

# HOME CARE

## Home care complaints and appeals

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In Ontario, free home care services are provided through Community Care Access Centres (CCACs) and other programs. Some examples of home care services are nursing, social work, home-making, and help with taking a bath or other daily activities.

This booklet tells you about CCACs, and what you can do if you are not happy with your home care services or you are not getting the services you want.

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## What can I do if I am not happy with home care services or decisions?

What you can do depends on which program provides the home care services. This booklet tells you the steps you can take if you get your services through a Community Care Access Centre (CCAC).

If you do not get your services through a CCAC, the complaint process may be different, and you should get legal advice about your rights. See pages 16 and 17 for information about where to get legal help.

## What is a CCAC? How does it work?

In Ontario, CCACs provide free care services to eligible people. There are 14 CCACs in Ontario. Anyone who wants home care must apply to the CCAC in the area where they live. CCACs are funded by the Ontario government's Ministry of Health and Long-Term Care.

The *Home Care and Community Services Act, 1994* is the law that says how CCACs must operate. It also sets out the rights of people who apply for or get their services. Before July 1, 2010, the name of this law was the *Long-Term Care Act, 1994*.

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**Case managers** are CCAC staff who decide who is eligible for services. They also:

- arrange with other agencies to provide services to those who qualify,
- monitor their clients' ongoing needs for care,
- provide information about community services, and
- refer people to community services.

## What services do CCACs offer?

CCACs can arrange for the following kinds of home care services:

- **professional services**, such as nursing, physiotherapy, occupational therapy, social work, speech therapy, and diet advice,
- **personal support services**, such as help with taking a bath, eating, getting dressed, and other activities of daily living, and
- **home-making services**, such as house-cleaning, laundry, banking, shopping, and preparing meals.

In some cases, CCACs provide equipment and supplies to people who get home care services through a CCAC.

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CCACs also provide information about other services available in the area, such as meal services and transportation.

### **Where will a CCAC provide services?**

CCACs provide services to people in their own homes. This includes care homes such as retirement homes or group homes. It also includes emergency shelters. Sometimes CCACs provide home care in schools.

### **Who is eligible for home care services from a CCAC?**

The law is not clear about who should get services. So, there is no definite answer to this question. However, if you feel that you need home care services, be sure to apply.

The CCAC in your area will decide whether you get services. If you are not happy with their decision, you can challenge it. This booklet explains more about how to do this, starting at the bottom of page 4.

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## Are there limits on CCAC services?

The law is clear about when people cannot get services from a CCAC. For example, you cannot get home-making services unless you also need personal support services from a CCAC or someone else. And, you cannot get home-making services from a CCAC if you live in a care home, such as a group home or retirement home.

The law also sets limits on how many hours of nursing, personal support, and home-making services you can get.

You cannot get *any* home care from a CCAC if you are not covered by the Ontario Health Insurance Plan (OHIP).

If you are not sure whether any of these limits apply to you, get legal advice from a lawyer or a community legal clinic. To find out how to get legal help, see pages 16 and 17.

## What kinds of things can I complain about to a CCAC?

You have the right to make a complaint to a CCAC if:

- the CCAC refuses some or all of the services you applied for,

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- you have been getting home care services but they are changed, cut back, or stopped,
  - you need more hours of service than you have been given,
  - you are unhappy about the quality of services you are getting, or
  - your rights under the home care Bill of Rights have been violated. There is a special Bill of Rights for home care. You can ask the CCAC for a copy and you can find more information in the CLEO booklet called **Home Care Bill of Rights**. To find out how to order it or view it online, turn to the back cover.

If you are unhappy about your home care situation, you can sometimes make more than one kind of complaint. For example, if your rights under the Bill of Rights are violated and your services are cut back, you can make two complaints—one about the violation of your rights, and another about the loss of services. This is important because only some kinds of complaints can be appealed further while others cannot. For more information about appeals, see pages 10 to 13.

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## What can happen to me if I complain?

The home care Bill of Rights says that you have the right to raise concerns or recommend changes.

No one is allowed to take any action against you because you complain about a CCAC or an agency that provides home care services. This is true whether you make your complaint to the police, the CCAC, the agency, or anyone else.

No one is allowed to punish you, refuse to give you services, or take away services because you complain about not getting enough services or about how you are treated.

## How do I complain if I am unhappy with a CCAC decision or service?

If you want to make a complaint, you should follow these 3 steps:

### **Step 1:**

Contact your CCAC case manager.

- Ask for a copy of the CCAC's complaint process.
- If you are complaining about a CCAC decision, ask for the reasons for the decision.

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**Step 2:**

Follow the CCAC's complaint process to get a final decision from the CCAC.

**Step 3:**

In some cases, you can appeal the final decision of the CCAC to the Health Services Appeal and Review Board (HSARB).

We will now take a closer look at these steps.

**STEP 1**

**Contact your CCAC case manager**

You can find contact information for your CCAC by calling **310-CCAC (310-2222)** or visiting **<[www.ccac-ont.ca](http://www.ccac-ont.ca)>**.

Ask for a copy of the CCAC's complaint process. The law says that every CCAC must have a complaint process. The law also says that the CCAC must give you a written copy of their complaint process if you are getting services. If you are not yet getting services and you want to make a complaint, you should ask for a copy of the complaint process.

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Also ask for a written explanation of the reasons for the CCAC's decision.

If the CCAC refuses to give you a copy of the complaint process or written reasons for their decision, get legal help. To find out how to get legal help, see pages 16 and 17.

If you need help with this step or the next one, you can call the toll-free Long-Term Care Action Line at **1-866-876-7658**. TTY users call **1-800-387-5559**.

## STEP 2

## Follow the CCAC's complaint process

Each CCAC may have a different complaint process. Follow your CCAC's process carefully. If you do not, later on you might not be allowed to appeal the CCAC decision to the HSARB or to a court.

It is best to make your complaint to the CCAC in writing, so that you have a record of your concerns and of the date you made the complaint.

There may be time limits to meet. It is very important that you meet these deadlines.

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It is often important to give information about your health to explain why you need the services you are asking for.

To help you make your complaint, you may want to get a copy of the records that the CCAC keeps about you. The law says you have a right to a copy, but you may have to pay the CCAC for it. If the CCAC refuses to give you a copy, or you think they are charging too much for it, try to get legal advice. See pages 16 and 17 to find out how to get legal help.

### **What happens during a complaint process?**

Each CCAC may have a slightly different complaint process but typically the process has the following steps:

- Your case manager reconsiders their decision.
- If this does not resolve your complaint, a different case manager reviews the decision.
- If your complaint is still not resolved, it goes to a group of people in the CCAC whose job it is to review complaints.

Some CCACs may leave it up to you to take your complaint from one step to the next. Others may do it for you, once you have started the process.

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## How long will it take for the CCAC to give me a decision?

The law says that the CCAC must make a decision and give it to you in writing within 60 days from the date that you made your complaint.

## What kind of decision can the CCAC make?

The CCAC might stay with their original decision, cancel it, or make a different decision.

### STEP 3

## Appeal to the Health Services Appeal and Review Board (HSARB)

### Do I always have a legal right to appeal to the HSARB?

Two kinds of complaints cannot be appealed to the HSARB. These are:

- complaints about the quality of service you receive, and
- complaints that your rights under the home care Bill of Rights have been violated.

Pages 14 and 15 say more about these situations.

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For all other complaints, you have a legal right to appeal to the HSARB. For example, if the CCAC will not give you the amount or type of service you need, or if your services are changed, cut back, or stopped, you can appeal to the HSARB.

### **When can I appeal to the HSARB?**

You can start your appeal after you have followed the CCAC complaint process and:

- you are still not happy with the CCAC decision, or
- you have not received a written decision from the CCAC and it is more than 60 days since you made your complaint.

### **How do I start an HSARB appeal?**

You must write to the HSARB and ask for a hearing. The HSARB will tell you how to do this and they will send you a copy of the Rules that apply to the appeal process.

Even after you start an appeal, you might settle your case and not have to have a hearing.

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## **What happens at an HSARB hearing?**

The HSARB will decide whether the hearing will be in writing, by telephone, or in person. You, the CCAC, and the Ministry of Health and Long-Term Care have the right to take part in the hearing. Each can have a lawyer and witnesses.

If the hearing is by telephone or in person, the CCAC, the Ministry, and you or your lawyer, can ask the witnesses questions. The HSARB will listen to all the witnesses and may also ask them questions. The HSARB will read any documents given to them as evidence.

If you cannot go to a hearing because of an illness or disability, you can ask the HSARB to come to your home or elsewhere to hear your evidence. If you ask the HSARB to do this, you may need to provide a medical report to support your request.

## **How long will it take to get a decision from the HSARB?**

The law says a hearing must start within 30 days after you begin your appeal to the HSARB, unless you agree to start later. The HSARB must make a decision within

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3 days after the hearing. They must give you that decision in writing as soon as possible.

### **What kind of decision can the HSARB make?**

In their decision, the HSARB might:

- agree with the CCAC,
- order the CCAC to make a new decision based on HSARB directions, or
- replace the CCAC decision with a different one.

### **What if I do not agree with the HSARB decision?**

You have 10 days to ask the HSARB to review their decision. The HSARB Rules tell you how to make this request. There is also a chance that you could challenge the decision in court. Get legal advice if you think you might want to do this. See pages 16 and 17 to find out how to get legal help.

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So far in this booklet, we have dealt with making complaints to a CCAC and appealing CCAC decisions. We will now look at other questions, starting with what to do about the two kinds of complaints that cannot be appealed to the HSARB.

### **What can I do about poor quality of service or violations of the home care Bill of Rights?**

The law says that you have the right to make a complaint about poor quality of service or violations of the home care Bill of Rights. For example, you might make a complaint if the worker:

- gives you less time than you are supposed to get,
- does not give you proper care, or
- does not respect your dignity and privacy.

To make a complaint, you can do one or more of the following:

- **Complain to the agency that employs the worker.**  
The law says that the agency must tell you, in writing, how to make a complaint to them.

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- **Complain to the CCAC.**

(See Steps 1 and 2 on pages 7 to 10.)

The CCAC must tell you how to make this kind of complaint to them. It is important to tell the CCAC if you are having problems with workers from an agency. If there are many complaints about an agency, the CCAC may reconsider using that agency.

- **Call the Long-Term Care Action Line.**

The toll-free number is **1-866-876-7658**.

TTY users call **1-800-387-5559**.

You cannot appeal a decision about these kinds of complaints to the HSARB.

The CLEO booklet called **Home Care Bill of Rights** contains more detailed information about what to do about violations of these rights. To find out how to order the booklet or view it online, turn to the back cover.

### **What if the CCAC does not have enough money to give me the services I need?**

This is a political issue because the government of Ontario decides how much money each CCAC gets. You may want to contact your Member of Provincial

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Parliament (MPP) for help. Although you can contact your MPP at any time, it may be better to first try the complaint process described in this booklet.

### **Do I need a lawyer to help me with my complaint?**

You do not have to get a lawyer for any stage of the complaint and appeal process. But you have the right to hire a lawyer if you want one. A lawyer can give you advice, and can also represent you in the CCAC complaint process.

If you want to appeal to the HSARB, it is a good idea to have a lawyer because this is a more formal legal process.

### **How can I get legal help?**

For legal advice or help, contact a community legal clinic, Legal Aid Ontario, or a lawyer. Community legal clinics give free legal advice, but not all of them can help with home care issues. Check with the community legal clinic in your area to see if they can help you.

To find the nearest community legal clinic, go to Legal Aid Ontario's web site at <[www.legalaid.on.ca](http://www.legalaid.on.ca)>. Click on "**Contact LAO**" then "**Community legal clinics**".

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For more information about Legal Aid Ontario, visit their web site listed above or call them:

Toll-free . . . . . **1-800-668-8258**

Toll-free TTY . . . . . **1-866-641-8867**

Toronto area TTY . . . . **416-598-8867**

### **For more information**

For information about the services that CCACs provide and their complaint process, you can contact them directly. To find contact information for your CCAC, you can call **310-CCAC (310-2222)** or you can search by your postal code at [www.ccac-ont.ca](http://www.ccac-ont.ca).

For general information about how to begin an appeal to the HSARB, you can call the HSARB at **416-327-8512**.

You may also wish to contact advocacy groups, such as Care Watch Toronto, who are interested in home care issues and are pushing for change. Their phone number is **416-590-0455** and their web site is [www.carewatchtoronto.org](http://www.carewatchtoronto.org). The changes they work for are based on people's experiences with home care.

The CCAC, HSARB, and advocacy groups cannot give you legal advice.

**This booklet contains general information. It is not a substitute for getting legal advice about your particular situation.**

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