



The Office of the Aged Care Commissioner

Internal Complaint Mechanism

INTERNAL COMPLAINTS MECHANISM

1. SCOPE

- 1.1 The Internal Complaints Mechanism (ICM) is designed to deal with a complaint from a member of the public, the Office of Aged Care Quality and Compliance (OACQAC) or the Aged Care Accreditation Agency (the Agency) about (a) the way a case has been handled by the Commissioner's office, or (b) the conduct of a staff member employed by the Commissioner's office in the course of handling a complaint. The ICM applies to an individual staff member or the Commissioner's office as a whole and applies to complaints about:
- i) failure to follow the legislative framework; or
 - ii) failure to follow the procedures set out for the Office; or
 - iii) failure to act courteously or professionally; or
 - iv) unreasonable delays.
- 1.2 As far as possible, in the first instance complaints from a member of the public, OACQAC or the Agency, about the conduct of an individual officer will be investigated by the Manager responsible for overseeing the particular team or staff member. If the complaint is not resolved at that level the matter is referred to the Director. If the complaint is against the Director the Commissioner will conduct the initial investigation.
- 1.3 The ICM will not be used to deal with complaints from individual members of the Commissioner's staff. Such complaints should be dealt with in accordance with guidelines produced by the Australian Public Service Commission, *Managing Breaches of the APS Code of Conduct*. Unsatisfactory performance is addressed through the PDS process.
- 1.4 The ICM will not be used to deal with complaints which relate to a disagreement with the merits of the decision made by the Commissioner, or a delegate acting on the Commissioner's behalf, on a particular complaint case.
- 1.5 Where complaints relating to the administrative actions of the Commissioner are not resolved, complainants should be advised to raise their concerns with the Commonwealth Ombudsman.
- 1.6 All valid complaints received under the ICM will be treated seriously and will be thoroughly investigated in a timely manner. It should be noted that the deliberate suppression of an internal complaint by any member of staff will be treated as a disciplinary offence.

2. RECEIPT OF A COMPLAINT

- 2.1 For the purposes of the ICM, a valid internal complaint is defined as "a written expression of dissatisfaction with either the handling of a case by the Commissioner (an individual officer or team) or the operational procedures of the Aged Care Commissioner".
- 2.2 The first indication that someone wishes to use the ICM may be in the course of a conversation. The staff member involved in that conversation should seek to ensure that the matter is one which is relevant to the ICM and, if so, should advise the complainant to put their complaint in writing to the Director. A file note should be made of the conversation and the advice given. The file note should be placed on the file relating to the case which has given rise to the complaint. No further action should be taken until such time as a written complaint is received.

-
- 2.3 Where a written complaint is received, either in a specific letter of complaint or within more general correspondence, an ICM file should be opened by the Services Manager who also enters the details on the Internal Complaints computer register. The ICM file, containing a copy of the complaint should be passed immediately to the Director or Commissioner for consideration.
- 2.4 If the Director or Commissioner decides that there is a valid complaint, an acknowledgement letter should be sent to the complainant within 3 working days. If it is decided that there is not a valid complaint, a letter of explanation should be sent to the complainant within 5 working days. Correspondence is sent by person responsible for managing the complaint and actions are recorded on the Internal Complaints register.

3. DEALING WITH A VALID COMPLAINT

- 3.1 The target time for completion of the investigation is 25 working days. The timeframe is from the date of receipt of written complaint to the date a reply is sent to the complainant.
- 3.2 If the complaint relates to the administrative action(s) [not decisions] of the Director it will be passed immediately to the Commissioner. The Commissioner will then follow stages 3.3.1 to 3.3.6
- 3.3 The person investigating the complaint will:
- 3.3.1 Give a copy of the complaint to the staff member(s) involved as soon as practicable and seek a written response
 - 3.3.2 Undertake any investigation of the complaint which is deemed necessary, for example:
 - Discussion with the complainant;
 - Discussion with the staff member(s) concerned;
 - Examination of relevant documents
 - 3.3.3 If the complaint is substantiated, determine what action needs to be taken, including reallocating the investigation to another officer.
 - 3.3.4 Reply to the complainant detailing the findings of the investigation and outlining any action that will be undertaken as a result.
 - 3.3.5 Where there are wider implications, arrange for appropriate instructions given to those concerned. Where appropriate arrange for education and/or make amendments to the Procedures Manual.
 - 3.3.6 Ensure all relevant papers are folioed and placed the ICM file. Return the file to the Service Manager for completion of computer records and filing
- 3.4 If, at any stage of the process it becomes apparent that the completion of the investigation will be delayed beyond 25 working days a holding letter should be sent to the complainant at the earliest opportunity.
- 3.5 If the complainant seeks a review of the Director's decision the matter should be referred to the Commissioner who will then undertake stages 3.3.1 to 3.3.6. A new 25 day timeframe will commence.