

HOW TO MAKE A COMPLAINT



Using a service entails both rights and responsibilities for your family member or friend, you as a carer and the service provider and staff. But the language of 'customer', 'consumer' and 'service agreement' doesn't always reflect the very personal and complicated nature of care for people who need support because they have a disability, a mental illness or are older with care needs. When something goes wrong, it's not always as simple as letting the manager know or asking for an exchange.

Fortunately, there is an emerging legal framework designed to achieve better service outcomes for clients, carers and society as a whole. Unfortunately, this new system may not address the legacy of poor complaint handling even in the recent past to the satisfaction of everyone. Some carers who are thinking about making a complaint may be fearful of the consequences because they have heard negative stories from friends, family or the media.

WHY MAKE A COMPLAINT?

There are two main reasons you might want to make a complaint:

- To provide feedback about an unsatisfactory service so that you can get a better outcome for you and/or the person you care for.
- To help prevent the situation happening to other service users who may experience a similar problem but may not complain.

WHO CAN MAKE A COMPLAINT?

- Anyone who is affected by the quality of the service can make a complaint or offer a suggestion regarding service improvement or development. You may support the person you care for to complain or you may make a complaint on their behalf. In some circumstances you may be able to complain about your own treatment as a carer, if you feel you have reason to complain.
- It is important to act as quickly as possible. Do not be tempted to 'put up' with poor service. You have the right to complain and not be treated less fairly because you have made a complaint.
- There can be a perception the power imbalance between service providers and consumers, carers and families in

the disability sector invariably favours the service provider. It is important carers emotionally prepare themselves before submitting a complaint. Ask yourself, 'How would I/we cope if the initial reaction is negative for me or my loved one?'

WHAT CAN I COMPLAIN ABOUT?

You may complain because:

- you have received poor quality service
- you have been treated unfairly or inappropriately
- you have been discriminated against on the basis of your age, race, religion, culture, gender, sexual identity, marital status, geographical location or ability to pay
- you were refused a service without a satisfactory explanation
- you declined a service in the past and believe that this has reduced your access now
- you had to wait for the service and were not informed of the need to wait
- you did not get what you thought you had paid for or what was in your service agreement.

WHAT CAN I EXPECT FOLLOWING MY COMPLAINT?

This is up to you. Think about the outcome you will be happy with:

- an apology
- service improvement e.g. state what you prefer would happen in the future
- another service
- a reduction in fees or refund
- compensation?

HOW DO I MAKE A COMPLAINT?

An informal complaint is most appropriate if someone made a simple error or could do things better. For example, if a home care worker did something you were not happy with, you may ask politely that they do it differently or request that they do not do it again.

Make sure to write down your concerns e.g. when you spoke to the worker and what you spoke about.

You may want to bear in mind that a 'simple error' may also have systemic or general implications regarding the organisation's procedures. Think about referring the matter to a manager to ensure consistency amongst staff.

A formal complaint requires you to follow a set procedure, either within the service or with an independent complaints body. A formal complaint is usually in writing and given to a person in a position of authority. It may be necessary to have the permission of the person you care for to submit a formal complaint.

HOW DO I FIND OUT ABOUT A COMPLAINTS PROCESS?

Look at the paperwork you were given when you started using the service. This may be called a 'service charter', 'your rights and responsibilities' or 'complaints procedure'. The information may also be on their website under 'feedback'. Some rights related to complaints include the right to:

- complain about any aspect of a service

- be provided with information on how you can complain
- have your complaint dealt with fairly and promptly
- be informed of the outcome of your complaint, and
- not be treated less favourably because you have complained

WHO SHOULD I COMPLAIN TO?

1. If you have concerns about a service or worker, speak to the worker directly expressing how you feel and what you would like to change or be done differently. Most times problems can be resolved at this level.
2. If the situation does not improve and you still have concerns speak to their supervisor or manager.
3. If the situation still does not improve contact the head office or the funding body of the service provider.
4. If you are not satisfied with the response, you can complain to the appropriate Ombudsman or Commissioner.
5. If you are still not satisfied you can make an appointment with or write to your local Member of Parliament.

WHAT SHOULD I PUT IN A COMPLAINT?

It's important to make sure you have all the facts and to follow the right process to try to resolve the problem. Keep your complaint as brief and to the point as possible and be specific about what you want the service provider to do about it. Avoid personal attacks and instead talk about what the person did or didn't do.

For example, instead of saying "the worker is lazy and avoids work at all costs", say "the worker has arrived late or left early on X number of occasions and when I asked them to do a task, they said they did not have time to do it on (dates)." You could then ask "that the worker phones me if they are going to be late and ensures that they complete the task before they leave."

Sometimes it can be good to also put details in writing using your notes.

WHAT DO I DO AFTER I GET A RESPONSE TO MY COMPLAINT?

Your complaint should be used by the service provider to assist with improving their service. Has the service responded appropriately to your complaint? Have they taken steps to resolve the problem? Did you get the outcome you wanted?

If the answer to these questions is yes, you may want to consider writing to the service provider thanking them for solving the problem. You may also want to think about sharing your experience. This can help others with how to go about resolving similar problems.

WHAT IF I HAVE COMPLAINED AND NOW THINGS ARE WORSE THAN BEFORE?

This is serious. You have the right to not be treated less favourably because you have complained and to complain without fear of retribution. You should contact the appropriate complaints agency for their advice.

DOES CARERS VICTORIA HAVE A COMPLAINTS PROCESS?

Yes, Carers Victoria has a Compliments, Complaints and Concerns Policy. We employ a Quality Coordinator who receives all complaints and suggestions. All service users or stakeholders have the right to make a complaint either in writing or verbally and all complaints will be dealt with:

- fairly
- confidentially
- seriously

- in a timely manner
- according to a transparent and accountable process, and
- with the aim of a satisfactory resolution.

Carers Victoria uses this feedback to improve our services and to inform our advocacy on behalf of carers.

To get started please visit the following webpage:

carersvictoria.org.au/about-us/contact-us/your-feedback

OTHER USEFUL LINKS

If you click on the headings below you will be taken to the organisation's homepage.

[Disability Services Commissioner](#)

[Health Services Commissioner](#)

[Mental Health Complaints Commissioner](#)

[Aged Care Complaints Scheme](#)

[Victorian Equal Opportunity and Human Rights Commission](#)

[Victorian Ombudsman](#)

[Social Security Rights Victoria Inc](#)

[Office of the Public Advocate](#)

Carers Victoria
Level 1, 37 Albert Street, PO Box 2204, Footscray VIC 3011
Carer Advisory Line 1800 242 636
P 03 9396 9555 TTY 03 9396 9587
reception@carersvictoria.org.au

 @CarersVictoria

 /CarersVictoria

CASE STUDY 1 – KENNETH AND PATRICIA MAKING A COMPLAINT

*All names and potentially identifying details in these case studies have been changed to protect the privacy of those involved**

Carers Victoria is committed to assisting carers improve outcomes by advocating on their own behalf or for the person for whom they care. Making a complaint is one way of providing feedback direct to the service provider, government department or other agency such as an independent statutory body like the Disability Services Commissioner.

Carers Victoria believes it is beneficial for carers to share their lived experience with others to increase community understanding and build capacity. However, it is important to remember the views expressed here are those of the carers who shared their stories.

Kenneth* and Patricia* recently admitted Bianca*, their daughter for whom they care, into a Community Care Unit (CCU) where a residential psychiatrist had been assigned to her treatment. Initially the psychiatrist arranged to meet with the whole family to discuss Bianca's progress, however the psychiatrist failed to meet her commitment on three occasions.

The first time the psychiatrist missed the appointment, the CCU staff were apologetic and Kenneth and Patricia understood the psychiatrist was busy. However, on the second and third cancellation the staff member explained the psychiatrist had other patients; this explanation seemed to suggest to Kenneth and Patricia the psychiatrist was apathetic.

On the day of the third cancellation, the appointment had been scheduled for 4pm. Patricia had taken time off work and the couple made sure they arrived 15 minutes early. The psychiatrist called the CCU staff at exactly 4pm to say she had to cancel. Patricia requested to call the psychiatrist directly; however the staff member said this was against their policy and agreed to call on Patricia's behalf.

After speaking with the psychiatrist, the clinician informed them she could be at the CCU in an hour. Patricia expressed her frustration as the psychiatrist had not kept any of the scheduled appointments and her behaviour was unprofessional. Kenneth and Patricia went home. Hours later Patricia received a call from the psychiatrist who said she and Kenneth were impatient. Patricia explained to the psychiatrist this was not the first appointment she had cancelled. The psychiatrist's response was she had 200 patients.

It had now been three months since Bianca's admission to the CCU.

After this interaction, Patricia wrote a letter of complaint to the program manager detailing all of the cancelled appointments. This was followed by a face-to-face meeting with the program manager and the psychiatrist. The meeting went for over an hour. The program manager, also a carer, claimed to understand Patricia and Kenneth's situation and said he would follow-up with them.

When the program manager next met with Kenneth and Patricia, he explained they had to understand the psychiatrist works part-time while running a private clinic. Patricia responded by saying it was not her fault the CCU chooses to employ professionals part-time and treat public patients with contempt. Patricia said the psychiatrist didn't have the common decency to give enough notice when cancelling the appointments.

The psychiatrist ended up leaving the CCU. At this point, Patricia escalated the complaint to a senior staff member; however it was not resolved.

Through this experience, Kenneth and Patricia believed the program manager did not handle the complaint respectfully or professionally. They slowly formed the opinion the CCU culture and staff failed in their commitment to patient care and focussed on moving patients out of beds as quickly as possible rather than when they were actually ready.

TIPS FOR CARERS MAKING A COMPLAINT

When making a complaint, Kenneth and Patricia advise other carers, 'you have to remember you are important'.

As making a complaint is not easy; Kenneth and Patricia recommend putting everything in writing. Documenting interactions from the beginning of the relationship with professionals helps with any

necessary follow-up. It shows the issues you have raised are important, especially if health facilities are difficult or unhelpful.

Kenneth and Patricia keep a diary of their daughter's diagnosis, giving them confidence that all the history is at their finger-tips. 'This leaves a professional impression on people you are having meetings with, as you have documented details and show you know what you're talking about,' Kenneth and Patricia said.

Their approach is to resolve the issue with service providers individually and then as a couple. If they are unable to achieve a positive result, they work together and request to speak to the most senior person.

Patricia says to be most effective it's important to set preferences before and make them very clear to the person with whom you are meeting. Where possible they recommend resolving issues in face-to-face meetings, prior to making a formal complaint.

During meetings concentrate on taking notes and let others speak without interrupting them. Then respond with the carer's point of view and use the word 'carer' to remove any emotive language from the conversation. Consider asking another person to attend with you, and ask them to take notes and step in if you feel overwhelmed by your feelings.

Being straight-forward and honest in meetings has given Patricia and Kenneth a positive response. Their time as carers is precious so it's important to ask for timeframes and actual commitments. Kenneth says when meeting face-to-face you need to look the part, come dressed professionally to be taken seriously. Kenneth and Patricia recommend considering these suggestions for writing a complaint:

Treat it as a job application: Keep the tone professional and state the facts in point form, use sentences where appropriate, use non-emotive language

- Keep it as simple as possible
- Avoid 'Dear Sir/Madam': Always aim to address the letter to a specific staff member, preferably one which handles complaints.
- Use a warm introduction: 'I would like to introduce myself, I am the carer (not parent) of Bianca. It is with regret I write to you, as there are some issues...'
- Include timelines and who was involved
- Request for action when you conclude the complaint: 'We would like to solve these issues, we understand your time is precious and welcome a quick response'
- Ask an independent person to proof-read the complaint document.

CASE STUDY 2 – MICHELLE AND SON, LUKE MAKING A COMPLAINT

*All names and potentially identifying details in these case studies have been changed to protect the privacy of those involved**

Carers Victoria is committed to assisting carers improve outcomes by advocating on their own behalf or for the person for whom they care. Making a complaint is one way of providing feedback direct to the service provider, government department or other agency such as an independent statutory body like the Disability Services Commissioner.

Carers Victoria believes it is beneficial for carers to share their lived experience with others to increase community understanding and build capacity. However, it is important to remember the views expressed here are those of the carers who shared their stories.

As a carer for her son, Luke*, Michelle* was expecting to feel welcomed by the staff at the residential care facility, and reassured about the quality of care and processes in the event her son may relapse and need care in an acute hospital setting. However, from the beginning she was surprised to find staff did not understand carers' needs and this motivated Michelle to make major changes that took two years to implement.

Keen to understand the procedure if her son experienced a relapse needing hospitalisation, staff told Michelle this information was confidential. Michelle explained she only wanted to know at what point steps would be taken to make a decision about placing her son in hospital. Michelle

was asked to put her request in writing, outlining full details.

The facility did not have a form or formal procedure to provide feedback or make a complaint. When documenting her request, Michelle's main goal was for the facility to understand Luke's unique situation which included understanding his disability, as well as the carer's knowledge of his history. It was important the facility take into account the background of risks, and information about her son's behaviours which may trigger hospitalisation. Michelle needed to know at what point of relapse the staff would make a decision to admit her son. What it really boiled down to was; Michelle needed assurance that the staff understood how to care for Luke.

After emailing staff a detailed and lengthy note, she was again advised that providing the information she needed would be a breach of her son's privacy.

During this time, Michelle wanted to drop in to see him so went to the office first as a courtesy.

Michelle felt the staff members' body language indicated she was not welcome and they indicated it wasn't appropriate for her to remain there. It was made very clear that 'just turning up' was not on.

The staff later sent Michelle some policy information about the facility's procedures which put Michelle at ease, but only a little. Michelle was seeking reassurance the staff fully understood the key issues where her son was concerned, what procedures were appropriate and what could potentially trigger his hospitalisation.

As she had not received the specific information she needed, Michelle's anxiety surrounding her son's safety and wellbeing in residential care remained high. During the time Luke was admitted into residential care, Michelle would receive calls in the middle of the night from him but she had an ongoing feeling of being shut out by staff.

When Luke had been in care for nearly a year, he complained to Michelle about being mistreated by one of the staff.

On hearing this, Michelle raised the issue verbally with staff, but never received any follow-up from the facility. Due to the mistreatment, Luke ran away and called her saying 'Mum, I'm homeless.' It was not appropriate for Luke to return home due to the risk of him relapsing there, so he had to stay at a relative's home.

As a consequence of this experience, Michelle accepted an invitation to join the board of the facility and took the matter to the chair. When the chair explained it would be better to raise the issue with the CEO, the CEO offered to conduct an independent investigation.

The CEO had a senior staff member go through the files to investigate the incident. This confirmed her son had been mistreated by a staff member. When Michelle was asked what she would like in response, she requested a written letter of apology from the CEO which was gratefully received.

By being on the board, Michelle was able to emphasise carer needs within the organisation.

Since Michelle became a member of the board, where she repeatedly raised carer issues in the course of normal discussion, and with the support of the CEO and new Chair, the whole organisation has become a model for how carers should be treated.

TIPS FOR CARERS MAKING A COMPLAINT

- Michelle advises any carers going through a similar process to trust their instincts and keep going, because there's a lot of work involved in systemic change.
- Carers need to be prepared to be involved and to follow all the way through.
- Michelle continues to advocate for a specific complaint service which monitors facility complaints.