

The Aged Care Commissioner

Tasks, Trends & Issues

Presentation to the
AAG (Vic) AGM

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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 to the Department of Health and Ageing (the Secretary) under the *Investigation Principles 2007* (the Investigation Principles) and are identified by those Principles as being examinable by the Commissioner, and make recommendations to the Secretary arising from the examination.



Relevant Decisions

- ❑ **Approved Provider**
 - There has been a breach
 - Issue an Notice of Required Action (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 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: (cont'd)

- to examine complaints made to the Commissioner about:
 - the conduct of an accreditation body relating to its responsibilities under the *Accreditation Grant Principles 1999* 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 (cont'd)

- ❑ to examine, on the Commissioner's own initiative:
 - ❑ the conduct of an accreditation body relating to its responsibilities under the *Accreditation Grant Principles 1999*; 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.



The Aged Care Commissioner

Changes to the Investigation Principles 2007

1 January 2009



Changes to the *Investigation Principles 2007*

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



Changes to the *Investigation Principles 2007* (cont'd)

- A complaint made to the Aged Care Commissioner does now not need to be previously lodged with the Department, or the Aged Care Standards and Accreditation Agency (the Agency).
- A requirement by the Commissioner to outline nature and substance of a complaint is now articulated in the Investigation Principles.



Changes to the *Investigation Principles 2007* (cont'd)

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



The Aged Care Commissioner

Differences between Old & New



Differences between Old & New

- No role or capacity to report on the operation of the Scheme
- No power to make a determination decision
- New role to investigate complaints about the Agency's processes or the conduct of an assessor.



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Trends



Trends: July 2007-June 2008

□ The Scheme

- 7496 cases
 - 930 breaches
 - 214 NRAs



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%



The Aged Care Commissioner

Current Issues



Current Issues

Current Reviews:

- Productivity Commission Inquiry Aged Care 2010 – 2030 (yet to commence)
- Review of Complaints Investigation Scheme
- Review of Accreditation Process
- Review of Accreditation Standards
- Productivity Commission Review of Cost of Regulation in Aged Care
- ANAO – potential audit



Current Issues

Current/Relevant Reports

- NHHRC Report
- Senate Inquiry into Aged Care Report
- Trends in Aged Care – Productivity Commission 2008
- Intergenerational Report 2007 (#2)
- Hogan Review (2004)



Current Issues

CIS Review – Terms of Reference

- Whether the CIS provides natural justice to all parties involved
- Communication between the CIS, its investigators, family members, residents and advocacy groups, approved providers and their staff, inc anonymous complaints



Current Issues

CIS Review – Terms of Reference (cont'd)

- Adequacy of training provided to investigators to assist them in undertaking their role, including in investigative methods, reporting and communications
- Adequacy of access to clinical and investigative expertise
- Appropriateness of the risk assessment framework used for the escalation of complaints



Current Issues

CIS Review – Terms of Reference (cont'd)

- Adequacy of information collected and considered as part of the investigation
- The relationship between the CIS and the Commissioner, Agency and other relevant bodies
- The processes, practices and the timeliness of responses to complaints to the CIS when compared to similar investigatory bodies; and



Current Issues

CIS Review – Terms of Reference (cont'd)

- Evidence based initiatives from similar investigatory bodies that might improve the operation of the CIS so that it better meets the needs and expectations of consumers, their families and aged care providers

