



Resolving concerns about aged care

1800 951 822
agedcarequality.gov.au

This fact sheet explains the ways the Aged Care Quality and Safety Commission may try to resolve your concerns and the possible outcomes.

If you do not feel comfortable raising your concern directly with the service provider or are unable to resolve it with the service provider, we can help you with your complaint.

Supporting you through the resolution of a complaint

When you first contact us, we may support you to manage the concern yourself with your service provider. Many concerns can be resolved directly between you and the service provider at this stage. We can support you by:

- helping you to clarify the issues in your complaint
- phoning the service provider on your behalf to discuss the issues
- advising you and the service provider of both parties' rights and responsibilities
- contacting an advocacy agency on your behalf to explain your concerns and arrange for them to contact you.

Once you are satisfied that your concern will be or has been resolved, we will close your complaint.

Where we have finalised your complaint to your satisfaction, we are unable to review that decision. However, if you are not satisfied that the service provider has resolved your concern you are welcome to contact us again.

When examining your complaint through a 'resolution process'

We will select one or more of the following approaches to resolve the issues in your complaint:

Conciliation

We can help you and the service provider to discuss the issues and reach an agreement that resolves your concern. This may involve phone calls, discussions and meetings.

Investigation

We can investigate an issue. Investigations can be simple, for example gathering information and discussing the issues with both parties; or they can be more complex, involving visits to the service, analysing records and conducting interviews.

Service provider resolution

We can ask the service provider to examine your concern within a specified timeframe. This may involve working with you to achieve an outcome. We will check with you whether your concerns have been addressed.

Mediation

If we are unable to achieve the outcome you are seeking, we may suggest that you and the service provider engage an independent mediator. There would be a cost involved, which you and the service provider would need to discuss and agree to.

During the resolution process

We will talk with you regularly through the resolution process and may:

- consult clinical or technical professionals
- ask for information from you, the service provider or other people
- visit the service or home where the person is receiving care
- interview relevant parties, including the person receiving care where possible
- refer an issue to another organisation if they are better placed to resolve it.

Resolution outcomes

When your complaint is finalised, we will advise you and the service provider of the outcome, the process we followed, and the information used to come to our decision. We may be able to achieve any of the following:

Agreement

You and the service provider both agree that your concerns have been addressed and the issues resolved.

Addressed

We are satisfied that the service provider has addressed the issue.

Consider regulatory action

The issue you have raised or information about a complaint may be provided to our Quality Assessment and Monitoring Group to consider a regulatory response. This is usually related to a service's performance against the Aged Care Quality Standards. Information about the quality of care and services you are receiving

or information about systemic issues that have been identified may be used to prioritise or plan a site audit or quality review, or other compliance monitoring visits to a service. More significant issues may prompt an urgent visit to a service to assess the quality of care and services. This is where we are concerned that the service may not be meeting the Aged Care Quality Standards and consumer's safety, health or wellbeing is at risk.

Direction issued

Where we believe the service provider is not meeting their responsibilities, the Commissioner can direct them to make changes. A direction requires the service provider to demonstrate how they have met or will meet their responsibilities under the *Aged Care Act 1997* or their funding agreement with the Australian Government.

Referred for compliance action

If we are concerned the service provider has not complied with or is not complying with their responsibilities, including where the service provider has failed to comply with directions, we may give consideration to commencing compliance action.

No further action

In a small number of cases, we may take no further action. For example, we may not take action if the matter is subject to legal proceedings or a coronial inquiry; the issue is better dealt with by another organisation; if the circumstances do not warrant further action or if the person receiving care does not want the complaint to be examined.

If you are not satisfied with an outcome, you have review rights. To find out more about your review rights visit agedcarequality.gov.au or call us on **1800 951 822**.

All information in this publication is correct as of January 2020.



Phone

1800 951 822



Web

agedcarequality.gov.au



Write

Aged Care Quality and Safety Commission
GPO Box 9819, In Your Capital City