

Our Reference: C/98/6110

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Dr H Gapper
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Dear Dr Gapper

The NSW Ombudsman has received a number of complaints over past months which have raised issues about the practices and procedures of HealthQuest. You spoke briefly to my colleague, Ms Margo Maneschi, in September 1998 when she requested copies of HealthQuest's policies and procedures to further assess the issues which had been raised. The assistance you and Ms Jan Whalan, Director Corporate Services for Central Sydney Area Health Service, have given in providing relevant documents to this office is appreciated.

I now have carriage of the matter and confirm I have considered:

- The Premier's Memorandum No 98-1 - *Revised Health, safety, medical assessment and medical retirement procedures.*
- HealthQuest's Procedures Manual - index
- HealthQuest procedure - Medical assessment and medical retirement (original date February 1996).
- A copy of your talk to the seminar on *Whistleblowing and the Protected Disclosures Act.*

I apologise for the delay in contacting you again but as you may be aware, the Independent Commission Against Corruption (ICAC) has received complaints which raise similar issues and it has been necessary for our respective organisations to discuss how to deal with the various issues to avoid unnecessary duplication.

The NSW Ombudsman is primarily concerned with administrative aspects of the procedures and practices of HealthQuest. The complaints we have received raise the possibility that HealthQuest may, on occasion, receive referrals from departments where the issue leading to the referral could be more accurately characterised as an industrial, rather than a medical, matter. The complaints raise the question of how HealthQuest deals with such referrals. This issue has been raised by a number of individuals, some of whom identify themselves as whistleblowers, and also as a general issue by Whistleblowers Australia. With the exception

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of one complaint which I will deal with later in this letter, I do not propose to focus on the detail of individual cases. I am aware the Premier's Memorandum came into effect early in 1998 and may have led to changes in how referrals are dealt with which post-date the situations described by some complainants. I would therefore like to discuss with you the current practices and procedures of HealthQuest and particularly how referrals are dealt with.

The issues I would like to discuss include:

- In what circumstances, if any, does HealthQuest decline a referral?
- If referrals are declined, how many were declined in 1998 and for what reasons? Who made the decisions to decline the referrals?
- The Premier's Memorandum sets out at page 4 information departments are required to provide with referrals to HealthQuest. What procedures does HealthQuest have in place to ensure referrals by departments comply with these requirements?
- Does HealthQuest accept referrals which are made without the required information from departments?
- The Premier's Memorandum requires departments to provide the employee with a copy of the information sent to HealthQuest. Does HealthQuest ask employees if they have received this information? If employees have not been provided with this information by their employer what, if any, action does HealthQuest take?
- Does HealthQuest accept referrals from any departmental officers or is a certain level of seniority required?
- Is there any type of information HealthQuest will not accept from departments making a referral?
- Well publicised complaints have been made alleging HealthQuest has been used inappropriately by departments attempting to deal with employees they see as "troublesome". When receiving a referral relating to a person who identifies themselves as a whistleblower, does HealthQuest have any additional procedures in place to ensure this is not the case?
- What information does HealthQuest give to employees about the assessment process, the assessment decision and the reasons for the assessment decision?