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Government action for older people

The Aged Care Complaints Resolution Scheme: a response by the Federal Government

Gary Gray

The Aged Care Complaints Resolution Scheme is a part of the Federal Government's commitment to ensuring that quality care and services are available to frail older Australians.

The Scheme is a free service run by the Federal Department of Health and Aged Care. The focus of the Scheme is on resolving complaints. Since it was established by the Federal Government in October 1997, the Scheme has handled approximately 5000 cases.

The number of actual complaints has remained fairly constant at around 1750 per year, but there has been an increase in the number of 'information' calls. These are calls that do not proceed to a complaint as they are dealt with by information provided at the time of the call.

The majority of complaints are resolved to the satisfaction of both people receiving care and their service providers. Approximately 1 per cent of complaints are finalised via determination, 2 to 3 per cent via mediation, a similar number are withdrawn, and the balance are dealt with via negotiation and/or referral.

Upon finalisation of each complaint a satisfaction survey is sent to both the complainant and the service provider. The most recent tabulation of these surveys indicated that of those who responded, approximately 90 per cent of both complainants and providers were satisfied with the outcome.

The Scheme is available to anyone who wishes to make a complaint about an aged care service. This might include residents of nursing homes and hostels and their families, staff, people receiving community aged care packages or anyone else. Complaints may be made confidentially and anonymously if required.

All aged care services are required to have an internal complaints system and in many cases this may be an effective means of dealing with concerns. If, however, people are uncomfortable discussing a problem directly with their service provider they can contact the Complaints Resolution Scheme.

A complaint may be about any aspect of an aged care service that appears unfair or causes dissatisfaction with the service. In some cases a complaint may involve more than one issue, but to date the most frequently raised issues have included:

- care needs;
- financial matters;
- staffing;
- catering;
- safety;
- environment;
- choice;
- continence;
- hygiene; and
- security.

On receipt of a complaint, a complaints resolution officer asks the complainant what course of action is sought and then negotiates with the service provider. As the name of the Scheme suggests, it is not intended to be an investigatory body. The processes outlined in the legislation that supports the Scheme are based on resolution through negotiation, mediation or determination. The complainant can choose whether they wish to be involved

in the negotiations.

In some cases a complainant may feel they require additional assistance with making their complaint and in such cases the Scheme can put them in touch with an advocacy service. The Aged Care Advocacy Service Program is funded by the Commonwealth to assist consumers of aged care services who may be unable or unwilling to represent themselves. In each State and Territory there is an advocacy service that, among other things, supports complainants through the Complaints Resolution Scheme process.

The role of the advocate will vary depending on the wishes of the complainant. The complainant has the right to determine what level of support they require. An advocate may:

- be the person to raise the complaint on behalf of the complainant; and
- act as a 'go between' through the process, receiving all calls and letters from the Scheme.

The Scheme advises complainants of the availability of an advocate where they believe the complainant may:

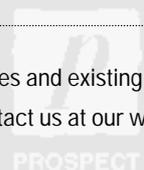
- feel isolated from their family, or have no family to help them with the decisions they need to make;
- have little or no knowledge of the system and their rights as consumers;
- suffer from loss of independence and self esteem;
- fear possible retribution; and/or
- find it difficult to cope with the complaints process.

In cases where an acceptable outcome cannot be achieved through negotiation, a professional mediator may be arranged by the Scheme, free of charge, to facilitate a resolution. The Scheme maintains an independent panel of external mediators who can be drawn upon as the need arises. ▶

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'Australian societal structures do not venerate the aged or recognise their ability to contribute in an ongoing and useful way. ADR professionals can assist to redress this imbalance when dealing with the aged in a professional capacity.'

► If appropriate (for example, if a complaint raises issues which would indicate problems of a systemic nature or involving criminal matters) the complaint can also be referred to an external body such as the Aged Care Standards and Accreditation Agency or the police.

If the attempt to resolve a case through negotiation and possible mediation is unsuccessful, the complaint may be referred to a Complaints Resolution Committee. These Committees comprise members with specific expertise in aged care and dispute resolution and are appointed by the Secretary of the Department of Health and Aged Care. The Committees hand down determinations that are legally binding on the service provider and set out a course of action to address the issues raised in the complaint. A determination may be appealed by either the complainant or the provider and this appeal is then considered by a panel chaired by the Commissioner for Complaints. The appeal or review process is the final stage available to parties under the Scheme.

The Office of the Commissioner for

Complaints was established by the Federal Government in August 2000 to oversee the operation of the Complaints Resolution Scheme. If a complainant has concerns about how the Complaints Resolution Scheme is dealing with their complaint they can contact the Office. The Commissioner for Complaints, the Hon Rob Knowles, is based in Melbourne. The Office can be contacted on 1800 500 294. ●

Complaints to the Complaints Resolution Scheme can be made either by telephone on free-call 1800 550 552 during business hours, or in writing to:

Aged Care Complaints Resolution Scheme c/- Department of Health and Aged Care GPO Box 9848 in your capital city.

The Scheme can also assist people by providing an interpreter or arranging access to a TTY (Deaflink) phone.

Federal Department of Health and Aged Care Enquires: 1800 550 552.