

Office of the Health Ombudsman

Performance report February 2016



Office of the
**HEALTH
OMBUDSMAN**

Listen. Respond. Resolve.

Office of the Health Ombudsman—Performance report February 2016

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Introduction

This document contains our performance data for February 2016. Over time, our monthly data will identify trends which will inform our work in promoting improved health service delivery by health service providers, and in identifying systemic issues. As we continue to monitor our performance data, we will also look for areas of improvement, innovation and greater efficiency.

Importantly, our monthly performance reporting highlights our commitment to transparency and accountability, and our desire to ensure Queenslanders have confidence in the management of health service complaints.

The Office of the Health Ombudsman (OHO) commenced operation on 1 July 2014 as Queensland's health service complaints management agency. On commencement, the OHO not only started receiving enquiries and health service complaints, but assumed responsibility for 289 matters previously managed by the Health Quality and Complaints Commission. All matters transitioned from the commission that have been reviewed, audited and processed within the OHO's health service complaints management system are integrated within this data.

In addition, during August 2014, the OHO began reviewing current matters from the Australian Health Practitioner Regulation Agency (AHPRA) and the national boards to determine those that were most appropriately dealt with by the OHO, and those that should continue to be dealt with by AHPRA. The OHO took on this existing work in conjunction with the notification (after 1 July) of new serious matters by AHPRA to the OHO for determination and action, as appropriate. These matters are included within the data of this report.

Data in this report is correct as at 8 March 2016, but is subject to change.

Number of contacts

Type of contact	Number	Percentage
Complaint	539	61.32
Enquiry	323	36.75
Yet to be classified	17	1.93
Total	879	100.00

This data is based on contacts with the OHO during the month. Matters that are 'yet to be classified' are contacts in which not enough information was provided initially to allow for a determination and additional information is being sought, or are matters that came in just before the end of the reporting period and were still being processed.

The number of complaint contacts will not equal the number of decisions made in the table below.

Contacts 'yet to be classified' at the time of running this report will continue to be allocated as complaints (and enquiries) as additional information is received. However, decisions on these complaints will be registered in the next reporting period.

Type of complaints

Type of complaints	Number	Percentage
Health consumer complaint	455	84.42
Mandatory notification*	47	8.72
Voluntary notification*	21	3.89
Self-notification*	11	2.04
Referral**	5	0.93
Total	539	100.00

*Notifications are made by health service providers, as required in the Health Practitioner Regulation National Law (Queensland).

**Referrals are matters referred by government and non-government agencies to the OHO.

Decisions

Number of decisions made

Number of decisions made	Number	Percentage
Accepted	396	66.33
Not accepted	98	16.42
Decision pending	103	17.25
Total	597	100.00

'Decision pending' relates to matters where more information is required before deciding whether to accept or not accept a complaint, or because a matter came in just before the end of the reporting period and is still to be processed.

Decisions made within seven days

In February, the office made 55.87 per cent of acceptance decisions within seven calendar days. This 21 per cent increase from January was achieved despite the office receiving the highest number of contacts in a single month ever (879 contacts) and making the highest number of decisions since opening in 2014 (494 decisions). This increase has been achieved through continuing improvements and modifications to processes.

While internal processes will continue to be reviewed in order to improve the timeliness of decisions, certain external factors, such as the offices' ability to access relevant information about registered practitioners in a timely way, will continue to limit the degree to which timeframes can be improved.

Decision made within seven days	Number	Percentage
Yes	276	55.87
No	218	44.13
Total	494	100.00

Health service complaints profile

Main issues raised in complaints

Issue	Number	Percentage
Access	7	1.69
Code of conduct for healthcare workers	1	0.24
Communication/information	60	14.53
Consent	13	3.15
Discharge/transfer arrangements	14	3.39
Environment/management of facilities	9	2.18
Grievance processes	6	1.45
Medical records	18	4.36
Medication	38	9.20
Professional conduct	33	7.99
Professional health	2	0.48
Professional performance	210	50.85
Reports/certificates	2	0.48
Treatment	0	0.00
Total	413	100.00

These figures are based on complaints that completed the assessment process during the month. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

Number and type of complaints by health practitioner

Practitioner type	Access	Code of conduct for healthcare workers	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Alternative care	-	1	-	1	-	-	-	-	-	-	-	1	-	2	-	-	5
Chinese medicine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chiropractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dentistry	-	-	1	-	-	-	-	-	-	-	-	1	-	2	-	-	4
Emergency care	-	-	-	-	-	-	-	-	-	-	-	1	-	2	-	-	3
General medical	-	-	9	2	4	-	-	-	-	8	8	7	1	50	-	-	89
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	2
Medical specialty	-	-	7	3	-	1	-	-	-	-	4	2	-	20	-	-	37
Nursing	-	-	2	-	-	-	-	-	1	-	1	5	-	7	-	-	16
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	1	8	1	1	-	-	-	11
Pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Speech pathology	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Surgical	-	-	6	2	1	-	-	-	-	-	1	4	-	18	1	-	33
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	1	25	8	5	1	-	-	1	9	22	22	2	103	2	-	201

These figures are based on complaints that completed the assessment process during the month. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

Number and type of complaints by health service organisation

Organisation type	Access	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Aged care facility	-	1	1	-	-	-	-	2	-	1	-	-	5	-	-	10
Allied health service	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	1
Ambulance service	-	-	-	-	-	-	-	-	-	-	1	-	2	-	-	3
Community health service	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Correctional facility	1	-	-	-	-	-	-	-	-	2	1	-	3	-	-	7
Dental service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Health service district	-	3	1	-	1	-	-	1	1	1	-	-	3	-	-	11
Laboratory service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed day hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Licensed private hospital	-	6	-	2	1	-	-	-	-	1	1	-	9	-	-	20
Medical centre	-	-	-	-	-	-	-	-	1	-	-	-	2	-	-	3
Mental health service	-	1	-	-	-	-	-	-	-	-	-	-	2	-	-	3
Nursing service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other government department	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other support service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmaceutical service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public health service	-	-	-	-	-	-	-	-	-	-	1	-	1	-	-	2
Public hospital	6	21	3	7	4	-	-	1	7	10	7	-	75	-	-	141
Residential care service	-	1	-	-	2	-	-	-	-	-	-	-	2	-	-	5
Specialised health service	-	2	-	-	-	-	-	1	-	-	-	-	2	-	-	5
Not yet known	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	7	35	5	9	8	-	-	5	9	16	11	-	107	-	-	212

These figures are based on complaints that completed the assessment process during the month. Basing figures on completed assessments produces accurate reporting of the type(s) of issues identified as all relevant details of a matter have been identified at the time an assessment is completed. Please note, there can be multiple issues identified within a single complaint.

Assessment

Assessments started and completed

Assessments this month	Number
Assessments started	167
Assessments completed	156

Completed assessment timeframes

Work is underway to audit, plan and progress matters over 60 days. Matters over 60 days are those which are more clinically complex and/or serious, or those for which more detailed information is required. This category also includes matters awaiting clinical advice, although the number of these is reducing as the clinical advice process becomes more streamlined and efficient.

As the strategies take effect and the backlog decreases in relation to matters over 60 days, a higher number of matters which are outside timeframes will be closed. This is true in February, with 50 more assessments older than 60 days being finalised than in January (93 in February compared to 43 in January).

Of the 26 assessments completed within 60 days, five matters were eligible for and received an approved extension, while 93 matters were completed outside of 60 days.

Assessment timeframes	Number	Percentage
Completed within 30 days	37	23.72
Completed within 60 days	26	16.67
Completed in more than 60 days	93	59.61
Total	156	100.00

Assessments are able to be completed within 60 days when granted an extension of 30 days as a result of legislated requirements being met.

Assessment decisions

Type of relevant action	Number	Percentage
Local resolution	10	6.21
Conciliation	12	7.45
Investigation	4	2.48
Referred to AHPRA and the national boards	47	29.19
Referral to another entity	13	8.07
Immediate registration action*	0	0.00
Interim prohibition order*	0	0.00
No further action	75	46.58
Total	161	100.00

Total assessment decisions will not equal the total number of assessments (in previous tables) as a single assessment can result in multiple relevant actions.

The figures for the type of relevant action decided in the assessment stage may not correspond with totals for respective relevant actions (e.g. local resolution, conciliation, investigation etc.) due to the time between a decision being made and an action being taken crossing over different reporting periods.

*Immediate action assessment decision figures may not align with the immediate action figures later in the report due to immediate action decisions being made outside of the assessment process.

Local resolution

Local resolutions started and completed

Local resolutions this month	Number
Local resolutions started	151
Local resolutions completed	111

The number of local resolutions started in the month may not directly match the number of assessment decisions to undertake local resolution due to the time between a decision being made and an action taken crossing over different reporting periods.

Completed local resolution timeframes

The office started the highest number of local resolutions ever (151 started) and completed the third highest number ever (111 closed) this month. The high number of local resolutions started is due in part to the flow on from the holiday closure, as matters have moved through the complaints system.

Of the 34 local resolution matters completed within 60 days, 10 were eligible for and received an approved extension. The remaining 24 matters completed within 60 days were finalised without an extension due to a combination of the ongoing effects of the holiday closure and the unexpected volume of complaints moving into local resolution.

Of the six matters completed in more than 60 days, three were eligible for and received an approved extension. The six matters were completed in more than 60 days due to case complexities and delays in sourcing further information to assist resolution.

Local resolution timeframes	Number	Percentage
Completed within 30 days	71	63.96
Completed within 60 days	34	30.63
Completed in more than 60 days	6	5.41
Total	111	100.00

Local resolutions are able to be completed within 60 days when granted an extension of 30 days as a result of legislated requirements being met.

Local resolution outcomes

Local resolution outcomes	Number	Percentage
Resolved	93	83.78
Not resolved	18	16.22
Complaint withdrawn*	0	0.00
Total	111	100.00

*Complainants can choose to withdraw their complaint at any stage during local resolution.

Decisions for matters that were not resolved

Type of relevant action	Number	Percentage
Assessment	1	5.56
Conciliation	0	0.00
Investigation	0	0.00
Referred to AHPRA and the national boards	1	5.56
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	16	88.88
Total	18	100.00

Conciliation

Conciliations started and closed

Conciliations this month	Number
Conciliations open at the start of the month	35
Conciliations started	12
Conciliations closed	7

The number of conciliations started in the reporting period may not match the number of assessment decisions to undertake conciliation due to the time between a decision being made and an action taken crossing over different reporting periods.

'Conciliations started' includes all matters—including matters where agreement to participate has or has not been reached or the decision is pending—that entered the conciliation workflow during the reporting period following the OHO assessing them as being suitable for conciliation. Similarly, 'conciliations closed' are all matters that were closed during the reporting period, whether due to parties not agreeing to participate or the matter being closed after completing the conciliation process. Closed conciliations differ from completed conciliations below, as completed conciliations only include matters where both parties agreed to participate and the conciliation process was completed.

Agreement to participate in conciliation

Agreement to participate in conciliation	Number
Party/ies agreed to conciliation	5
Party/ies did not agree to conciliation	3
Decision pending at end of month	8

Once the decision is made to attempt conciliation, both parties must agree to participate in the process. If either one, or both, of the parties do not agree, the conciliation process does not commence and the matter is closed.

Decisions pending includes matters where parties are still deciding whether to participate in conciliation at the end of the reporting period. It also includes matters that have been referred to another relevant action, where conciliation may not commence until this relevant action has been finalised.

Completed conciliation timeframes

Conciliations completed	Number	Percentage
Less than 3 months	0	0.00
3–6 months	3	75.00
6–9 months	1	25.00
9–12 months	0	0.00
More than 12 months	0	0.00
Total	4	100.00

The data above relates to matters where parties agreed to participate in conciliation and the conciliation process was completed within the specified timeframes. Completed conciliations differ from closed conciliations (in the table above) as they only relate to matters where parties agreed to participate and the conciliation process was completed.

Completed conciliation outcomes

Conciliation outcomes	Number	Percentage
Successful	2	50.00
Not successful	2	50.00
Ended by Health Ombudsman	0	0.00
Total	4	100.00

The data above relates to matters where parties agreed to participate in conciliation. After agreeing, the conciliation process was completed with the matter either being successful or not successful—or in rare instances, the Health Ombudsman ending it. Completed conciliations differ from closed conciliations—in the first conciliation data table above—as completed conciliations only relate to matters where parties agreed to participate and the conciliation process was completed.

Decisions for conciliations that were not successful

Type of relevant action	Number	Percentage
Local resolution	0	0.00
Investigation	0	0.00
Referred to AHPRA and the national boards	0	0.00
Referral to another entity	0	0.00
Immediate action	0	0.00
No further action	2	100.00
Total	2	100.00

Open conciliation timeframes

Conciliations open	Number	Percentage
Less than 3 months	27	67.50
3–6 months	11	27.50
6–9 months	1	2.50
9–12 months	0	0.00
More than 12 months	1	2.50
Total	40	100.00

Matters can be referred simultaneously to conciliation and another relevant action. Conciliation may not commence until after the other relevant action has been finalised.

Eight matters are also on hold pending the finalisation of processes by other agencies. Of those matters, two have been open less than three months, four have been open between three and six months, one has been open between six and nine months, and one has been open for more than 12 months.

Investigation

Investigations started and closed

Investigations this month	Number
Investigations open at the beginning of the month	267
Investigations started	9
Investigations closed	3
Investigations paused*	8
Investigations re-commenced**	1

The number of investigations started in the reporting period may not match the number of assessment decisions to undertake investigation due to the time between a decision being made and an action taken crossing over different reporting periods, or due to investigations being started via other processes (e.g. own-motion investigation).

*Certain matters may be referred to an external agency, such as the Queensland Police Service while criminal proceedings take place, or to the coroner if it relates to reportable deaths (under s92 of the *Health Ombudsman Act 2013*). From an OHO perspective, these matters are not closed but effectively paused within the OHO's complaints management system as in these circumstances it is not appropriate for the OHO to conduct any investigations that may impede on an external agency's processes. As a result, investigation of these matters will be put on hold until the external agency finalises its processes.

**These are matters that have been re-commenced by the OHO following an external agency completing their processes.

Closed investigation timeframes

Investigations closed	Number	Percentage
Less than 3 months	0	0.00
3–6 months	0	0.00
6–9 months	0	0.00
9–12 months	0	0.00
More than 12 months	3	100.00
Total	3	100.00

Closed investigation outcome

Closed investigation outcome	Number
Referred to Director of Proceedings	0
Report	0
Referred to AHPRA	0
Referred to another agency*	0
No further action	3

Open investigation timeframes

Investigations open	Number	Percentage
Less than 3 months	28	10.53
3–6 months	32	12.03
6–9 months	46	17.29
9–12 months	36	13.53
More than 12 months*	124	46.62
Total	266	100.00

This does not include the 64 paused matters currently with an external agency. Please note, this includes 19 matters previously recorded as closed.

*All investigations that have been open for more than 12 months are published on the investigations register on the OHO website (www.oho.qld.gov.au).

Open investigation categories

Type of investigation	Number
Health service complaint	230
Systemic issue	0
Another matter*	36

This does not include the 64 paused matters currently with an external agency.

*Matters that are brought to the Health Ombudsman's attention by means other than through a health service complaint or notification.

Immediate action

The Health Ombudsman can take immediate action against both registered and unregistered health practitioners if the Health Ombudsman reasonably believes the practitioner poses a serious risk to the health and safety of the public.

Show cause notices

One show cause notice was issued in February.

As outlined in the *Health Ombudsman Act 2013*, upon receipt of a show cause notice, a health service provider is invited to make a submission within a stated period of time. The Health Ombudsman will then consider the submission before deciding whether to take immediate action against the provider.

Immediate registration action

The Health Ombudsman took immediate registration action against three registered health practitioners in February, including:

- suspending one nurse's registration due to their conduct
- placing conditions on one nurse's registration due to their performance and conduct
- placing conditions on one physiotherapist's registration due to their conduct.

The Health Ombudsman can take immediate registration action if a registered health practitioner's health, conduct or performance means they pose a serious risk to people and immediate action is necessary to protect public health and safety.

The Health Ombudsman can temporarily suspend or impose conditions on the registration of registered health practitioners.

Prohibition orders

In February, the Health Ombudsman issued three interim prohibition orders to a massage therapist, an assistant in nursing and to the physiotherapist noted above who also had immediate registration action taken against them.

The details for current prohibition orders can be found on the OHO website (www.oho.qld.gov.au) on the prohibition order register.

The Health Ombudsman can issue an interim prohibition order if an unregistered health practitioner's health, conduct or performance means they pose a serious risk to people and immediate action is necessary to protect public health and safety.

An interim prohibition order can *prohibit* or *restrict* a health practitioner from providing any health service, or a specific health service.

The Health Ombudsman can also enforce a prohibition order or an interim prohibition order issued in another state or territory where that interstate prohibition order corresponds—or substantially corresponds—to the type of prohibition order that can be made in Queensland.

Australian Health Practitioner Regulation Agency

Notifications from AHPRA

One new notification (s193 of the Act) about possible serious matters were received this month. This matter was not requested for referral to the Health Ombudsman.

Number of practitioners referred to AHPRA by practitioner type

Practitioner type	Number
Aboriginal and Torres Strait Islander health	0
Chinese medicine	1
Chiropractic	1
Dental	15
Medical	86
Medical radiation	0
Nursing and midwifery	30
Occupational therapy	0
Optometry	0
Osteopathy	0
Pharmacy	1
Physiotherapy	5
Podiatry	0
Psychology	5
Unregistered practitioner	1
Total	145

Number of issues referred to AHPRA by practitioner type

Registered practitioner type	Access	Communication and information	Consent	Discharge/transfer arrangements	Environment/management of facility	Enquiry service	Fees and costs	Grievance process	Medical records	Medication	Professional conduct	Professional health	Professional performance	Reports/certificates	Treatment	Total
Aboriginal and Torres Strait Islander health	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chinese medicine	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Chiropractic	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1
Dental	-	-	-	-	-	-	-	-	1	-	5	-	18	-	-	24
Medical	-	11	4	2	-	-	1	-	5	10	12	12	91	2	-	150
Medical student	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Medical radiation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nursing and midwifery	-	1	-	-	1	-	-	1	-	15	10	9	1	-	-	38
Nursing student	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Occupational therapy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Optometry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Osteopathy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Pharmacy	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	1
Physiotherapy	-	-	-	-	-	-	-	-	-	-	-	3	2	-	-	5
Podiatry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Psychology	-	-	-	-	-	-	-	-	2	-	1	1	-	2	-	6
Unregistered practitioner	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	12	4	2	1	-	1	1	9	25	29	26	113	4	-	227

The figures above represent the number of issues referred to AHPRA, not the number of practitioners. The referral of a single practitioner may include multiple issues relating to that practitioner, with each issue requiring its own action.

Demographics

The following demographic data is based on matters that have completed the assessment process. Basing figures on completed assessments produces accurate reporting as all relevant details of a matter have been identified.

Unless otherwise specified, data is based on healthcare consumers, not the complainant, as the complainant in a matter may not be the consumer of the health service. Matters where the healthcare consumer is an organisation are not included in these figures.

Gender

Gender	Number	Percentage
Female	89	58.17
Male	57	37.25
Unknown	7	4.58
Total	153	100.00

Age

Age	Number	Percentage
Less than 18	16	10.46
18–24 years	8	5.23
25–34 years	9	5.88
35–44 years	20	13.07
45–54 years	36	23.53
55–64 years	20	13.07
65–74 years	13	8.50
More than 75 years	19	12.42
Unknown*	12	7.84

*Not recorded or not provided for a particular matter.

Location of healthcare consumers

Location of healthcare consumers	Number	Percentage
Brisbane	54	35.29
Central West	0	0.00
Darling Downs	1	0.65
Far North	8	5.23
Fitzroy	7	4.58
Gold Coast	24	15.69
Mackay	2	1.31
North West	0	0.00
Northern	11	7.19
South West	0	0.00
Sunshine Coast	14	9.15
West Moreton	2	1.31
Wide Bay–Burnett	14	9.15
Outside Queensland	3	1.96
Unknown	13	8.50

The above data is based on health consumer location.

Location of health service providers

Location of health service providers	Number	Percentage
Brisbane	86	48.04
Central West	0	0.00
Darling Downs	3	1.68
Far North	14	7.82
Fitzroy	8	4.47
Gold Coast	23	12.85
Mackay	3	1.68
North West	0	0.00
Northern	15	8.38
South West	0	0.00
Sunshine Coast	8	4.47
West Moreton	2	1.12
Wide Bay–Burnett	4	2.23
Outside Queensland*	13	7.26
Unknown	0	0.00

The above data is based on health service provider location.

*Health service provider location is taken from the primary address of the provider recorded in the OHO complaints management system. Complaints can be made about health service providers from other states who have provided health services in Queensland. This could include locums travelling to Queensland from interstate or providers who previously lived in Queensland providing services but have since moved interstate—as the OHO can deal with complaints up to two years old.



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