



Australian Government
Aged Care Complaints Commissioner

Resolve.
Protect.
Improve.

I have a concern

Anyone can raise a concern about aged care or services.



Do you need interpreting help?

If you do not speak English and need help from the Aged Care Complaints Commissioner, call the Translating and Interpreting Service on 131 450.

ARABIC في حال لم تكن تتكلم الإنجليزية وكنت تحتاج إلى المساعدة من مفوض التحقيق في شكاوى رعية المسنين (Aged Care Complaints Commissioner)، اتصل بخدمة الترجمة الخطية والفورية (Translating and Interpreting Service) على الرقم 131 450.

CHINESE 如果您不會說英語但需要長者護理投訴專員(Aged Care Complaints Commissioner)的協助，請致電翻譯及傳譯服務(Translating and Interpreting Service)：131 450。

CROATIAN Ako ne govorite engleski, a treba vam pomoć Povjerenika za pritužbe na usluge skrbi starijim osobama (Aged Care Complaints Commissioner), nazovite Službu za prevodjenje i tumačenje (Translating and Interpreting Service) na 131 450.

DUTCH Als u geen Engels spreekt en hulp nodig hebt van de Aged Care Complaints Commissioner, belt u de Translating and Interpreting Service op 131 450.

GERMAN Wenn Sie kein Englisch sprechen und die Hilfe des/der Beauftragten der Altenpflegebeschwerdestelle [Aged Care Complaints Commissioner] benötigen, so wenden Sie sich bitte unter der Nummer 131 450 an den Übersetzer- und Dolmetscherdienst [Translating and Interpreting Service]

GREEK Αν δεν μιλάτε αγγλικά και χρειάζεστε βοήθεια από τον Επίτροπο Παραπόνων Φροντίδας Ηλικιωμένων (Aged Care Complaints Commissioner), τηλεφωνήστε στην Υπηρεσία Μεταφραστών και Διερμηνέων (Translating and Interpreting Service) στον αριθμό: 131 450.

HUNGARIAN Ha nem beszélsz angolul és az Idősgondozási panaszok kormánybiztosának a segítségére van szükséged, hívhatja ezen a szolgáltatáson keresztül: Translating and Interpreting Service (Fordító-és tolmácsszolgálat), tel. 131 450.

ITALIAN Se non parlate inglese e avete bisogno di aiuto da parte del Responsabile per i reclami relativi all'assistenza agli anziani (Aged Care Complaints Commissioner), chiamate il servizio di traduzione e interpretariato (Translating and Interpreting Service) al numero 131 450.

MACEDONIAN Ако не зборувате англиски и ви треба помош од Началникот за поплаки во врска со негата за постари лица (Aged Care Complaints Commissioner), јавете се на Преведувачката служба (Translating and Interpreting Service) на 131 450.

MALTESE Jekk ma tafx titkellem bl-Ingliż u għandek bżonn għajjnuna tal-Kummissarju ta' Lmenti dwar il-Kura tal-Anzjani (Aged Care Complaints Commissioner), ċempel lis-Servizz tat-Traduzzjoni u tal-Interpreti (Translating and Interpreting Service) fuq 131 450.

POLISH Jeśli nie mówisz po angielsku, a potrzebujesz pomocy Aged Care Complaints Commissioner, zadzwoń do telefonicznej służby tłumaczy (Translating and Interpreting Service) pod numer 131 450.

RUSSIAN Если вы не говорите по-английски и нуждаетесь в помощи Уполномоченного по рассмотрению жалоб на услуги ухода за пожилыми, позвоните в Службу устного и письменного перевода по тел. 131 450.

SERBIAN Ако не говорите енглески а желите да се обратите за помоћ Начелнику комисије за жалбе на услуге неге за старије особе, позовите Службу за превођење и тумачење (TIS) на 131 450.

SPANISH Si no habla inglés y necesita ayuda por parte del Comisionado de Quejas sobre Asistencia a la Tercera Edad, (Aged Care Complaints Commissioner), llame al Servicio de Traducción e Interpretación (Translating and Interpreting Service) al 131 450.

TAGALOG Kung hindi ka nagsasalita ng Ingles at kailangan ng tulong mula sa Komisyoner ng mga Reklamo sa Pangangalaga sa Nakatatanda, tawagan ang Serbisyo sa Pagsasalina at Pag-iinterpretar (Translating and Interpreting Service) sa 131 450.

TURKISH İngilizce konuşamamanız ve Yaşlı Bakımı Şikayetler Yetkilisinden (Aged Care Complaints Commissioner) yardım almaya ihtiyaç duymanız durumunda 131 450 numaralı telefondan Yazılı ve Sözlü Tercümanlık Servisini (Translating and Interpreting Service) arayınız.

VIETNAMESE Nếu không nói được tiếng Anh và cần Ủy Viên Khiếu Nại về Chăm Sóc Người Cao Niên (Aged Care Complaints Commissioner) trợ giúp, xin gọi cho Dịch Vụ Thông Phiên Dịch (Translating and Interpreting Service) qua số 131 450

Contents

About the Aged Care Complaints Commissioner	2
What we can do	3
What we cannot do	4
Who can raise a concern?	6
Why should you speak out?	7
Steps to resolve your concern	8
Raising your concern with the service provider	10
How we can help you	11
Early resolution	11
Resolution process	12
During the complaint process	14
Outcomes that can be achieved	16
Open, confidential and anonymous complaints	18
Lodge a complaint with us	19
Advocacy	20
Asking for a review	21
Providing feedback about our service	22
Privacy	23
Other useful contacts	24

About the Aged Care Complaints Commissioner

The Aged Care Complaints Commissioner (Complaints Commissioner) is an independent statutory office holder. We provide a free service for anyone to raise their concerns about the quality of care or services you or someone else is receiving.

Our primary functions include:

- resolving complaints about Australian Government funded aged care services, and
- educating people and service providers about the best ways to handle complaints and the issues they raise.

Our staff are located in Adelaide, Brisbane, Canberra, Hobart, Melbourne, Perth and Sydney.

Complaints can be about services provided anywhere in Australia, including rural and remote areas.

If you receive Australian Government funded care or services, you have the right to raise any concerns about the care you or someone else is receiving. All service providers have responsibilities and must meet certain standards to ensure they deliver care that meets the needs of the person receiving aged care.

Aged care providers who receive funding from the Australian Government are called 'service providers' throughout this booklet.



Our vision

People trust that making a complaint is worthwhile; that it will lead to resolution for the individual and improve care for others.

Our values

We will be approachable, independent, impartial, and fair in the way we respond to complaints and concerns.

We will listen to you, explore what went wrong and work with the people involved to fix it.

We will help to ensure that complaints improve care.

Our objectives

Resolve - To work with you and the service provider to acknowledge and resolve your concerns or complaint and make a positive difference for people receiving aged care.

Protect - To take timely action on issues raised through complaints to ensure people receiving aged care are well cared for and protected.

Improve - To work with the aged care community to learn from complaints and act on opportunities to improve aged care.

What we can do

We can only examine concerns about aged care services which are funded by the Australian Government.

These services include:

- residential care or residential respite care
- Home Care Packages
- Commonwealth Home Support Programme
- flexible care, including transition care, and the National Aboriginal and Torres Strait Islander Flexible Aged Care Programme.

We can support you to resolve your concerns directly with the service provider. We can also examine complaints relating to a service provider's responsibilities. This includes, for example, care, choice of activities, discrimination, catering, communication or the physical environment.

We use different approaches to resolve concerns depending on the circumstances of each case. This allows us to select the most relevant, practical and efficient approach based on your concerns.

We treat each complaint on its own merits. We will examine complaints regardless of a person's cultural background, disability, gender, sex and gender identity, sexual orientation or any other status.

We can refer complaints that fall outside of our scope to other organisations. If we cannot help you, we will try to identify who can.

Our service charter

The service you can expect from us is outlined in our fact sheet *The service we offer you*, which is available in many languages on our website agedcarecomplaints.gov.au

What we cannot do

There are some things we are unable to do.

For example, we cannot:

- examine concerns about an aged care service that isn't funded by the Australian Government
- examine concerns that are not related to a service provider's responsibilities under the *Aged Care Act 1997* or their funding agreement with the Australian Government
- say who should make financial, legal or health decisions on behalf of someone receiving aged care
- comment on the service provider's employment arrangements such as wages or employment conditions
- provide legal advice
- ask service providers to terminate someone's employment
- investigate the cause of death; this is the role of the coroner
- always determine whether or not a specific event occurred, especially if we receive conflicting accounts of the event
- provide clinical advice about what treatment a person should receive.



Who can raise a concern?

Anyone can raise a concern about the care someone is receiving from Australian Government funded aged care services for help at home or in an aged care home.

This includes:

- people receiving aged care
- partners, including same-sex partners
- family members
- friends
- representatives
- advocates
- carers
- health and medical professionals
- volunteers and aged care staff.

If you are raising a concern on behalf of someone else, make sure the person (or their representative) knows about it.



Why should you speak out?

If you have a concern about the care you or someone else is receiving, it is important that you talk about it.

Complaints help service providers improve the quality of care and services they provide to you or your loved one. Your complaint can help other people too.

Service providers do their best to provide quality care and services, however issues can occur and people need to be able to raise their concerns in a constructive and supported way.

If you have a concern, we encourage you to discuss it with the service provider first. This is often the best way to have your concerns quickly and sustainably resolved.

If you are uncomfortable raising your concern, or dissatisfied with the service provider's response, please contact us.

Your rights

If you receive aged care services, you have the right to:

- personal privacy
- be involved in decisions that affect you
- be treated with dignity and respect
- be free from discrimination
- good quality care that meets your needs
- full and effective use of your personal, civil, legal and consumer rights
- complain and take steps to sort out any problems
- advocacy support.

These rights are set out in the Charter of Care Recipients' Rights and Responsibilities – Residential Care and the Charter of Care Recipients' Rights and Responsibilities - Home Care. The charters can be found at myagedcare.gov.au or on our website agedcarecomplaints.gov.au

Steps to resolve your concern

Step 1

Ask the service provider to resolve my concern

- Try to raise your concern with the service provider first
- This can achieve a fast and sustainable outcome
- You can also ask an advocate to support you
- If you are not comfortable, or are unable to resolve your concern with the service provider, you can contact the Complaints Commissioner.

Step 2

Ask the Complaints Commissioner to help

- Contact us on **1800 550 552**
- We can support you to raise your concern with the service provider or we can examine your concern
- We can accept confidential or anonymous complaints. However, this may limit what we can do
- You can also ask an advocate to support you.

Step 3

What happens when I first contact the Complaints Commissioner?

- We will gather information from you. This helps us to understand the issues and the outcome you are seeking
- We will explain how our process works and the options we may use to resolve your concern
- If we are unable to assist with your concern, we will refer you to someone who can.

Step 4

What happens after I make a complaint?

- We can support you to resolve your concern directly with the service provider
- If that approach is not possible, we can examine your concern. If so, we will write to you and the service provider to confirm the issues that we will examine

- We will assess the complaint on its own merits and decide how best to resolve it. We will take into account factors such as safety, dignity, rights and the wishes of the person receiving care; the quality of care and services being delivered; and the service provider's responsiveness to the complaint
- We will work with you and the service provider to resolve your concern as quickly as possible.

Step 5

How will I know my complaint has been resolved?

- We will consult you regularly throughout the process, unless you have made an 'anonymous' complaint
- We may need to refer your concerns to another organisation better placed to resolve them; we will advise you what feedback you can expect
- We will write to you and the service provider at the end of the process to advise the outcome and any required actions.

Step 6

What if I am not satisfied with the decision or how my complaint was handled?

- You can provide feedback to us anytime throughout the process
- You can ask us to review our decision
- You can complain to us about our service in managing your complaint
- You can ask the Commonwealth Ombudsman to independently review our actions in managing your complaint.

Our goal is to help resolve your complaint and achieve the best outcome for the person receiving care.

Raising your concern with the service provider

If you feel comfortable, we encourage you to raise your concern with the staff or the service manager first, as this can achieve a fast and sustainable outcome.

You have the right to raise a concern. All service providers must have a complaints mechanism in place and have their complaints policy displayed where people can access it. You can ask the service provider about their complaints policy. In most cases, you will be able to quickly resolve your concern with the service provider.

If you are unable to resolve your concern with the service provider, you can contact us on **1800 550 552**.

If you need help to directly speak to your service provider, you can arrange for a free aged care advocate to support you. Turn to page 20 for more information.

How we can help you

You can make a complaint to us in writing, online or by phone on 1800 550 552.

We can help you to resolve your concerns in these ways:

- supporting you through 'early resolution'
- examining your complaint through a 'resolution process'.

Early resolution

You manage the concern, with our support.

Many concerns can be resolved quickly and directly between you and the service provider at this stage without needing further assistance from us.

We can support you in any or all of the following ways:

- help you to clarify the issues in your complaint
- phone the service provider on your behalf to discuss the issues
- advise you and the service provider of both parties' rights and responsibilities
- contact an advocacy agency on your behalf to explain your concerns and arrange for them to contact you.

Once you are satisfied that your concern will be or has been resolved, we will close your complaint.



Resolution process

We examine your complaint.

If early resolution is not an option, we can select one or more of the following approaches to resolve the issues in your complaint:

Conciliation

We can help you and the service provider to discuss the issues and reach an agreement that resolves your concern. This may involve phone calls, informal discussions and/or formal meetings. We document the process and outline the outcome in writing to both parties. While we do not monitor or enforce the agreement, it can provide a strong basis for your ongoing relationship with the service provider.

Investigation

We can investigate an issue. Investigations can be simple, for example gathering information and discussing the issues with both parties; or they can be more complex, involving visits to the service, analysing records and conducting interviews.

Service provider resolution

We can ask the service provider to examine your concern within a specified timeframe. This may involve working with you to achieve an outcome. They are required to outline to us in writing how they resolved your concern. We will speak with you to confirm your concerns have been addressed.

Mediation

If we are unable to achieve the outcome you are seeking, we may suggest that you and the service provider engage a mediator. There is a cost to the parties involved associated with mediation, which you and the service provider would need to discuss.



During the complaint process

We will talk to you about the different approaches. Complex or more formal resolution processes may take time. Our focus is on reaching the best outcome, as quickly as possible.

The best result can be achieved when:

- all parties work cooperatively
- discussions are open
- information is provided in a timely manner.

In a small number of cases, we may not take action. For example, we may not take action if the matter is subject to legal proceedings or a coronial inquiry, or if the person receiving care does not want the complaint to be examined.

We have the ability to initiate our own resolution process, if we receive information about an issue relating to a service provider's responsibilities.

Please provide as much relevant information as you can, as early as you can, so we understand all the issues. Be specific and tell us what outcome you would like to see.

We can use a range of different tools and techniques to help you resolve your concern. We can do any of the following:

- consult professionals about clinical or technical matters
- ask for information from you, the service provider or other people
- visit the service or your home
- review relevant information you and the service provider give to us, such as correspondence, documents, policies and nursing files
- interview you, staff, family members, other people receiving care, witnesses to a specific event and health care providers
- refer an issue to another organisation if they are better placed to resolve it. For example, we can refer issues to other complaints bodies or the Australian Aged Care Quality Agency.

More information about the referrals we can make is in our *Referrals to other organisations* fact sheet. This is available on our website agedcarecomplaints.gov.au



Outcomes that can be achieved

When your complaint is finalised, we will send you a letter that outlines the issues, process, information used to come to our decision, and the outcome.

Many of these outcomes may lead to something that is individual to you, such as an acknowledgement of poor quality care and services or an apology from the service provider, or wider improvements to care.

We may be able to achieve any of the following:

Agreement

You and the service provider both agree that your concerns have been addressed and the issues resolved. We will provide written confirmation of this outcome to both parties.

Addressed

We are satisfied that the service provider has addressed the issue. We will provide written confirmation of this outcome to both parties.

Direction issued

Where we believe the service provider is not meeting their responsibilities the Commissioner can direct them to make changes. A direction requires the service provider to demonstrate how they have met or will meet their responsibilities.

Referred for compliance action

A matter may be referred to the Department of Health to consider compliance action. This may be where we are concerned the service provider has not complied with or is not complying with its responsibilities, or has failed to comply with the Commissioner's directions.

No further action

We may decide to take no further action if the matter is subject to legal proceedings or a coronial inquiry, the issue is better dealt with by another organisation, if the circumstances do not warrant further action or the person receiving care does not want the complaint to be examined.



Open, confidential and anonymous complaints

Aged care services are expected to provide an environment where you feel safe and supported to raise a concern. However, you may feel uncomfortable about raising a concern; you may not want to 'get someone into trouble' or 'be seen as a trouble-maker'.

If you want to raise your concern with us, you can complain anonymously or confidentially. These options may limit what we can do to resolve your concern. Wherever possible, it is best to submit your complaint openly; that is, provide your name and contact details.

If you are concerned about making an open complaint, contact us and talk to us about this and the differences between open, anonymous and confidential complaints. You can also find more information about submitting a complaint on our website agedcarecomplaints.gov.au



Lodge a complaint with us

You can lodge a complaint with the **Complaints Commissioner** by telephone, through our website or by letter.

Telephone

Free call **1800 550 552***

If you are hearing or speech impaired contact us through the **National Relay Service:**

- Telephone Typewriter (TTY) users: phone **1800 555 677** then ask for our number 1800 550 552*
- Speak and Listen users: phone **1800 555 727** then ask for our number 1800 550 552*
- Internet relay users: connect to iprelay.com.au and enter 1800 550 552*.

If you need an interpreter

- Tell us when you call and we will arrange to use the **Translating and Interpreting Service (TIS)**
- Alternatively, please call the TIS directly on **131 450** and ask them to transfer you to our number 1800 550 552*.



Website

agedcarecomplaints.gov.au

You can submit a complaint online using the online complaint form. Lodge your online complaint openly, confidentially or anonymously.

* 1800 calls are free calls from fixed lines; however calls from mobiles may be charged.

Advocacy

An advocate is someone who stands beside you and works on your behalf in the best interests of the person receiving aged care.

Advocates are confidential. They listen to your concerns, give you information and speak up for you if you want them to. They work at your direction in a way that represents your expressed wishes.

An advocate can:

- support you in making decisions that affect your quality of life
- provide you with information about your rights and responsibilities, and discuss your options for taking action
- support you when you raise an issue with the service provider or us
- support you at any stage throughout the complaints process.

An advocate will always seek your permission before taking action.

A free aged care advocacy service for people receiving aged care and their representatives is provided by the Australian Government. To access a free advocate in your state or territory contact the Older Persons Advocacy Network (OPAN).

With your permission, we can phone an advocacy agency on your behalf to explain your concerns and arrange for an advocate to contact you.

Older Persons Advocacy Network

Phone
1800 700 600*

Website
www.opan.com.au

Asking for a review

If you are not happy with a decision we have made about your complaint, you can ask us to review it.

Reviews can help us ensure we achieve the best outcome for the person receiving aged care that the complaint relates to, and for others.

Complainants and service providers can ask for a review of our decision once a complaint is finalised. This may be about our decision to take no further action on a complaint or to end a resolution process. If you want us to review a decision, you must ask us to do so within 42 days of receiving our decision letter. Your application must state the reasons for your request. More detailed information is outlined in our factsheet *Review rights*, which is available on our website agedcarecomplaints.gov.au

You can request us to review our decision by:

Phone
1800 500 294*

Write
GPO Box 9848

Melbourne VIC 3001

Email
reviews@agedcarecomplaints.gov.au

The Commonwealth Ombudsman

If you are not satisfied with our actions in managing your complaint you can contact the Commonwealth Ombudsman.

Phone
1300 362 072

Website
ombudsman.gov.au

Fax
02 6276 0123

Write
GPO Box 442,
CANBERRA ACT 2601

* 1800 calls are free calls from fixed lines; however calls from mobiles may be charged.

Providing feedback about our service

At any stage you can provide feedback about our service.

Complaints about our service

Anyone who is not satisfied with our service in managing the complaint can complain to us. We are committed to improving our service and welcome your views, even if they are critical.

You can raise your concern with your complaints officer on **1800 550 552**. If you are not comfortable to do so, or are dissatisfied after speaking to them, please ask to speak to their manager. If your concern is still not resolved you can find out how to contact our internal complaints team by asking a complaints officer or through our website agedcarecomplaints.gov.au.

Satisfaction survey

It is important that we hear about your experience with us. Once your complaint has been closed, you will have the opportunity to complete our satisfaction survey.

The feedback we collect is a critical part of our ongoing improvements to our organisation and helps us to assess what we are doing well and where we can improve. Your responses are confidential and will only be examined as part of an aggregate.



Privacy

The *Privacy Act 1988* (Privacy Act) and the Australian Privacy Principles (APPs) regulate how Australian Government agencies handle an individual's personal information, including how they collect, store, use and disclose personal information.

We collect personal information to perform our functions as set out in the *Aged Care Act 1997* and the Complaints Principles 2015. This includes the management and resolution of complaints about a service provider's responsibilities. Our Privacy Policy and Notice of Collection describe how we protect and handle personal information in accordance with the Privacy Act and APPs to ensure it is not unlawfully disclosed or misused. To access these go to our website agedcarecomplaints.gov.au

If you have a concern about the way we handle your personal information, you can make a complaint.

In the first instance please contact us:

Email
enquiries@agedcarecomplaints.gov.au

Phone
1800 500 294*

Postal Address

Privacy Officer
Aged Care Complaints
Commissioner
GPO Box 9848
Canberra ACT 2601

If you are still dissatisfied, you can raise concerns directly with the Office of the Australian Information Commissioner on 1300 363 992.

Other useful contacts

My Aged Care

My Aged Care can help you find information about the services you need and what you need to do to receive them. There is also a national contact centre that can answer your aged care questions.

Website

myagedcare.gov.au

National contact centre

1800 200 422*

(Open Mon-Fri 8am - 8pm,
Sat 10am - 2pm)

Age Page ®

Phone numbers and websites for health and aged care services are located in the *Numbers you need* section of the White Pages.

Lifeline

Phone

13 11 14

Website

lifeline.org.au

National Dementia Helpline

This telephone and support service is funded by the Australian Government and staffed by trained advisers from Alzheimer's Australia.

Phone

1800 100 500*

Australian Aged Care Quality Agency

The Quality Agency's role is to promote high quality care through accreditation, quality review and providing information, education and training to the industry.

Phone

1800 288 025*

Website

aacqa.gov.au

State and territory coroner's offices

Every state and territory has a coroner's office – please check the White Pages for contact details.



* 1800 calls are free calls from fixed lines; however calls from mobiles may be charged.

Disclaimer

This publication is intended to be used in conjunction with other information on our website agedcarecomplaints.gov.au or from speaking to us on **1800 550 552**.

The Australian Government accepts no responsibility or liability for any loss suffered as a result of reliance on the information contained in this booklet.

Enquiries

Enquiries regarding any use of this publication can be addressed to the Aged Care Complaints Commissioner through:

Email

enquiries@agedcarecomplaints.gov.au

Phone

1800 500 294

Postal Address

Aged Care Complaints
Commissioner
GPO Box 9848
Canberra ACT 2601

© Commonwealth of Australia as represented by the Aged Care Complaints Commissioner 2017

Title: I have a concern

This publication is licensed under the Creative Commons Attribution 4.0 International Public License available from <https://creativecommons.org/licenses/by/4.0/legalcode> ("Public License").

You must read and understand the Public License before using any material from this publication.

Restrictions

The Public License may not give you all the permissions necessary for your intended use. For example, other rights (such as publicity, privacy and moral rights) may limit how you use the material used in this publication.

The Public License does not cover, and there is no permission given for, use of any of the following material found in this publication:

- the Commonwealth Coat of Arms
- any logos and trademarks
- any photographs and images
- any material belonging to third parties.

Attribution

The Aged Care Complaints Commissioner requests that you attribute this publication in your work. Any reasonable form of words may be used provided that you:

- include a reference to this publication, and where practicable, the relevant page numbers
- make it clear that you have permission to use the material under the Public License
- make it clear whether or not you have changed the material used from this publication
- include a copyright notice. In case of no change to the material, use "© Commonwealth of Australia (the Aged Care Complaints Commissioner) 2017". In the case where material has been changed use "Based on Commonwealth of Australia (the Aged Care Complaints Commissioner) material".
- Do not suggest that the Aged Care Complaints Commissioner endorses you or your use of the material.





Australian Government

Aged Care Complaints Commissioner

1800 550 552 | agedcarecomplaints.gov.au

All information in this publication is correct as at November 2017.