

MAKING A COMPLAINT— CARE PROVIDED IN YOUR HOME

An information sheet for people receiving or about to receive a Community Aged Care Package (CACP), an Extended Aged Care At Home Package (EACH) or an Extended Aged Care At Home - Dementia Package (EACHD).

The law says that you have a right to complain. It also says that the service provider must:

- establish a complaints process; and
- use this process to resolve any complaints that you might have.

Although the law doesn't say how this complaints process must work, the provider is obliged to tell you about the complaint process and help you to use it. You can use an advocate to help you make a complaint and negotiate if you want.

The provider must also tell you about other ways of making a complaint, for example through the Aged Care Complaints Investigation Scheme of the Department of Health and Ageing.

What can I complain about?

You are entitled to complain about anything that affects you regarding your CACP or your EACH or EACHD package.

You are entitled to quality care that is appropriate to your needs, and you should be given a written care plan of the service that you will receive.

You are entitled to be treated as an individual and to make your own decisions.

You can complain if you are unhappy with any of the services provided, such as the meals, the care, etc. You can complain if you are unhappy about the way you are treated by staff or management.

In short, you can complain about any aspect of the service and care that you are receiving without fear of losing services or being disadvantaged in any way.

How can I make a complaint?

There are three ways that you can complain:

1. *Use the internal process developed by your service provider.*
You should have been told about this process when you started to receive the CACP or EACH or EACHD package in your home - it should also be described in the agreement that you signed with your provider.
2. *Use the Aged Care Complaints Investigation Scheme run by the Department of Health and Ageing.*
You can lodge a complaint with the Scheme either in writing or over the phone (Phone: toll free 1800 550 552). Staff in the Scheme will assess your complaint to determine if it relates to the provider's responsibilities under the *Aged Care Act 1997* or the *Aged Care Principles*. If it does, the Scheme will then investigate the issues you have raised. It is important to provide the Scheme with all the evidence that supports your complaint.

Once the investigation has been completed you should receive a letter from the Scheme setting out the results of the investigation. If you are unhappy about the way you have been treated by the Scheme or you feel that the Scheme has not adequately investigated your complaint you can complain to the independent Aged Care Commissioner. Phone: 1800 500 294.
3. *Use one of the external and independent agencies that deal with a range of complaints.*
The Health Services Commissioner is an independent organisation that helps to resolve complaints about all health related issues. Phone: 1800 136 066.

If you feel you have been discriminated against, you could complain to the Equal Opportunity Commission. Phone: 1300 656 419.

If you want to complain about the Department of Health and Ageing, ring the Commonwealth Ombudsman. Phone: 1300 362 072.

Your rights as a consumer

Your rights are protected in a number of ways: *The Community Care Standards* comprise minimum standards set down by the Australian Government. All CACP providers must comply with these standards which include your right to:

- information about the care services;
- quality services that meet your needs;
- a written care plan;
- dignity and privacy; and
- access advocates.

Providers of EACH and EACHD packages have similar obligations to those of community care providers. Additional responsibilities of EACH and EACHD providers, and many of your rights, are set out in a Payment Agreement made between the Australian Government and the provider. The Payment Agreement includes the standards that the provider must meet and the specific care and services that are available.

You can obtain a copy of the Standards or the Payment Agreement by calling ERA on 1800 700 600 or the Aged Care Information Line on 1800 500 853.

Providers must also comply with certain obligations regarding, for example, your entitlement to:

- a written agreement;
- security of tenure; and
- protection of personal information.

Your responsibilities

Even though you are receiving a CACP or an EACH or EACHD package you are responsible for your own health and well-being (as much as possible).

You must also respect the rights of personal care staff and your care manager.

You must also accept responsibility for your own actions and choices, even though these may involve an element of risk.

Can anyone help me to make a complaint?

If you feel uncomfortable about making a complaint, you are unsure what to do, or you simply want support, contact Elder Rights Advocacy (ERA) for assistance.

Contact ERA

Phone: (03) 9602 3066, 1800 700 600
Email: era@era.asn.au
Mail: Elder Rights Advocacy
Level 2, 85 Queen Street
Melbourne VIC 3000
Website: www.era.asn.au

Empowering older Victorians

Elder Rights Advocacy is the registered business name of Residential Care Rights Inc. (ABN 63 367 539 827) which is part of the National Aged Care Advocacy Program - an Australian Government Initiative.

Note: The information in this fact sheet is general information only – it is not legal advice.

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