



# how to make a complaint

**The following is a summary of the benefits and entitlements that may be relevant to carers. Fact sheets on some items are available from the Commonwealth Carer Resource Centre or website. If you are a carer you may be involved with a range of people, services and organisations that assist you with the responsibilities of caring. Sometimes problems can arise about which you wish to complain. When something is unfair, or you believe you or the person you are caring for has been treated unreasonably, you have a right to speak out and have the problem rectified.**

There are a variety of ways to go about making a complaint and solving any problem you have. How you make the complaint and where you lodge it depends on who or what your complaint is about.

## **Q. Where do I begin?**

If you have a problem with a service, ask for information about how they handle complaints. Most services, particularly those funded by the government, have to make provisions for complaint resolution. Therefore, there should be a document that sets out their complaints procedure and you can ask for a copy of this.

Making a complaint about an individual can be more complicated.

- ✓ *To seek information about your rights, contact your local Community Justice Centre, which provide Dispute Resolution Services, or your local Community Legal Centre; or*
- ✓ *If you believe the person has acted criminally, you can go to the Police.*

## **Q. How do I know which service to go to?**

This is what this fact sheet is about. At the end of this fact sheet you will find a summary of all the services mentioned and what areas they are able to help you with.

If you are still uncertain, please call the **Commonwealth Carer Resource Centre** on **1800 242 636** to discuss your particular situation.

## **Q. Do I have to deal with the service directly, or can I go straight to an independent body?**

In most circumstances, in order to lodge a complaint with an independent body, you must have tried to sort the problem out with the service or individual first. This is called **local resolution**.

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If your complaint is with a large organisation or government department, they may have a 'complaints unit'. These are not independent of the service or department but can provide you with resources to pursue your local resolution.

If you have tried local resolution and are not satisfied with the outcome, approach an independent third party to mediate and seek a solution. Again, the nature of the complaint will determine where you should lodge the complaint.

## **Q. What is the best way to go about making a complaint?**

Each organisation has its own way of processing complaints. However, it is standard that preliminary inquiries are made by phone, but formal complaints must be put in writing.

If you are unable to do this, staff at the organisation should be available to help you. You should telephone and make an appointment if you need help. Alternatively, ask a friend or advocate to help you write down your complaint. If your first language is not English, staff will assist you through the use of the Translation and Interpreting Service (TIS), call **13 14 50**. This is a free service.

## **Q. I have a problem with Centrelink, what do I do?**

If you are unhappy with a decision from Centrelink, you can appeal to get that decision changed. The steps are as follows:

- 1.** Contact your local Centrelink and ask for the decision to be reviewed by an Authorised Review Officer (ARO).
- 2.** If you are not satisfied with the ARO's decision you can appeal to the Social Security Appeals Tribunal (SSAT). You can contact them on **1800 011 140** or **02 9202 3400**.
- 3.** The last step is to the Administrative Appeals Tribunal (AAT). You can contact them on **02 9391 2400 or 1300 366 700 (outside Sydney Metro)**
- 4.** If you are still dissatisfied about the decisions made, you can contact the Welfare Rights Centre on **02 9211 5300 or 1800 226 028 (outside Sydney Metro)** or visit [www.welfarerights.org.au](http://www.welfarerights.org.au)

## **Q. If you have a complaint about a health care service or health professional** that you or the person you care for uses, for example:

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| ✓ <i>Doctors</i>                   | ✓ <i>dentists</i>                    |
| ✓ <i>Nurses</i>                    | ✓ <i>a hospital or health clinic</i> |
| ✓ <i>a community health centre</i> | ✓ <i>private nursing homes</i>       |

You may contact the **Health Care Complaints Commission** for advice. All complaints to the Commission are to be forwarded to them in writing.

However, if you are unhappy about the service or care that is being provided in a hospital, contact the Patient Representative or Complaint Coordinator based in that hospital.

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## ■ **Health Care Complaints Commission (HCCC):**

✉ Locked Bag 18, Strawberry Hills, NSW 2012

☎ **1800 043 159 (free call) or 02 9219 7444**

Website: [www.hccc.nsw.gov.au](http://www.hccc.nsw.gov.au)

## Q. **I have a complaint about the way my mother was treated in supported accommodation or whilst in respite care, where can I go?**

■ **TARS The Aged-care Rights Service** is a community legal centre which promotes the rights of older residents in supported accommodation through telephone advice as well as advocacy and negotiation on behalf of a resident. Supported accommodation includes retirement villages, hostels, nursing homes, boarding houses etc.

■ ☎ **02 9281 3600 or 1800 424 079 (free call outside Sydney metro)**

■ **Aged Care Complaints Resolution Scheme** provides advocacy to anyone wishing to make a complaint about a Commonwealth funded aged care service.

☎ **1800 550 552 (free-call)**

Complaints about the way the Scheme has handled your complaint can be raised directly with:

■ **The Office of the Commissioner for Complaints**

☎ **1800 500 294 (free call)**

If still dissatisfied, you can also make a complaint to the:

■ **NSW Ombudsman**

The Ombudsman investigates unfair treatment by a NSW public authority or public official. The Ombudsman is independent and impartial.

☎ **02 9286 1000 or 1800 451 524 (free call outside Sydney metro)**

Fax: **02 9283 2911**

## Q. **I care for my son who has a disability and I feel that he has been treated badly by a particular service, where can I go?**

The **Disability Complaints Service** promotes the human, legal, civil and consumer rights of people with a disability. It is an independent complaints body, which aims to facilitate effective resolution of complaints.

The **Disability Complaints Service** will provide support to the person with the disability to use the service as well as monitor the progress of the complaint.

■ **Disability Complaints Service**

✉ PO Box 666, Strawberry Hills NSW 2012

☎ **02 9319 6549 or 1800 424 007 (free call outside Sydney metro)**

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If you feel that you were discriminated against you can contact:

■ **Human Rights and Equal Opportunity Commission**

✉ GPO Box 5218, Sydney NSW 2001

☎ **02 9284 9600 or 1300 656 419 (free-call outside Sydney metro)**

**Q. Are there any other places that might be useful to me?**

There are many other sources of help for you if you are having a problem in your caring. The following list sets out some of them:

■ **Home Care Services of NSW Customer Relations Unit**

If you have any problems with Home Care you can contact:

☎ **1800 044 043 (free call)**

☎ Website: [www.dadhc.nsw.gov.au](http://www.dadhc.nsw.gov.au)

■ **Institute for Family Advocacy and Leadership Development**

'Family Advocacy' is a community based organisation, which works with informal or formal groups of families in which there is a member who has a developmental disability. The aim is to improve the social roles of the person with a developmental disability. They are an independent, statewide organisation run by an elected committee made up of people with disabilities, parents and allies.

☎ **1800 620 588 (free call)**

■ **Intellectual Disability Rights Service (IDRS)**

IDRS is a community legal centre in NSW working to advance the rights of people with an intellectual disability. They provide free legal advice and actively challenge any structural inequalities affecting the lives of people with an intellectual disability.

☎ **02 9318 0144 or 1800 666 611 (free call outside Sydney metro)**

■ **LawAccess NSW**

LawAccess NSW is a free government telephone service set up to assist people who have difficulty in accessing a free legal service; in particular people in regional or rural NSW, those who have a disability, etc.

If you call LawAccess NSW there are Customer Service officers who can:

- ✓ *provides legal information over the phone, referral and advice*
- ✓ *send you out information that can help you with your legal problem*
- ✓ *discuss your eligibility for Legal Aid and help you with making an application for Legal Aid*

☎ **1300 888 529** or Website: [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

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## ■ Multicultural Disability Advocacy Association of NSW

They provide individual and group advocacy for people from non-English speaking backgrounds with disabilities, their carers and families. They also give training for carers and service providers.

☎ **02 9891 6400** or **1800 629 072 (free call)** or Website: [www.mdaa.org.au](http://www.mdaa.org.au)

## ■ NSW Disability Discrimination Legal Centre

They provide legal assistance for people wishing to make complaints under the Disability Discrimination Act. Complaints should be in writing (the Centre can assist with this process). They give information and make referrals over the phone but for legal advice an appointment is necessary.

☎ **02 9310 7722 (Advice line Tues/Wed/Frid)** or **1800 800 708 (free call outside Sydney metro)**

Website: [www.ddlcnsw.org.au](http://www.ddlcnsw.org.au)

## ■ The Mental Health Advocacy Service (MHAS)

The MHAS are part of Legal Aid NSW. The service provides free legal advice and assistance about mental health law. In many cases, they can also provide representation of your case before a magistrate or the Guardianship Tribunal.

☎ **02 9745 4277**

Website: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

## ■ Veterans' Advocacy Service

This is a specialist service providing free legal advice, assistance and representation to veterans and their dependants about their rights and entitlements under the Veterans' Entitlements Act 1986. They will visit people in who live in regional or isolated areas.

☎ **02 9219 5148**

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### REFERENCES:

LawAccess NSW: Fact Sheet (2003)

NSW Ombudsman: Brochure

Disability Complaints Service: Brochure

Health Care Complaints Commission: Brochure

Welfare Rights Centre: Brochure

NSW Council for Intellectual Disability: Fact Sheet "Where do I go to make a complaint?" (April 1995)

Human Rights and Equal Opportunity Commission: Brochure "ACT Against Disability Discrimination; Discrimination in Employment & Occupation" (June 1995)

Brochures from each organisation mentioned

Information contained in this fact sheet was supplied by the relevant authorities and is believed to be accurate at the time of publication. Whilst every care has been taken in its preparation, this fact sheet contains only guidelines in relation to its subject matter.

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