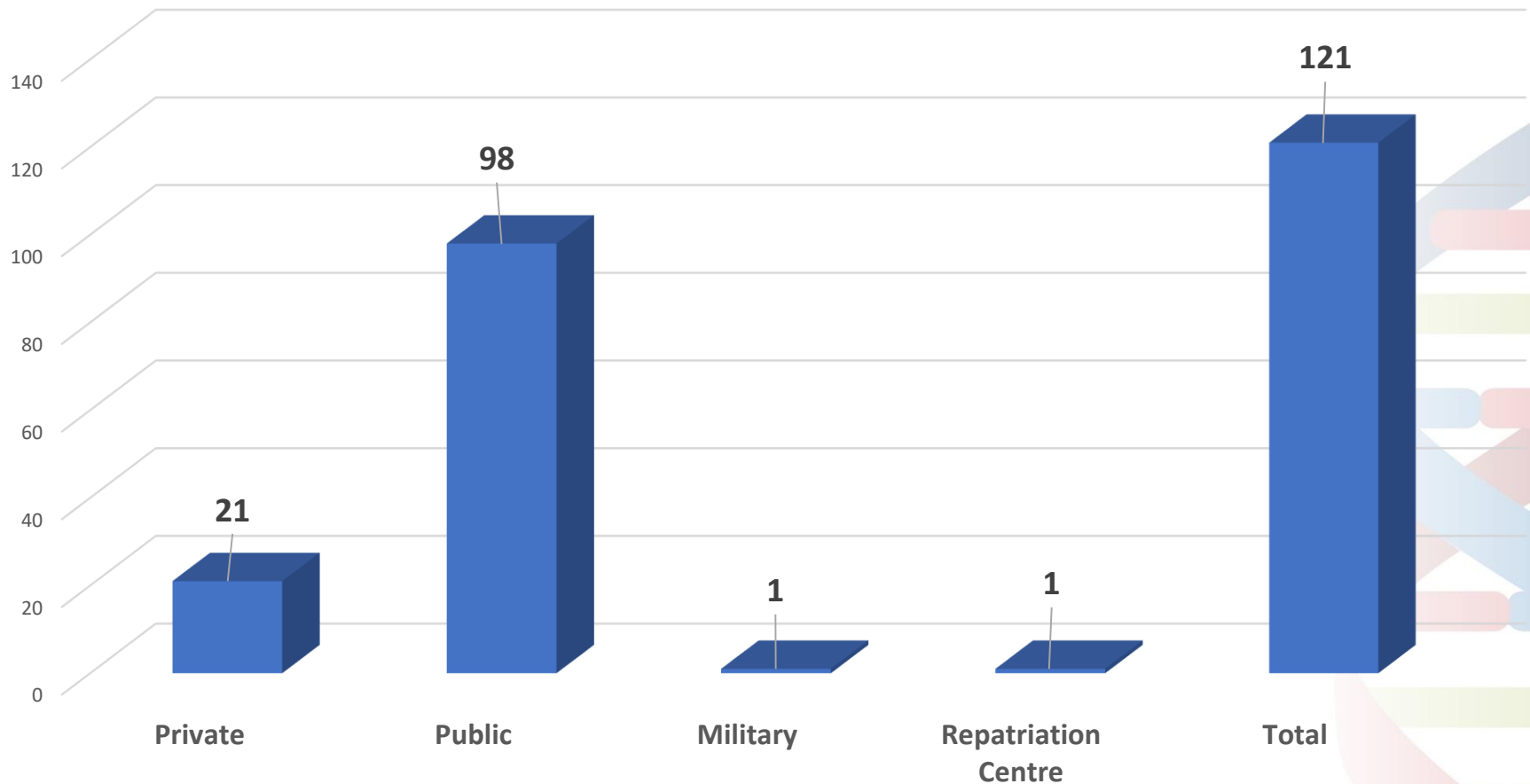
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Where are we now?

- **The total cases that were referred for Investigation since the establishment of the Unit in March 2017 to September 2018 are currently standing at 121.**
- **Evidence suggests there is a clear demand for our services emanating from the rapid escalation of cases received.**



Complaints Per Type of Facility

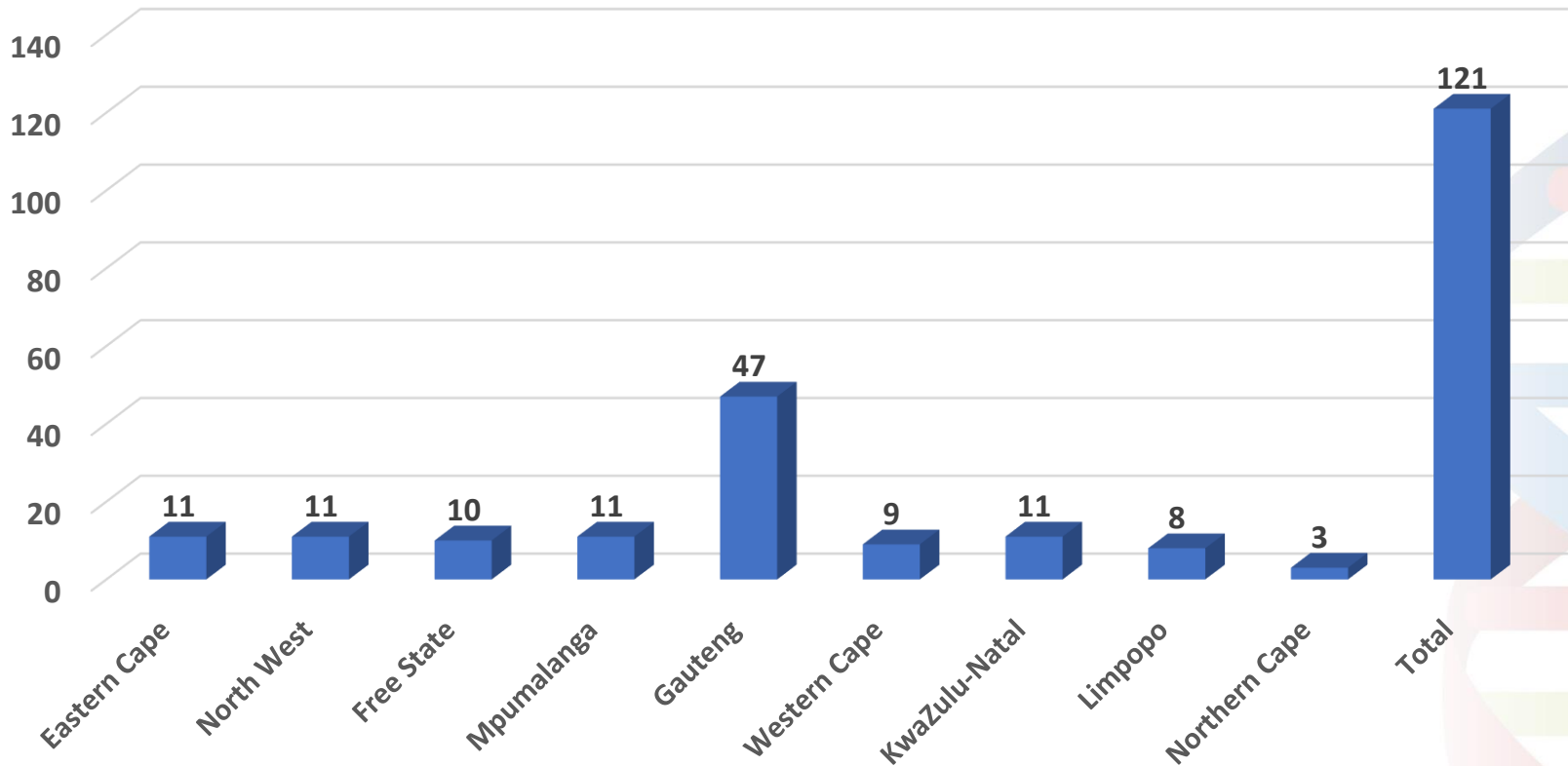


Cases per type of facility

- **The bulk of cases received emanates from Public Health Establishment (98), followed by Private Health Establishment (21) , Military Hospital and Repatriation Centre with a tie of one case each.**



Complaints per Province

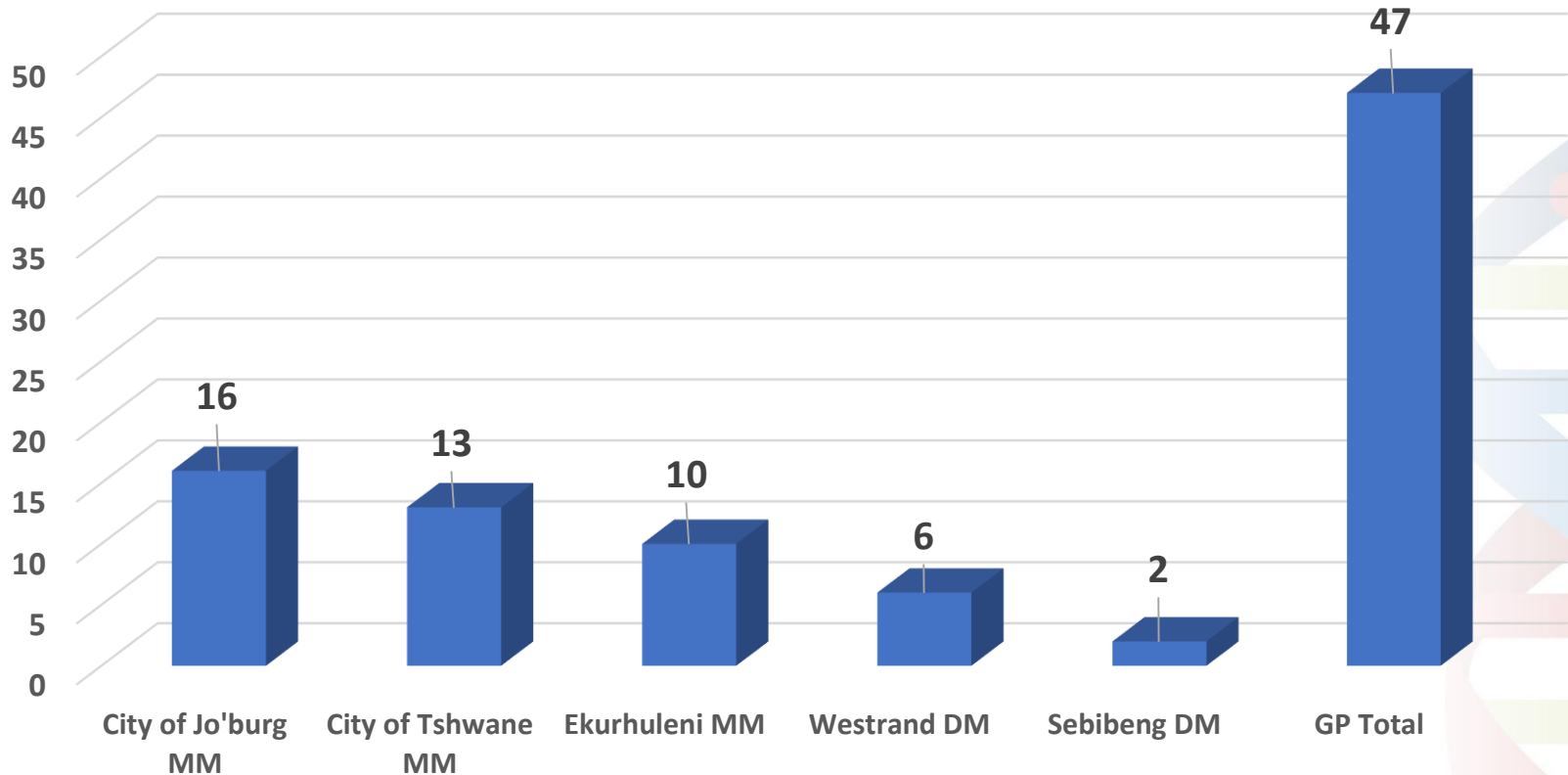


Complaints per Province

- **Gauteng is the leading Province with 47 cases received, followed by EC, NW, MP and KZN with a tie of 11 cases each.**
- **Free state 10**
- **Western Cape 9**
- **Limpopo 8**
- **The lowest province being Northern Cape with only 3 cases for investigation.**



#Cases per District (Gauteng Province)



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Complaints per District in Gauteng Province

- **City of Johannesburg MM is the leading district with 16 cases received, followed by the City of Tshwane MM with 13, Ekurhuleni MM with 10 , West Rand DM: 6 and the lowest being Sedibeng DM 2 .**



How we investigate?

Our investigations are conducted in a way that ensures all parties are advised of the nature of the investigation and have an opportunity to comment and provide information to ensure procedural fairness.



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How we investigate?

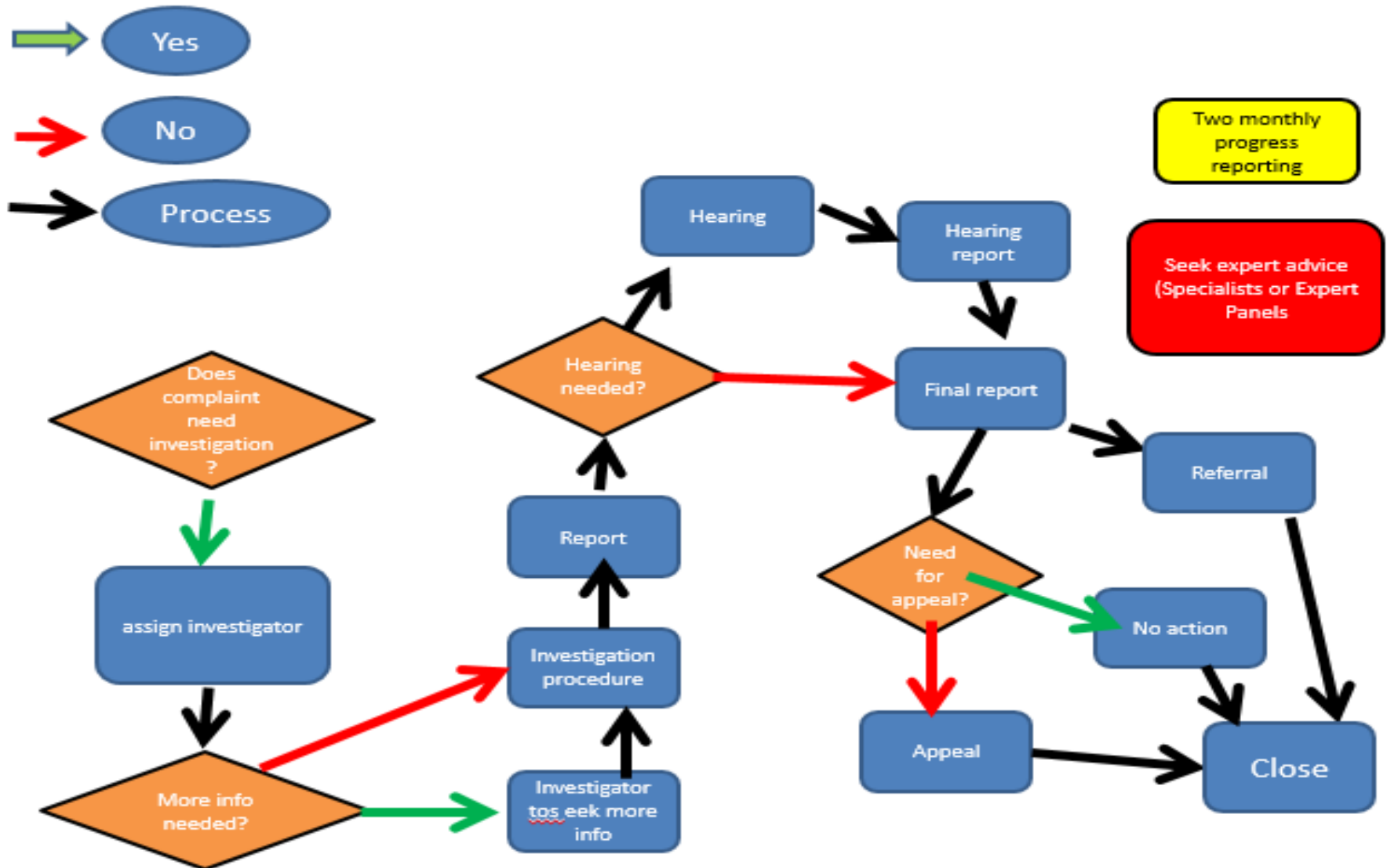
Gathering evidence and information to help us identify and analyse the cause/s of healthcare complaints

Process followed:

- I. Notify the health establishment**
- II. Obtain and analyse relevant information**
- III. Interview anyone we believe has information**
- IV. Observe clinician: patient interactions and others systems**
- V. seek independent expert opinion.**
- VI. Sought Health Ombud inputs**



Complaints Investigation Process flow



Chapter 7 Procedural Regulations

Complaint Investigations (R42)

The procedure for conducting an investigation must be such as the Ombud considers appropriate in the circumstances of the case, and in particular, he or she may make such inquiries, as he or she deems fit and must be in line with the applicable legislation.



Chapter 7 Procedural Regulations...

Complaint Investigations (R43)

The Ombud must notify the relevant health establishment regarding the investigation and the process of investigation, before or when the investigation has been started.



Chapter 7 Procedural Regulations...

Progress Reports (R44)

The Ombud must, every two months, give notice of the progress of an investigation to—

- (a) any health establishment being investigated; and
- (b) the complainant.



Chapter 7 Procedural Regulations ...

Period for completing Investigation (R45)

1) The Ombud must complete an investigation referred to in Regulation 42 within a period of 6 months, unless extended in terms of sub-regulation after the decision to carry out the investigation.

(2) The Ombud may extend the period for completing an investigation if the Ombud reasonably considers that, in view of all the circumstances, including the size and complexity of the matters being investigated, it is not possible to complete the investigation by the due date.

(3) The period for completing an investigation may be extended more than once, but each extension may not be more than 3 months, provided the total period of the investigation does not exceed 2 years.



Chapter 7 Procedural Regulations ...

Investigations Register (R46)

(1) The Ombud must keep a register, on its public website, of all investigations.

(2) The register must list the following matters for each investigation-

- (a) type of norm or standard breached;
- (b) general nature of the matter being investigated;
- (c) date on which it was decided to carry out the investigation;
- (d) current due date for completing the investigation;
- (e) current status of the investigation; and
- (f) reason for each extension of the period of investigation.

(3) The register must not include information that identifies or puts at risk a complainant, health establishment or person to whom a health care service was provided.



Chapter 7 Procedural Regulations...

Referral to and reports from other statutory authority or other appropriate and suitable body or entity (R49)

(1) When referring the matter, the Ombud must give the relevant statutory authority, or other appropriate and suitable body or entity, all relevant information that the Ombud has regarding the matter, including, details of the complaint, the complainant and the relevant health establishment.



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Chapter 7 Procedural Regulations...

Referral to and reports from other statutory authority or other appropriate and suitable body or entity (R49) continued...

(2) The statutory authority or other appropriate and suitable body or entity to which the matter was referred must provide the Ombud–

(a) written reports regarding progress on the matter, at regular intervals; and

(b) within 25 working days after completing the investigation, a written report of the results of the action taken regarding the matter.

(3) For the purposes of this regulation “statutory authority” means any authority established by or under a provincial or national legislation.



Chapter 7 Procedural Regulations ...

Confidentiality of information (R50)

- (1) Information obtained by the Ombud or persons designated in terms of section 81(3)(c) of the Act in the course of or for the purposes of an investigation may not be disclosed to any third party, except for the purposes of the investigation and any report to be made in respect thereof.

- (2) A health establishment may, by written notice explaining why the information is confidential, claim any information to be confidential.



Chapter 7 Procedural Regulations ...

Confidentiality of information (R 50) continued...

(3) The Ombud must, within 10 working days of receipt of the notice referred to in sub-regulation (2), determine whether or not the information is confidential, and if the Ombud finds that the information is confidential, make any appropriate order concerning access to that information.

(4) The health establishment may, within 10 working days of the determination of the Ombud in terms of sub-regulation (3), lodge an appeal against such determination or an order contemplated in sub-regulation (3), to the Minister in terms of section 88A of the Act.



CHALLENGES

- **Provincial Health Departments delay to positively and proactively respond to information request which affects the turnaround time for the complaints resolution.**



Remedies

Designated Personnel to deal with information request from the OHSC.



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Thank You



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