



including
Older Persons' Legal Service

National Alternative Dispute Resolution Advisory Council

Submission from:

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1. INTRODUCTION

The Aged-care Rights Service

The Aged-care Rights Service (TARS) is a service funded under the National Aged Care Advocacy Program (NACAP) to provide advocacy services for residents of Commonwealth funded aged care homes and users of Commonwealth funded aged care services.

TARS is a community legal centre that specialises in aged care and legal issues for older people. TARS receives funding from the following Commonwealth and State departments to provide services to older people in New South Wales and residents of aged care homes and retirement villages:

- Commonwealth Department of Health and Ageing
- NSW Department of Commerce / Office of Fair Trading
- NSW Department of Ageing Disability and Home Care
- Commonwealth Attorney General's Department / Legal Aid Commission of NSW
- Commonwealth Attorney General's Department / Legal Aid Commission of NSW to run The Older Persons' Legal Service (OPLS)

TARS began in the 1980s when a group of community workers known as The Aged Care Coalition worked together to identify a means of improving the quality of life for older people living in supported accommodation. As a result of the Coalition's work The Accommodation Rights Service was established in 1986 under the auspices of the Redfern Legal Centre, and with the support of the then Housing Commission and NSW Department of Community Services.

In May 1990 TARS was registered as an incorporated association under the Associations Incorporation Act 1984 (NSW). From 1 July 1997, after the Aged Care Act came into being, The Accommodation Rights Service became known as The Aged-care Rights Service so that the name would better reflect the work being done with older people. TARS is overseen by a community based Management Committee. There are 14 staff employed by TARS consisting of administrative, advocacy/education and legal staff.

Advocacy

Advocacy, as provided by TARS under the National Aged Care Advocacy Program (NACAP), is a partisan process where the client is supported by the advocate. NACAP

guidelines state that advocacy provides clients with information and advice about their rights and responsibilities, as well as providing support for clients involved in decisions affecting their lives. The service assists clients to resolve problems or complaints in relation to aged care services and also promotes the rights of older people receiving aged care services. This is done by means of education programmes conducted in aged care services throughout New South Wales.

In the reporting period from July 2008 – June 2009 TARS was contacted by 3575¹ people to provide information and advocacy on aged care issues, of these, 916 were advocacy cases. TARS provides advocacy by telephone, letter or in person with clients.

Terms used in this document

TARS	The Aged-care Rights Service
The Department	Department of Health and Ageing
The Charter	The Charter of Residents' Rights and Responsibilities
CIS	Aged Care Complaints Investigation Scheme
NACAP	National Aged Care Advocacy Program

RECOMMENDATIONS

At the present time there is

- **The National Aged Care Advocacy Program (in NSW TARS).**
- **The Department of Health and Ageing which also has the Aged Care Complaints Investigation Scheme (CIS).**
- **The Aged Care Commissioner.**

But there are no alternative disputes resolution schemes in place for aged care.

Clients often express frustration that the findings of their complaints do not actually resolve the dispute, often finding a breach of the Aged Care Act of 1997 but in some instances no action apparent to the complainant is taken.

Therefore TARS supports a Disputes Management Plan that would incorporate mediation and negotiation which address issues brought forward by clients. These people are not always fully satisfied with the outcomes of the CIS investigation and their issues may not be able to be dealt with by TARS according to its service agreement.

¹ Note that these figures constitute the work of the aged care advocacy program only, and not the work conducted by TARS in Retirement Villages or by TARS' Older Persons' Legal Service