

Complaints and appeals about home and community care services

The Patient Bill of Rights says that you have a right to make a complaint about your home and community care services. No one can punish you, refuse to give you services, or take away services because you do this.

Your rights are explained in CLEO's **Bill of Rights for home and community care**. You can read it online at cleo.on.ca/hc-rights. Or, you can order it for free at cleo.on.ca.

Home and Community Care Support Services (HCCSS) agencies co-ordinate home and community care services that are paid for by the government. HCCSS agencies used to be called Local Health Integration Networks (LHINs).

Ontario Health Teams (OHTs) and **Health Service Providers (HSPs)** provide or arrange for these services. They must have processes for getting and reviewing complaints.

Making a complaint

The Patient Bill of Rights says you have the right to be told, in writing, how to make a complaint. Ask the person in charge of your care or your care provider for a copy of their complaint process. Follow it carefully. Be sure not to miss time limits.

There are **3 complaint processes**. You must use the one that is right for your type of complaint. If you have more than one type of complaint, you must make a separate complaint for each one.

1. Abuse, neglect, or poor care

You can complain that an HSP, OHT, or their staff member, employee, or contractor:

- abused you,
- neglected you, which means they agreed to provide care to you but did not look after your basic needs, or
- gave you care in a way that was improper or incompetent.

But to make this type of complaint you must show that because of what the person did or did not do:

- you were harmed, or
- you were at risk of being harmed.

Complaint process

Put your complaint in writing and give it to the person in charge of your care. Explain what happened and how it harmed you or put you at risk of being harmed. Your HSP or OHT must confirm that they got your complaint and start looking into it right away.

Within 10 days, they must tell you what they have done about your complaint. And they must finish their investigation and write a report within a “reasonable time”. The law does not say what amount of time is reasonable.

If they agree with your complaint, their report has to say:

- what they have done about it, and
- how they will stop something similar from happening again.

You **cannot** appeal if you do not agree with how the HSP or OHT deals with your complaint.

2. Decisions about your care

You can complain about **4 types of decisions** about your care services:

1. not being eligible for a service
2. not having a service that you want in your care plan
3. the amount of a service that is in your care plan, for example, the number of hours
4. ending a service

Complaint process

Ask the person in charge of your care to give you the reasons for their decision **in writing**.

Put your complaint **in writing**. Explain why you think the decision was wrong, how it affected you, and what you think you need.

Your HSP or OHT is supposed to reply to your complaint in writing **within 60 days**. They must give you a copy of their reply. They can tell you that they are:

- **not** changing the decision,
- cancelling the decision, or
- cancelling the decision and making a new one.

Making an appeal to the Appeal Board

You can appeal to the Health Services Appeal and Review Board (Appeal Board) if any of the following are true:

- the HSP or OHT says that they are not changing their decision,

- they cancel their decision and make a new decision that you do not like, or
- they do not reply to you within 60 days.

Contact a lawyer if you need help making an appeal. See **How to get help and more information** on [page 6](#).

You or your lawyer must write to the Appeal Board and ask for a hearing. The Appeal Board will send you forms to fill out. Fill them out and send them back as soon as you can. Include a copy of the decision you are appealing and say why you think it is wrong.

The Appeal Board should start your hearing **within 30 days** of getting your notice asking for a hearing, unless you agree to a delay. The Appeal Board should tell you and the HSP or OHT what the hearing date is at least **7 days ahead of time**.

You can say whether you want the hearing to be in writing or by teleconference. But the Appeal Board makes the final decision.

Within 3 days after the hearing, the Appeal Board makes its decision. It can:

- agree with the decision made by the HSP or OHT,
- tell the HSP or OHT to make a different decision, or
- make its own decision and tell the HSP or OHT to follow it.

The Appeal Board sends you and the HSP or OHT its decision in writing. It must also give you written reasons for its decision as soon as possible.

The Appeal Board's decision is final and you **cannot** appeal it. Visit www.hsarb.on.ca for more information.

You can call the Appeal Board at **1-866-282-2179** or **1-877-301-0889** (TTY). Or, you can email hsarb@ontario.ca.

3. Other types of complaints

If your complaint does not fit under either of the first 2 processes, there is a third process you can use.

For example, you can complain to the HSP or OHT if you think your rights in the Patient Bill of Rights are not being respected.

Say what happened, how you felt, and what you want to happen. Put your complaint **in writing** and ask for a written reply.

The HSP or OHT is supposed to reply to your complaint **within 60 days**. The reply must say what they have done about your complaint.

If they have not done anything, they have to say why and what they plan to do about it in the future.

You **cannot** appeal the decision but you may have other options. See the chart below.

Type of complaint you have	What you might do
Unhappy about how your complaint was handled	Complain to the Patient Ombudsman patientombudsman.ca
Behaviour of a member of a professional college, such as a nurse, therapist, or social worker	Complain to their professional college
Quality or amount of services	Contact a lawyer
Criminal acts, such as assault, theft, or fraud	Call the police

Type of complaint you have	What you might do
Being discriminated against for reasons such as your race, religion, gender, or disability	Apply to the Ontario Human Rights Tribunal hrlsc.on.ca
Not respecting your privacy or problems getting or correcting health records	Contact the Information and Privacy Commission www.ipc.on.ca/individuals

How to get help and more information

Contact your local community legal clinic. Not all clinics can help with issues related to home and community care. But they may be able to tell you who can.

To find your local clinic, visit legalaids.on.ca/legal-clinics or call **1-800-668-8258**. For TTY, use Bell's Relay Service at **1-800-855-0511**.

If you are a senior with a low income, the Advocacy Centre for the Elderly (ACE) may be able to help you. Visit their website at acelaw.ca or call **1-855-598-2656**.

The Seniors Safety Line provides information, referrals, and support in over 150 languages to seniors experiencing abuse. Visit their website at eapon.ca or call **1-866-299-1011**.



Visit stepstojustice.ca for more information about health and disability law. This is general information for people in Ontario, Canada. It is not intended to be used as legal advice.

Vous pourriez avoir droit à des services en français devant les tribunaux ou auprès d'organismes gouvernementaux. Visitez justicepasapas.ca/droits-linguistiques-des-francophones.