



## Information for support persons

### When is a support person needed?

A support person may be invited to attend when the Office of the Health Ombudsman (OHO) interviews a person as part of an investigation.

The OHO is not legally required to offer a support person in all cases, but may do so to promote accountability, transparency and procedural fairness, and to create a reassuring environment for the person being interviewed (interviewee).

### Are you an appropriate support person?

The interviewee is entitled to choose a support person. The OHO will accept the choice provided the support person is not:

- under 18 years of age
- a witness to the matters being investigated
- the health practitioner subject to the investigation
- the person who received the health service being investigated (the consumer)
- a friend, affiliate or other associate of any party related to the investigation or another connected investigation
- a friend, affiliate or other associate of the interviewer or the corroborator.

This is not a complete list, and the choice of support person may be questioned in other circumstances. If you are unsure of any of the above circumstances or whether you are an appropriate support person, contact the interviewer to discuss.

### What is your role as a support person?

As a support person you are there to observe. This means that you cannot answer questions on behalf of the interviewee or write answers down for the interviewee to read out.

At any time during an interview a support person may reasonably:

- seek clarification of a question
- challenge an improper question
- challenge the way a question is asked
- raise any issues about how the interview is being conducted
- request to speak with the interviewee alone.



## What is a support person not allowed to do?

As a third party observer, a support person cannot interfere with the interview. As a support person, you may be interfering if you:

- act in a way that prevents proper questions being asked of the interviewee
- act in a way that prevents the interviewee's answers from being recorded
- persistently answer questions on behalf of the interviewee
- write replies for the interviewee to read out loud in response to questions.

You also may not assault, hinder, resist, attempt to obstruct or threaten to obstruct the interview. If you do, the interview will be stopped immediately.

If the interviewer believes you are interfering with the interview they will remind you of your obligations and warn you that if the behaviour continues you may be asked to leave the interview.

If you are asked to leave, the interviewer will explain their reasons to you and the interviewee either in writing or on the electronic record.

If your behaviour is persistent and the interviewer believes you are obstructing the interview, legally they may give you a verbal warning under the *Health Ombudsman Act 2013*. Under the Act, it is a criminal offence to obstruct an interviewer requiring answers to relevant questions. This warning will only be necessary in very serious cases.

### Further information

Visit: [www.oho.qld.gov.au](http://www.oho.qld.gov.au)

Email: [info@oho.qld.gov.au](mailto:info@oho.qld.gov.au)

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