

Future directions for supported residential services (SRS)

Discussion sheet 5:

Resident protections – complaints and incident reporting

The current SRS regulatory scheme is being updated. Changes are proposed to the existing scheme to enhance protection for people living in SRS and to ensure the scheme is contemporary and provides flexibility to meet the needs of the industry into the future.

SRS residents have the right to make a complaint about the services or care they receive in an SRS and have a problem rectified in a timely manner. Ensuring that SRS residents and their families are given adequate information about how to make a complaint and assurances that they can do so without retribution is part of providing a quality service.

Similarly, adequate recording of incidents or injuries to residents and reporting of serious incidents provides additional protection for residents and enables proprietors to better manage such events.

What we know

- Many human service organisations today consider that having a robust and responsive mechanism for receiving, responding to and learning from consumer complaints is critical to the reputation and success of their organisation.
- It is equally central to the rights of SRS residents and the reputation of SRS proprietors to have effective mechanisms for complaint handling in place, including the ability of complainants to use external avenues for making complaints.
- Under the SRS legislation, proprietors are currently required to have a system in place to receive and deal with complaints from residents or on behalf of residents. However, comments have been received that SRS complaints handling processes can lack consistency in approach and the information residents receive.
- As well, compulsory incident reporting is now commonplace in many human services areas to ensure that effective responses are developed to serious incidents and that organisations learn from these incidents.¹ Similarly, it is important to update and clarify the obligations of SRS proprietors in respect of this area.
- SRS legislation currently requires proprietors to keep records of injuries and incidents within the SRS. However, comments have been received from residents and their families in the consultation that suggest these requirements need to be clarified and strengthened.

¹ Incident reporting is mandatory in many other regulatory fields such as children's services (childcare centres), disability community residential services and Commonwealth-funded residential aged care facilities.

New directions – proposed legislative reforms

The new legislation will retain existing requirements that proprietors should have a system in place to receive and deal with complaints from residents or on behalf of residents and that the residential statement should contain information on the procedures for making complaints, including external avenues for making a complaint.

The new legislation will also include new requirements to ensure residents know how to make a complaint.

The new legislation will retain existing requirements that proprietors should maintain accurate and up-to-date records of the particulars of any injury or incident that occurs to a resident.

The new legislation will also include new requirements to ensure that incident reports are comprehensive and accessible and that serious incidents are reported to the department within 24 hours of occurring.

Proposal: To enhance the current complaints mechanism by requiring proprietors to provide better information to residents about how to make a complaint.

This proposal will require proprietors to include (in the residential statement) information on how a complaint can be made, to whom (including external avenues of complaint), and how the outcome will be communicated back to the complainant.

Proposal: To enhance the requirements on incident reporting by specifying what information should be recorded and where it should be recorded (in an incident book).

The particulars of what should be recorded for any injury or incident in an incident book will be:

- the resident's name
- circumstances leading to the incident
- products or structures involved
- the time and date the incident occurred
- action taken in response to the incident
- the date, time and name of person(s) (next of kin and Secretary's delegate if applicable) notified of the incident
- printed name and signature of the person making the entry.

Proposal: Require proprietors to notify the department of serious incidents within 24 hours of the incident occurring.

The department currently has an incident reporting system in place for funded services. It defines incidents in three levels from level 3 (not serious) to level 1 (most serious). The types of incidents that the department would be expected to be informed about in relation to residents in SRS would be level 1 – most serious only. This would include but not be limited to the following types of 'serious' incidents:

- unexpected death of, or serious injury to, a resident
- allegations of, or actual, physical or sexual assault
- extreme physical risks to residents of an SRS
- where notice of immediate eviction is given to a resident as a result of violence.

Due to the serious nature of the incidents classified as 'level 1', it is important that the department is made aware of the incident as soon as practicable. Early notification allows the department to engage the proprietor and other services in a timely manner, helping reduce further complications in a time of crisis. It is therefore proposed that serious incidents be reported within 24 hours of the incident occurring.

What's new?

Status	Requirements
Retained	<p>Each SRS must have a system for handling and processing complaints, including referral to external avenues of complaint.</p> <p><i>Anticipated date of effect: current, and to be included in the new legislation.</i></p>
Retained	<p>Residents must not be adversely affected by making a complaint.</p> <p><i>Anticipated date of effect: current, and to be included in the new legislation.</i></p>
Retained	<p>Proprietors must keep accurate and up-to-date records of any incident or injury to a resident.</p> <p><i>Anticipated date of effect: current, and to be included in the new legislation.</i></p>
New	<p>The residential statement must include better information about complaint handling including:</p> <ul style="list-style-type: none"> • how complaints can be made to: <ul style="list-style-type: none"> ○ the SRS complaints nominee ○ the proprietor ○ the staff • how the complaint will be handled and resolved • how the resident will be informed of the complaint outcome • how and to whom the resident can escalate his/her concerns if not satisfied with the outcome • information on external avenues of complaint such as: <ul style="list-style-type: none"> • Community Visitor Program, Office of the Public Advocate • SRS authorised officers, Department of Human Services regional and central offices. <p><i>Anticipated date of effect: six months after the legislation is passed.</i></p>
New	<p>The incident record must include better information about incidents that occur.</p> <p>Record of injury/incident must now include:</p> <ul style="list-style-type: none"> • the resident's name • circumstances leading to the incident • products or structures involved • the time and date the incident occurred • action taken in response to the incident • the date, time and name of person(s) (next of kin and Secretary's delegate if applicable) notified of the incident • printed name and signature of the person making the entry. <p>Proprietors must record incidents/injuries in an incident book.</p> <p><i>Anticipated date of effect: six months after the legislation is passed.</i></p>
New	<p>Serious incidents must be reported to the department within 24 hours of the incident occurring.</p> <p><i>Anticipated date of effect: six months after the legislation is passed.</i></p>

How will it work?

Case study

Mrs Watson has been living at Sunnyvale SRS for several years and has been very satisfied with the care she has been receiving. Recently there have been some staff changes, which have meant that the staff member who helps her shower each morning has changed from Mary to a new person, Sally. Mrs Watson has been quite concerned about how Sally speaks to her; Sally has told Mrs Watson that she takes too long and needs to be quicker and one time Sally pulled Mrs Watson out of the shower before she had finished washing. Mrs Watson doesn't want to talk about it with Sally as she is concerned Sally will become more annoyed. Mrs Watson recalls reading details in her residential and services agreement (RSA) about how to raise a concern with management. Mrs Watson follows the process outlined in the RSA and contacts the complaints nominee, John, and discusses the issue with him. John takes down all the details and promises to get back to Mrs Watson later that day. He also reassures Mrs Watson that her name will not be brought into any discussions he might have with any of the staff. Later that day, John gets back to Mrs Watson and lets her know that Mary will be looking after Mrs Watson's showering assistance and that Sally will be undertaking some further skills training in personal care. John then checks that Mrs Watson is satisfied with this outcome and he also apologises to Mrs Watson for the way Sally treated her and thanks her for raising her concerns with him. He emphasises how important it is for Mrs Watson and other residents to raise any concerns with him. Mrs Watson is very pleased with the outcome.

Implementation

Guidelines and training will be provided for proprietors and staff.

Information sheets will be developed for residents to explain these changes.

Frequently asked questions

Q.1 How can I make a complaint?

A. Residents can make a complaint about a facility or services in a facility directly to the SRS. All SRS are required to have in place a complaints handling process and a nominated member of staff who handles complaints to assist residents with making and resolving a complaint. In instances where complaints cannot be resolved at the local level, the proprietor will alert residents to how they can escalate the complaint to the department.

Q.2 How can I complain in confidence about the SRS I live in?

A. Each facility is required to have a complaints handling process in place and a nominated complaints person. Information should be included in this policy about how a resident can make a complaint in confidence.

Q.3 As a proprietor, how should I record serious incidents?

A. Proprietors are currently required to maintain up-to-date and accurate records of serious incidents. The new proposals outline the particulars of what a proprietor must record, where the record should be stored and when incidents must be reported to the department.