



Factsheet: Making Vulnerable Person Complaints

What can I do if a vulnerable person is at risk of or is being abused, neglected, or exploited?

If you are a *vulnerable person* or you *know* a *vulnerable person* who is:

- at risk of being abused, neglected, or exploited, or is
- being abused, neglected, or exploited,

you can make a complaint to the ACTHRC.

Who is a “vulnerable person”?

A “vulnerable person” can be:

- an adult with a disability, or
- a person over 60 years old:
 - with a disability or impairment, or
 - who is socially isolated or unable to participate in community life.

What is “abuse, neglect, and exploitation”?

Some examples of abuse, neglect, and exploitation:

- Acts of physical violence, threatening or intimidating behaviour, or actions that restrict freedom or limit access to services may be **abuse**.
- If a caregiver is not providing the basic needs of life such as sufficient food, clothing, shelter, hygiene, and health care, this may be **neglect**.
- If a family member is misusing their position of trust and care, for example by controlling the vulnerable person’s finances to benefit themselves, this may be **exploitation**.

If you are unsure about making a complaint, you can contact the ACTHRC for guidance. You only need to be concerned that someone is **at risk** of abuse, neglect, or exploitation to make a complaint.

Who can I complain about?

You can complain about any *person*, *service*, or *organisation* that you believe has or might abuse, neglect, or exploit a vulnerable person.

For example, you can complain about disability care services, nursing or group homes, hospitals, some religious organisations, family members and carers, or people exercising Guardianship or Enduring Power of Attorney functions over a person with a disability or older person.

How do I make a complaint?

You can complain to the ACT Human Rights Commission (ACTHRC) by completing an online complaint form on their website here:

<https://hrc.act.gov.au/complaints/make-a-complaint-about-elder-abuse-or-abuse-neglect-or-exploitation-of-a-vulnerable-person/>

In your complaint, you should explain what happened, when and where it happened, and who was involved. You should also explain what you think needs to happen to settle your complaint.

The ACTHRC may let you make a complaint verbally. You can call the ACTHRC to talk about your options.

You can complain anonymously.

Is there a time limit?

You should generally make a complaint within 2 years of the abuse, neglect, or exploitation, but the ACTHRC may accept older complaints.

Does it cost anything to make a complaint?

No. You do not have to pay a fee to make a complaint to the ACTHRC.

How does the ACTHRC deal with enquiries and complaints?

The ACTHRC can talk you through your options. They might refer you to advocacy or legal services, or to the Public Advocate. They might help you to discuss the matter with service providers.

The ACTHRC may also investigate the complaint and try to resolve it through conciliation.

The ACTHRC may decide to share information about your complaint with other agencies or services.

The ACTHRC will generally need the vulnerable person's permission before they tell the person, service, or organisation being complained about that a complaint has been made. The ACTHRC may decide that the vulnerable person is not able to give permission, or that it is not appropriate to get their permission because of the risk to their personal safety or the seriousness of the complaint.

If you withdraw your complaint, the ACTHRC may decide to act anyway. For example, the ACTHRC may act anyway if they are concerned that a particular service provider or an organisation's practices are contributing to the abuse, neglect, or exploitation of vulnerable people.

What is conciliation?

Conciliation is a meeting between you and the person, service, or organisation you have complained about. You and the person, service, or organisation complained about may each bring an advocate, lawyer, or support person with you to the meeting if the ACTHRC agrees.

At the meeting, a conciliator from the ACTHRC will help you to consider possible options to reach an agreement with the other side. The conciliator will not take sides. They will make sure that each side gets to explain their point of view.

If the vulnerable person involved did not make the complaint, they may still be able to participate in the conciliation.

Conciliation is private and confidential.

What happens if an agreement is reached at the conciliation?

Conciliation can be resolved in *many different ways*. For example the person, service, or organisation complained about can provide an apology, compensation, or a policy change in response to what happened.

What happens if the complaint is not resolved by the ACTHRC?

If an agreement cannot be reached at conciliation, the ACTHRC may publish a report and make recommendations to improve the service or organisation you complained about or to address any issues you identified.

Useful Contacts and Information

ACT Human Rights Commission

Allara House, 56 Allara St Canberra, ACT, 2601

Phone: (02) 6205 2222

Email: human.rights@act.gov.au.

Further information: <http://hrc.act.gov.au/>

Canberra Community Law

Level 1, 21 Barry Drive Turner ACT 2612

If you are a person with a disability or with lived experience of mental ill-health, we may be able to assist you. You can speak to a solicitor by calling (02) 6218 7900.

If you need an interpreter, please call the Translating and Interpreting Service on 131 450 and ask them to ring us.

If you are deaf or have a hearing or speech impairment contact us through the National Relay Service.

For more information visit www.relayservice.gov.au

If you prefer to email please contact us at info@canberracommunitylaw.org.au

Further information:
www.canberracommunitylaw.org.au

Legal Aid

2 Allsop Street Canberra City ACT 2601

Phone: 1300 654 314

Email: legaid@legaidact.org.au

Further information: www.legaidact.org.au

Disclaimer

This Factsheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact our Mental Health Justice Clinic on 6218 7900.

Canberra Community Law is entirely independent of Housing ACT. All assistance is free.

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