



The Aged Care Commissioner

Tasks & Trends

**Presentation to the
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Aged Care Commissioner**



The Aged Care Commissioner

Vision:

To be a recognised leader in complaints management and public administration.

Mission:

Through an effective office of review improve the quality of aged care services by promoting excellence in complaint handling and public administration.





The Aged Care Commissioner

Legislated Tasks of the Aged Care Commissioner



Legislated Role of the Aged Care Commissioner

- ❑ Examine, on appeal, decisions of the Aged Care Complaints Investigation Scheme (the Scheme).
- ❑ Examine complaints.
- ❑ Initiate own motion investigations.
- ❑ Provide advice to the Minister.



Examine, on appeal, decisions of the Scheme:

- to examine decisions that are made by the Secretary under the Investigation Principles and are identified by those Principles as being examinable by the Aged Care Commissioner, and make recommendations to the Secretary arising from the examination.



Relevant Decisions:

- ❑ **Approved Provider**
 - There has been a breach
 - Issue an NRA
 - Terms & conditions of the NRA

- ❑ **Type A**
 - Not to investigate a matter
 - To cease investigating a matter
 - That there has not been a breach
 - Not to issue an NRA
 - Terms & conditions of the NRA



Examine complaints:

- ❑ to examine complaints made to the Aged Care Commissioner about the Secretary's processes for handling matters under the Investigation Principles, and make recommendations to the Secretary arising from the examination.



Examine complaints:

- to examine complaints made to the Aged Care Commissioner about:
 - The conduct of an accreditation body relating to its responsibilities under the Accreditation Grant Principles *or*
 - The conduct of a person carrying out an audit, or making a support contact under those Principles and make recommendations to the accreditation body concerned arising from the examination.



Own Motion Investigations:

- ❑ to examine, on the Commissioner's own initiative, the Secretary's processes for handling matters under the Investigation Principles, and make recommendations to the Secretary arising from the examination.



Own Motion Investigations:

- ❑ to examine, on the Commissioner's own initiative:
 - ❑ the conduct of an accreditation body relating to its responsibilities under the Accreditation Grant Principles; *or*
 - ❑ the conduct of a person carrying out an audit, or making a support contact under those Principles and make recommendations to the accreditation body concerned arising from the examination.





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Changes to the Investigation Principles

1 January 2009



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- An appeal on a reviewable decision can be made orally
- A reconsideration decision that issues an NRA is appealable



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- A complaint made to the ACC does now not need to be previously lodged with the Department or the Agency
- A requirement by the ACC to outline nature and substance of a complaint is now articulated in the Principles



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- The Scheme has 21 days to notify of the reconsideration of a decision after the ACC's recommendations





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Tasks

Differences between Old & New



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Differences between Old & New

- ❑ no role or capacity to report on operation of the Scheme
- ❑ no power to make a determinative decision
- ❑ new role to investigate complaints about Agency's processes or the conduct of an assessor





The Aged Care Commissioner

Trends





Trends: July 2007- June 2008

□ The Scheme

- 7496 cases
 - 930 breaches
 - 214 NRA's



Trends: July 2007-June 2008

□ Appeals Received:

- Type A : 63%
- Approved Provider : 37%





Trends: July 2007-June 2008

- 9% of appeals out-of-time



Trends: July 2007-June 2008

□ Recommendations:

- To confirm 50 %
- To vary 30 %
- To set aside 20 %



Trends: July 2007-June 2008

- ❑ **Reconsideration Decisions**
 - ❑ Accepted : 87%
 - ❑ Rejected : 13%



Trends: July 2007-June 2008

- ❑ Increase in appeals lodged concurrently with complaints.
- ❑ Re-assessment of time taken to conduct investigations into complaints.

