How do I manage out-of-scope cases?

Introduction
The role of the Aged Care Quality and Safety Commission (the Commission) is to examine concerns relating to a provider’s responsibilities under the Aged Care Act 1997 (Aged Care Act), Aged Care Principles or Commonwealth Grant Agreement. This includes concerns about care, choice of activities, discrimination, catering, communication and the physical environment.

We refer complaints or enquiries that fall outside of our scope to other organisations. If we can’t help with a query, we can try to identify who may be able to help.

This factsheet provides you with information and tips on how to manage out-of-scope cases. It includes approaches for:

- identifying and determining out-of-scope issues
- managing out-of-scope cases, and
- recording out-of-scope cases in NCCIMS.

How do I determine if a query is out-of-scope?
Issues that are outside the scope of the Commission include, but are not limited to:

- concerns about aged care providers, including retirement villages, that aren’t subsidised by the Australian Government
- concerns that are not related to a provider’s responsibilities under the Aged Care Act, Aged Care Principles or the Commonwealth Grant Agreement
- requests to provide advice or direction on who should make financial, legal or health decisions on behalf of a person receiving aged care
- requests to comment on industrial matters such as wages or employment conditions
- requests for legal advice
- requests that a provider terminate someone’s employment
- requests to investigate the cause of a person’s death (this is the role of the coroner)
- requests for clinical advice about what treatment a person should be receiving
- general enquiries about aged care, and
- general enquiries about government or non-government services.

Programmes within the Commission’s jurisdiction
The Australian Government funds various aged care programmes under legislative or grant funding arrangements. Programmes that are within the Commission’s jurisdiction include:

- residential aged care services, including permanent care and respite care
- Home Care Packages delivered on a Consumer Directed Care basis
- flexible care where a person is receiving ‘residential care’ or ‘home care’; this includes services provided through transition care, innovative care or multi-purpose services (MPS)
- Commonwealth Home Support Programme (CHSP), and
- National Aboriginal and Torres Strait Islander Flexible Aged Care Program (NATSIFACP).

Programmes outside the Commission’s jurisdiction
The Commission’s authority to examine complaints relating to aged care services comes from the Aged Care Quality and Safety Commission Act 2018 (Quality and Safety Commission Act).

Programmes that are outside the Commission’s jurisdiction include:

- Veterans’ Home Care Program, and
- Partners in Culturally Appropriate Care (PICAC)

Any attempt by a provider to notify the Commission about the following list of events should be treated as out-of-scope and recorded accordingly. The provider should be asked to notify the Department of Health (the department) directly on 1800 081 549.

- Reportable assaults
- Unexplained absences of people receiving aged care
- Infectious disease outbreaks, and
- Natural disasters or emergency events.

Important! If you receive a complaint from a care recipient, representative or other person about a suspected or actual reportable assault you should, in your discussion with the provider enquire as to if they have considered their responsibilities under the Aged Care Act and reported the suspected or actual incident to both the department and police. Depending on the provider’s response a referral to the Quality Monitoring and Assessment group may be appropriate.

How do I manage an out of-scope-case?
The Guidelines state that while out-of-scope information is not within the Commission’s scope, complaints officers should ensure that all reasonable assistance is provided by referring the person to any organisation that may be able to assist with their enquiry or complaint.
There are two main types of out-of-scope queries:

1. Those clearly unrelated to the Commission’s business (such as requests for assistance finding a telephone number).
2. Those that may relate to the Commission’s business, however the person is unwilling to provide the name of the service.

1. Approaches for dealing with queries unrelated to the Commission’s business

Many out-of-scope queries can be effectively resolved by referral to another government department or to an external organisation. Once you have established the query is out-of-scope and can be referred to an external organisation:

- briefly explain the purpose and scope of the Commission
- if necessary, explain why the person’s query is outside the scope of the Commission
- tell the person that you will try to find the appropriate department or external organisation that can best assist them
- if your office has a list of useful numbers, you may be able to use it to refer the person to the appropriate organisation. If necessary, do a quick internet search to find the relevant organisation to refer the person to, and
- give the person the name and contact details of the organisation that can assist them with their query - if the person is distressed or requires additional support, you may offer to contact the organisation on their behalf to make the referral.

Examples of the type of language you can use to guide the conversation include:

- “The purpose of the Commission is to examine concerns about the care or services delivered to people who receive Australian Government subsidised residential or community aged care services, therefore, I am unable to help you but [name of organisation] can.”
- “We are unable to help you, but [name of organisation] can. Here’s their number…”
- “We’ve referred people to [name of organisation] before; they’re very helpful. Can I give you their number?”

If, after checking the list of useful contact numbers or doing an internet search, you are unable to find an appropriate organisation to make a referral to, advise the person that you have been unable to identify the relevant organisation, and conclude the call.

For example:

- “Sorry, I don’t know who the appropriate organisation is that can help you with your query; perhaps you could try calling xxx. Thank you for your call.”
2. Approaches for dealing with queries that appear to relate to the Commission’s business

If the query appears to relate to the Commission’s business, but the person is reluctant to provide the name of the service, the following approaches could help you in trying to identify the service:

- build rapport with the caller so they feel comfortable discussing their concerns with you
- ask focused questions to identify the person’s main concerns
- explain what actions the Commission can take should the person wish to lodge a complaint
- reassure the person of the protections available to them as a complainant and to the person receiving aged care under the Aged Care Act and the Commonwealth Grant Agreement
- assure the person that many providers welcome feedback as a means of improving service delivery
- reassure the person that they do not have to provide their name but they could assist the Commission to track similar issues or concerns if they provided the provider’s details
- assure the person that any information they provide or complaint they lodge can be done so confidentially or anonymously (clearly explain the limits around obtaining feedback on confidential and anonymous complaints), and
- be honest at all times and be sure to not give the person unrealistic expectations as to the outcome.

Examples of the type of language you can use to guide the conversation include:

- “It would help us if you could give us some information ...”
- “We would like to record the name of the service for our records, for reference only, should you or other callers contact us about this issue in the future.”
- “In our experience, we don’t find providers react negatively to feedback.”
- “Retaliation by a provider is taken very seriously by the Commission.”

Such queries usually require more time to support the person in deciding whether to provide information that will enable the Commission to take action regarding their concern.

How do I record an out-of-scope case in NCCIMS?

Cases that are clearly unrelated to the Commission’s business should be recorded in NCCIMS as follows:

- log the contact in NCCIMS as Out-of-Scope
  - if the case relates to the care assessment and allocation process, you should forward the details to My Aged Care (myagedcare@health.gov.au) via email including the following information:
- date
- time
- name and contact details of the caller
- record the case on NCCIMS using keywords ‘My Aged Care’

  · if the contact is not a live call (i.e., voicemail, email, web form), regardless of when it is received, the above procedure is still to be followed.

For cases that appear to relate to the Commission’s business but the caller does not know or is reluctant to provide the name of the service/provider, use the following guidelines to ensure data is recorded consistently across offices.

If the issues are clearly in the scope of the Commission and the caller does not know or is reluctant to provide the name of the service/provider, the case should be recorded in NCCIMS as:

  · case type: Enquiry
  · click the Provider/Service tab then click the Other tab to access the Non Funded Service data entry fields
  · type ‘Not provided’ in the Name field.

**What if the call is a complaint about My Aged Care?**

If you receive a complaint about My Aged Care, transfer the call to My Aged Care on 1800 200 422.

If a complaint is received out of hours for the contact centre, record the complaint in NCCIMS and email My Aged Care.