

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2013-14 Additional Estimates Hearings

Outcome Number: 8

Question No: 540

Topic: Aged Care Commissioner Complaints

Hansard Page: Written

Senator Polley asked:

- 1) Please outline the complaints forwarded to or made directly to the Aged Care Commissioner, including the nature of the complaints, by state and territory, and region.
- 2) How many of these complaints were resolved? Are ongoing?
- 3) What actions have been taken against providers?
- 4) Please outline what actions have been taken against St Luke's Nursing Home in Elizabeth Bay, NSW.
- 5) Have all complaints been finalised? If not, what is the progress of these complaints?
- 6) Is compensation available for family members if breaches have led to the death of a patient?
- 7) What options are available if complainants feel their concerns still have not been addressed?
- 8) Please outline what actions have been taken against St Jude's nursing home in Victoria.
- 9) Are any complaints outstanding?
- 10) What weight is given to complaints relating to the mobility of patients? How are these assessed?

Answer:

Questions 1 and 2

Table 1 below provides a breakdown of complaints received by the Aged Care Commissioner by state and territory.

Table 1 – Number of requests/complaints received by the Office of the Aged Care Commissioner for the period 7 September 2013 to 28 February 2014 by state and territory¹

Nature of complaint	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	Total
Requests for examinations of Aged Care Complaints Scheme decisions	16	3	3	4	-	1	1	-	28
Complaints about Aged Care Complaints Scheme processes	13	5	1	-	-	1	-	-	20
Complaints about Australian Aged Care Quality Agency accreditation process (and its predecessor, the Aged Care Standards and Accreditation Agency Ltd)	-	1	-	1	-	-	-	-	2
Total	29	9	4	5	-	2	1	-	50

During the period 7 September 2013 to 28 February 2014, the Aged Care Commissioner finalised 54 reviews. It should be noted that a number of the cases finalised between 7 September 2013 and 28 February 2014 were received prior to 7 September 2013. At 28 February 2014, 17 cases were ongoing.

¹ The Office of the Aged Care Commissioner does not collect data based on age care planning regions, so the numbers by state and territory are provided.

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Table 2 below provides a breakdown of finalised reviews by the Aged Care Commissioner by state and territory.

Table 2 – Number of reviews finalised by the Office of the Aged Care Commissioner for the period 7 September 2013 to 28 February 2014 by state/territory

Nature of complaint	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	Total
Examinations of the Aged Care Complaints Scheme's decisions	17	3	3	3	2	1	-	-	29
Complaints about the Aged Care Complaints Scheme's process	13	3	1	-	5	1	-	-	23
Complaints about Quality Agency process (and its predecessor, the Aged Care Standards and Accreditation Agency Ltd)	1	-	-	-	1	-	-	-	2
Total complaints	31	6	4	3	8	2	-	-	54

Question 3

As a result of the Aged Care Commissioner examining the Scheme's decisions, the Aged Care Commissioner can direct the Aged Care Complaints Scheme (the Scheme) to undertake a new resolution process in relation to the issues being examined. Between 7 September 2013 and 28 February 2014 this occurred on seven occasions. As a result of the new resolution process there is capacity for the Scheme to require actions from the provider where this is warranted. The nature of any actions taken would be protected information under the *Aged Care Act 1997* unless it is related to compliance action. Compliance action taken by the Department of Social Services (the department) is set out at www.myagedcare.gov.au.

Questions 4, 5, 8, 9 and 10

Details of the number, nature and status of complaints with the Scheme in relation to a specific aged care service is protected information under the *Aged Care Act 1997* (the Act).

The Scheme treats all complaints seriously. The Scheme has a comprehensive risk assessment and response framework to assist in the assessment and escalation of complaints and information received by the Scheme. Complaints which may involve immediate risks to the health, safety and well-being of care recipients are managed quickly.

If the department takes compliance under the Act where providers fail to meet their responsibilities, this information is made publicly available through the My Aged Care website www.myagedcare.gov.au. There is no current compliance action in relation to St Luke's Nursing Home in Elizabeth Bay, NSW or St Judes Aged Care Services, Victoria.

Question 6

The Department monitors the quality of care and services provided by Australian Government-subsidised residential and community aged care services through quality and prudential compliance and compulsory reporting. In addition, the legislative framework

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provides for the raising and resolution of complaints. Compensation and investigation of cause of death are matters for law enforcement, the Coroner and the courts.

Question 7

Options that are available to complainants are dependent on the type of complaint.

Where a matter relates to Commonwealth HACC complaints, complainants can ask the Scheme to reconsider the decision or seek an independent examination through the Commonwealth Ombudsman.

For complaints that do not relate to HACC, if a complainant is dissatisfied with a decision made by the Aged Care Complaints Scheme they can ask the Scheme to reconsider the decision, or seek an independent examination of the Scheme's decisions and/or complaints processes through the Aged Care Commissioner and/or the Commonwealth Ombudsman (the Ombudsman).