



Complaints

Royal Commissioners found a lack of trust, transparency and resolution in the existing complaints process, and recommended the establishment of an independent Complaints Commissioner and improved complaints-handling processes.

The Complaints Commissioner

- In May 2023 the first Complaints Commissioner was appointed within the Aged Care Quality and Safety Commission (ACQSC).
- The Complaints Commissioner published the first dedicated complaints report in November 2023. This is a positive increase in transparency. Complaints reports continue to be published at least every 6 months.

Improving complaints pathways

The new *Aged Care Act 2024* (new Act) will strengthen the way ACQSC investigates complaints.

- Individuals can lodge complaints with the Complaints Commissioner, including about situations where someone's rights may not have been upheld.
- The Complaints Commissioner has some levers to resolve complaints in a way that restores individual rights. However, the Inspector-General thinks more options are needed.
- The complaints pathway is the primary means of enforcing rights: it needs to work well.

Administration of complaints remains slow and often unresolved

- Complainants continue to share their frustrations with the Inspector-General about their experiences. Most commonly, people say communication from ACQSC is patchy and confusing, progress is slow and many cases remain unresolved.
- ACQSC's current complaints-handling targets are routinely unmet.
- Aboriginal and Torres Strait Islander people report that complaints processes continue to be difficult to navigate and feel culturally unsafe.

What needs to happen?

The Complaints Commissioner and broader complaints framework will be critical to the transition to rights-based, person-centred care. The complaints process is central to enforcing peoples' rights.

1. Resourcing for complaints needs to increase to be sufficient. Complaints handling processes need to be more timely and more transparent.
2. Complaints staff need to be more appropriately skilled.
3. ACQSC will need to ensure effective strategies are in place to manage the transition from the existing provider-centric model to the person-centred framework under the new Act.
4. Addressing residual recommendations from the Tune Capability Review should also be a priority of the ACQSC.
5. Given the ACQSC will be responsible for handling complaints of breaches of the Statement of Rights under the new Act, it will be imperative there are transparent processes in place.



The role of the Complaints Commissioner and ACQSC in supporting the transformation of the system into a rights-based, person-centred model of care cannot be overstated.