COMPLAINTS, FEEDBACK AND WHISTLEBLOWER POLICY – CONSUMERS, STAFF & OTHERS

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Complaints, Feedback and Whistleblower Disclosures Policy – Consumers, Staff & Others

Complaints and Feedback

(1) If you have a concern or Complaint about us and/or the care and services we provide, you can make a Complaint or give Feedback in writing or verbally, anonymously, without a fee. You can withdraw your Complaint or Feedback at any time during this process.

(2) To make a Complaint or give Feedback, you should promptly contact our Complaints and Feedback Officer Elise Robertson on **03 9760 2134** or email **feedback@martinlutherhomes.com.au**. You can also inform one of our staff, who is a Responsible person or Aged care worker, and they will inform the Complaints and Feedback officer.

(3) We will take appropriate action as soon as practicable to transparently resolve each issue raised in your Disclosure in accordance with our Complaints and Feedback management system. This may include: acknowledging and if needed, investigating your Complaint or Feedback. Where necessary, this may include discussing it with you and/or anyone else involved; except for anonymous Complaints, keeping you involved and informed in an appropriate way of the progress, outcome and resolution of the Disclosure; and reviewing our policies, practices and procedures in light of the Complaint or Feedback.

(4) We will assess whether your concern qualifies as a Whistleblower disclosure instead. If your Complaint or Feedback qualifies as a Whistleblower disclosure, we will treat it under the Whistleblower policy unless you elect to have it treated as a Complaint or Feedback, in which case it will be dealt with in accordance with our Complaints and Feedback procedure.

(5) We will take a resolution approach to addressing your concern that: is consistent with the Statement of Rights; is appropriate given the nature of the issue; is centred around each person directly affected by the issue; seeks to address the issue as raised in the Complaint; and will contribute to continuous improvement.

(6) We encourage and support any person to make or withdraw a Complaint or Feedback about our delivery of services without reprisal. We will take reasonable steps to ensure that you are not adversely affected as a result of making the Complaint or Feedback and that you do not suffer any victimisation or discrimination from sharing your concern. We will ensure procedural fairness to you and any person against whom the Complaint is made.

(7) Any information that you provided in a Complaint or Feedback will be kept confidential and only disclosed if required by law or is otherwise appropriate in the circumstances.

(8) We will maintain an open disclosure process in relation to the subject matter of the concern and if things go wrong in managing or resolving the concern.

(9) You may also choose to make a Complaint or Feedback about us and/or the care and services we provide to the Complaints Commissioner. You may do this orally or in writing, anonymously if you choose. We will provide appropriate support and assistance to you (including access to advocates and language services) in relation to contacting the Complaints Commissioner.

(10) Independent aged care advocates may be able to assist including with making a new complaint to the Aged Care Quality and Safety Complaints Commissioner. Contact Information:

Aged Care Quality and Safety Commission: Telephone: **1800 951 822**

Older Persons Advocacy Network (OPAN) Telephone: **1800 700 600**

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Whistleblower Disclosures

(11) If you have reasonable grounds to suspect that we have breached a provision of the Aged Care Act, you can make a Whistleblower disclosure in writing or verbally, anonymously if you choose.

(12) To make a Whistleblower disclosure, you should promptly contact our designated Whistleblower officer. You can also inform one of our staff, who is a Responsible person or Aged care worker, and they will inform the Whistleblower officer.

(13) We will take appropriate action as soon as practicable to respond to your Whistleblower disclosure in accordance with our Whistleblower procedure. This may include:

(a) Assessing whether your disclosure qualifies as a Whistleblower disclosure.

(b) Investigating qualifying Whistleblower disclosures. Where necessary, this may include discussing it with you and/or anyone else involved.

(c) Reviewing our policies, practices and procedures in light of the Disclosure.

(14) We will provide support for you and anyone associated with you to whom detriment may be caused because of the Disclosure. We will also ensure that fair treatment is provided for any person mentioned in the Disclosure or to whom the Disclosure relates.

(15) You may instead choose to make a Whistleblower disclosure to the following external parties: The Aged Care Quality and Safety Commissioner; the Complaints Commissioner; the Aged Care Quality and Safety Commission's staff; the System Governor; an official of the Department of Health and Aged Care; a police officer; or an independent aged care advocate.

(16) If you make a Whistleblower disclosure, we are required by law to provide you with the following protections:

(a) Protection from civil, criminal or administrative liability; and from contractual or other remedies.

(b) If you request that your name, or any other individual named in the Disclosure, remains anonymous, we will take such steps as is reasonable in the circumstances to preserve anonymity.

(c) We will keep your identity or any other information that may identify you confidential.

(d) We will not cause or threaten to cause detriment to you or anybody else if you make a Whistleblower disclosure.

(17) Whistleblowers who suspect there has been a breach of the protections that should be provided to them can report it to the Whistleblower officer, or any of the external parties in paragraph 13.

Options

(18) You may elect to have your Disclosure dealt with as a Complaint or Feedback instead. Should you do so, your Disclosure will be dealt with in accordance with our Complaints and Feedback system. A Disclosure that does not qualify as a Whistleblower disclosure will be treated as a

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Complaint or Feedback. The Whistleblower protections mentioned above do not apply to Complaints and Feedback.

(19) The key differences between raising concerns as a Complaint or Feedback or a Whistleblower disclosure are as follows:

(a) There are more stringent requirements to qualify for Whistleblower protection. For example, the Disclosure must be made to specific groups of people and the discloser must have reasonable grounds to suspect that a provision of the Aged Care Act has been breached. In contrast, any Disclosure can qualify as a Complaint or Feedback and there are no restrictions on the subject matter.

(b) While we must protect your confidentiality if you make a Complaint or Feedback, there are civil penalty provisions that apply to us should you make a Whistleblower disclosure and we breach your confidentiality. There are also civil penalty provisions that apply to us if we cause detriment to you as a result of your Whistleblower disclosure.

(c) You may apply to the Court for any order it sees fit if we cause you detriment or threaten to cause you detriment as a result of your Whistleblower disclosure.

(d) While there are rules protecting you from reprisals or discrimination as a result of making a Complaint or Feedback, there are more stringent protections relating to immunity to civil, criminal or administrative liability if the Disclosure is managed as a Whistleblower Disclosure.

(20) If you need more information, please let us know.

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