

MAKING A COMPLAINT

The law says that you have a right to complain. It also says that the aged care facility 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 facility is obliged to tell you about the complaints process and help you to use it. You can use an advocate to help you make a complaint and to negotiate an outcome if you want to.

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

What can I complain about?

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

In short, you can complain about any aspect of the care, services and accommodation being provided to you by the facility.

You can also complain to the Commonwealth Ombudsman if you feel the Department of Health and Ageing - the government department that regulates facilities - is not doing its job.

How can I make a complaint?

There are three ways that you can complain:

1. *Use the internal process developed by your facility.*
You should have been told about this process when you moved in. It should also be described in your resident agreement.

2. *Use the Complaints Investigation Scheme set up 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* 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: toll free 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: toll free 1300 362 072.

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, ring Elder Rights Advocacy (ERA) for assistance. We can help you make an internal or external complaint.

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.

© Residential Care Rights Inc. August 2008