
CSO Funding Pool Administration Agency

Administered by Australian Healthcare Associates

PROCEDURES FOR HANDLING COMPLAINTS



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INTRODUCTION

The Community Service Obligation (CSO) Funding Pool was established from 1 July 2006 under the Fourth Community Pharmacy Agreement. Its objective is to ensure that arrangements are in place to provide all Australians with ongoing, timely access, via their community pharmacy, to all Pharmaceutical Benefits Scheme medicines.

The Department of Health (the **Department**) has appointed Australian Healthcare Associates Pty Ltd as the CSO Funding Pool Administration Agency (**'the Agency'**). The Agency's responsibilities as administrator of the CSO Funding Pool include the handling of complaints relating to the CSO Funding Pool.

This document sets out the Complaints Procedure established by the Agency and approved by the Department. This Complaints Procedure provides a process to receive, consider and resolve:

- Complaints lodged by pharmacists, consumers, industry bodies, CSO Distributors, other stakeholders (e.g. health authorities, state and territory wholesaling licensing agencies) or any other entity or person regarding the performance of CSO Distributors against the CSO Service Standards, the CSO Compliance Requirements or any other obligations the CSO Distributor has under its deed of agreement with the Department;
- Complaints lodged by CSO Distributors or any entity or person about any aspect of the Agency's administration of the CSO Funding Pool; or
- Any other expression of dissatisfaction by any entity or person about the CSO Funding Pool.

Details of the CSO arrangements including CSO Service Standards and CSO Compliance Requirements are available on the [Australian Healthcare Associates website](#).

This document will be reviewed and updated on a regular basis.

MAKING A COMPLAINT

Any person may make a complaint to the Agency about:

- The performance of a CSO Distributor against a CSO Compliance Requirement or Service Standard or another obligation under its deed of agreement with the Department;
- Any aspect of the Agency's administration of the CSO Funding Pool; or
- Any other issue relating to the CSO Funding Pool.

Lodging a complaint

The complaint must be lodged with the Agency in writing, either electronically or in hard copy, to the following address:

Complaints Officer

CSO Funding Pool Administration Agency

Locked Bag 32005

Collins St East VIC 8003

admin@csoagency.com.au

Facsimile: (03) 9639 4459

Complainants should use the **CSO Funding Pool Complaint form** (Appendix A) (but this is not compulsory). Complainants should ensure that their written complaint:

1. specifies who the complaint is against;
2. clearly explains what the complaint is about;
3. includes any relevant supporting information and evidence which is available;
4. indicates whether the complainant wishes the matter to be treated as a formal complaint;
and
5. indicates whether the complainant consents to their identity being disclosed to the subject of the complaint.

Details regarding each complaint including the above information will be recorded in the Complaints Register. For further details refer to Section 5 of this document.

Confidentiality of the complaint

Confidential and personal information may be involved in the making or resolution of a complaint. The Agency will handle all complaints in accordance with the relevant laws governing the maintenance of confidential and personal information.

In particular, all complaints will be handled in accordance with the information privacy principles in the *Privacy Act 1988* (Cth) (the **Privacy Act**). The information privacy principles in the Privacy Act are strict privacy safeguards that federal government agencies must obey when receiving, considering and resolving a complaint. The Agency is contractually obliged to comply with the Privacy Act.

The Agency will not disclose the identity of the complainant without the complainant's written consent.

Where consent to disclose identity is not provided, the Agency will not provide any information to the subject of the complaint which it could reasonably be expected would enable the subject of the complaint to ascertain the identity of the complainant.

The complainant may ask the Agency to keep all or any part of the complaint confidential ('confidential complaint information'). In that event, the Agency will not disclose the confidential complaint information to anyone except:

- to officers, employees, agents or advisers of the Agency or the Department who require the information for the purposes of investigating or reporting on or receiving reports on or advising in relation to the complaint (see further in the paragraph below);
- if required to do so by law; or
- with the written consent of the complainant.

Information in relation to a complaint (including all information in the Complaints Register) may be provided by the Agency to the Department. The Agency will identify any information that it has been asked to keep confidential and advise the Department if the complainant has asked that their identity not be disclosed. The Department will take all reasonable steps to protect this information, but complainants should note that the Department can disclose it in very limited circumstances (including, for instance, if it is necessary to avoid a material adverse outcome, or where the Department is required to disclose it to other agencies or Parliamentary committees).

All complaints will be handled in accordance the information privacy principles in the Privacy Act 1988 (the Privacy Act). The information privacy principles in the Privacy Act are strict privacy safeguards that federal government agencies, including the Agency, must obey when receiving, considering and resolving a complaint.

COMPLAINT RESOLUTION PROCESS

Assessment of type of complaint

On receipt of a complaint, the Agency will initially determine whether:

- the complaint relates to the CSO Funding Pool - if it does not, the Agency will not proceed with the complaint resolution process; or
- the complaint relates to the policy of the CSO Funding Pool rather than compliance with the Department's deeds of agreement with CSO Distributors or the Agency, in which case the Agency may refer the complaint to the Department for consideration.

The Agency will notify the complainant if it determines that a complaint does not relate to the CSO Funding Pool or that a complaint relates to the policy of the CSO Funding Pool and is to be referred to the Department for consideration.

The Agency's preliminary obligations

Where a complaint has been lodged with the Agency, the Agency has the following preliminary obligations:

- confirm that the complainant wants to proceed with a formal complaint (if this is not already specified in the written complaint);
- discuss the complaint, and the timeframes for handling the complaint with the complainant, for complaints about the Agency's administration of the CSO Funding Pool, or the NDSS Administrator's administration of payments for NDSS distribution services;
- for all other complaints:
 - seek the complainant's consent to the disclosure of the complainant's identity to the subject of the complaint (if it is not clear from the complaint whether that consent has been provided or withheld); and
 - notify the subject of the complaint that a complaint has been received; and
 - for complaints about a CSO Distributor's performance against a CSO Compliance Requirement or Service Standard or another obligation under its deed of agreement with the Department, discuss the complaint with the relevant CSO Distributor.

Investigation

The Agency will investigate and assess all complaints (other than those referred to in section 3.1 above), taking into consideration all relevant information sources.

The Agency may seek further information from the subject of the complaint or the complainant and any other relevant sources, where appropriate. This includes the ability to carry out audits of a CSO Distributor for compliance with its deed of agreement, CSO Service Standards and other obligations under their deed of agreement with the Department.

Advising parties of the outcome

Once the investigation is completed, the Agency will:

- for complaints about the Agency's administration of the CSO Funding Pool:
 - discuss the complaint, and the timeframes for handling the complaint, with the complainant
 - provide a written summary of the Agency's assessment of the complaint to the complainant; and
 - notify the complainant, in writing, of the action (if any) to be taken as a result of the complaint.
- for all other complaints:
 - notify the subject of the complaint, in writing, of the outcome of the complaint process (e.g., that the CSO distributor has not complied with a CSO Service Standard) and the action (if any) to be taken as a result of the complaint; and
 - where appropriate, provide general information to the complainant about the outcome of the complaint.

For complaints about a CSO Distributor's performance against a CSO Compliance Requirement or Service Standard or any other obligation under its deed of agreement with the Department, the Agency must, prior to providing any information to the complainant about the outcome of the complaint, ensure that:

- the CSO Distributor is notified of, and given a reasonable opportunity to respond in writing to, any alleged Non-Performance (as defined in the deed of agreement); and
- the Agency takes into account the reasons and information provided prior to making a final determination in relation to Non-Performance and Sanctions (as defined in the deed of agreement).

Confidential information of subject of complaint

The Commonwealth has obligations of confidentiality to each CSO Distributor under the Commonwealth's deed of agreement with the distributor. Any feedback given to a complainant by the Agency during the investigation of the complaint and information given to complainants about the outcome of the complaint will need to be consistent with and in compliance with these confidentiality obligations.

Generally, the Agency will provide a complainant with all relevant information, except any information that is of a commercial nature or otherwise confidential. This type of information cannot be provided without the consent of the relevant CSO Distributor.

The Agency may disclose to a Complainant all Complaint Information, unless, in the Administration Agency's reasonable opinion, that Complaint Information is Commercially Confidential Information.

If Complainant Information is Commercially Confidential Information, the Agency must not disclose that Complaint Information to a Complainant unless:

- it is necessary, in the reasonable opinion of the Agency, to disclose that Complaint Information to the Complainant in order to satisfactorily respond to the Complaint; and
- the Agency has obtained the consent of the relevant CSO Distributor before the release of that Complaint Information

Timeframe for resolution of complaints

The Agency will use its best endeavours to resolve complaints within a reasonable time. As an indicative guide, resolution of complaints will generally take at least 45 working days (9 weeks), including 16 days for actions by the Agency and 29 days for action and response by the complainant and the subject of the complaint.

Complaints may be resolved in a shorter or longer timeframe depending upon a number of factors including the following:

- the complainant providing sufficient information, supporting evidence or other assistance to support their complaint, and/or responding promptly to any request by the Agency for further information;
- the complainant providing a timely response to any request made by the Agency to disclose the identity of the complainant to the subject of the complaint;
- the subject of the complaint providing sufficient information, including (where requested) supporting evidence, or other assistance to enable resolution of the complaint; and
- the nature of the complaint, including whether a response to, or resolution of, the complaint requires expert advice, which may include legal counsel or consultation with the Department on policy/interpretation matters regarding the Deed.

Where the Agency has not resolved a complaint within one month, the Agency will provide regular updates to the complainant (at least monthly) regarding progress.

Withdrawal of a complaint

A complainant is able to withdraw his or her complaint at any time. The complainant must however notify the Agency in writing. In withdrawing a complaint, the complainant acknowledges that while the Agency may choose to terminate action in response to the issues raised in the complaint:

- the Agency retains the right, and may have an obligation, to proceed with action in response to the issues raised in the complaint despite the complainant withdrawing the complaint.
- the Agency will consider whether to take action in relation to the issues raised in the complaint on a case by case basis. In determining whether further action is required, the Agency will consider the seriousness of the issues raised in the complaint and whether sufficient information and/or supporting evidence has been provided or can be obtained to warrant further action.
- where the Agency takes further action in response to the issues raised in the complaint, the Agency may, in its discretion, inform the complainant of the outcome of this action.

REVIEW RIGHTS

CSO Distributors' review rights

A CSO Distributor who is dissatisfied with the action taken by the Agency:

- as a result of a complaint lodged about a CSO Distributor's performance against a CSO Compliance Requirement or Service Standard or any other obligation under its deed of agreement with the Department; or
- as a result of a complaint lodged by the CSO Distributor about the Agency's administration of the CSO Funding Pool,

may refer the complaint, in writing, to the Department's Authorised Officer or the Department's nominee within 28 days after receiving notification from the Agency of the action to be taken.

Review requests must be lodged in writing, in hard copy, to the following address:

Assistant Secretary
Pharmacy and Insurance Branch
MDP 1011
Department of Health GPO Box 9848
CANBERRA ACT 2601

The decision made by the Department in any review is final and binding, and there are no other review rights available to a CSO Distributor in relation to a complaint.

Review rights of other complainants

Complainants who are not CSO Distributors do not have review rights under this document. However, complaints about any aspect of the CSO Funding Pool may be directed to the Commonwealth Ombudsman in accordance with the *Ombudsman Act 1976 (Cth)*.

Complaints may be made to the Commonwealth Ombudsman in writing, by phone, in person or by using the Ombudsman's online complaint form. Contact details for the Ombudsman are:

Phone: 1300 362 072 (calls from mobile phones at mobile phone rates)
Email: ombudsman@ombudsman.gov.au
Post: GPO Box 442, CANBERRA ACT 2601 Fax: 02 6276 0123
Website: www.ombudsman.gov.au