# Summary

## Complaints, feedback and whistleblower protections Stakeholder toolkit

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**Reference** Health, Disability and Ageing Australia

### 1. Summary of Key Points

#### Complaints and Feedback - Rights and Expectations

1. **Complaints are a right** - older people and anyone involved in their care have the right to raise concerns about services without fear of being punished or treated unfairly.
2. **Statement of Rights**- the new Act includes an express *Statement of Rights* that underpins complaint and feedback processes for participants. individuals can raise concerns:
    - With the provider directly,
    - Through the Complaints Commissioner,
    - With the Aged Care Quality and Safety Commission,
    - The Department of Health,
    - Advocacy services (e.g., OPAN),
    - A police officer if relevant.
3. **Complaints support transparency** - providers must view feedback as an opportunity to improve quality, not as an adversarial process.

#### Whistleblower Protections

1. **Whistleblower protections are statutory- that** means that the rights and safeguards offered to individuals who report wrongdoing are explicitly detailed in written legislation
2. **Whistleblower protections apply to many people:**
    - care recipients,
    - family members, carers or supporters,
    - aged care workers,
    - volunteers,
    - anyone who reasonably believes there has been a breach of the Act.
3. **Protected disclosures can be made to a range of recipients:**
    - Complaints Commissioner or staff in the Aged Care Quality and Safety Commission,
    - The Department of Health,
    - Registered provider or responsible person,
    - Another aged care worker,
    - A police officer,
    - Independent aged care advocate.
4. **Protections cover adverse treatment:**
    - Protection from punishment, retaliation, or being treated unfairly,
    - Confidentiality of identity except in limited circumstances,
    - Anonymity can be requested.

#### Communication and Education Emphasis

1 **Multiple resource formats** - the toolkit includes key messages, discussion guides, social media posts, and videos to support organisations in communicating these protections effectively to older people and staff. Reference Link

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2 **Accessibility considerations** - materials and interpreting services in multiple languages and formats (e.g., Auslan, easy-read) are encouraged. Link

## 2. Key Implementation Requirements for Providers

1. Although the toolkit is a communication resource rather than a legal compliance document, it reinforces **statutory obligations** embedded elsewhere in the Act and Rules. Providers must implement systems that support both **complaints handling** and **whistleblower protections** in practice.

## 3. Strategic Action Plan

| Area | Action Required | Reference / Guidance |
|---|---|---|
| **Complaints Framework** | Review and update your **Complaints & Feedback Policy** to ensure it aligns with the new Act's expectations (rights, channels, openness). | Toolkit & Act expectations Reference |
| **Complaint Channels** | Ensure multiple channels are available for complaints (phone, in writing, in person, anonymous if requested). | Toolkit key messages Reference |
| **Internal Training** | Train staff on new rights and processes - how to receive, acknowledge, escalate and resolve complaints. | Toolkit resources & training guidance Reference |
| **Record Keeping** | Implement systems to log complaints, track outcomes, and measure improvements (auditable records). | Act/Rules obligations (implied) Reference |
| **Whistleblower Policy** | Develop or update a **Whistleblower Policy** that reflects the Act's protections, including confidentiality and retaliation protections. | Whistleblower protections guidance Reference |
| **Reporting Protocols** | Specify internal reporting pathways for whistleblower disclosures and clarify how these will be addressed without victimisation. | Act protections & toolkit messaging Reference |
| **Confidentiality Safeguards** | Establish procedures to manage information from whistleblowers securely and confidentially. | Toolkit & Act expectations Reference |
| **Communication to Clients** | Publish or distribute easy-read materials explaining complaints and whistleblower protections to older people, families and carers. | Toolkit user resources Reference |
| **Cultural Competence** | Provide information in multiple formats and languages where needed. | Toolkit accessibility emphasis Reference |
| **Quality & Continuous Improvement** | Use complaint data and whistleblower disclosures to inform quality improvement plans and governance reporting. | Best practice under new Standards (implied) Reference |

## 4. Practical Considerations & Notes

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- Anonymous Complaints & Whistleblowing: Providers must allow complaints/whistleblower disclosures to be made anonymously, though investigation may be limited if follow-up information cannot be obtained. Reference
- **Protection Extend Beyond Workers:** Protections cover older people, families, carers, and volunteers- not only employees. Link
- **Integration with Complaints Commissioner:** The independent Complaints Commissioner plays a central role in oversight and in supporting fair, rapid resolution of complaints. Reference
- **Alignment with Other Policy:** Complaints and whistleblower protections must inform workforce training, incident management, and governance reporting frameworks.

**5. Supporting Reference Materials**

Providers should consult the following to supplement this summary:

- Complaints, feedback and whistleblower protections – Stakeholder toolkit (toolkit)
- Aged Care Act 2024 – whistleblower protections (Chapter 7)
- Aged Care Quality and Safety Commission resources on whistleblower protections (provider & worker pages)
- New Act training modules (e.g., Module 2) for detailed practice requirements

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