



Complaints Policy and Procedure

Dept/Service: (fo) Version:9.004006 Stage: Issued
HR Issued:24/09/2018



Objective:

To ensure that all stakeholders are aware that they have a right to make a complaint, express their dissatisfaction and or make recommendations for change regarding the services that they receive or that **focus** provides.

To ensure that any complaint, expression of dissatisfaction or recommendation for change is recorded and handled in a professional, transparent, fair and timely manner to maintain and enhance relationships with stakeholders, clients and families in a positive manner.

To ensure that there is a clear and transparent process in place for all stakeholders to access if wishing to lodge a complaint , express dissatisfaction or make a recommendation for change regarding the services provided by **focus** or the conduct of our organisation.

To ensure that all staff at **focus** understand, support and facilitate the right of a person to make a complaints, express dissatisfaction or recommend change.

to ensure that all persons exercising their right to make a complaint or express dissatisfaction are communicated with in a method and language that can be understood by the person. This includes all correspondence.

To ensure that all staff are trained to assist complainants make a complaint.

To ensure that **focus** adheres to and complies with the legislative requirements as outlined in the *Disability Act 2006 and the National Disability Services Zero Tolerance Framework*.

Scope:

Anyone that has been affected either directly or indirectly by the services provided by **focus**. This includes all staff, board members, clients, families, contractors, members of the public and other concerned parties.

Policy Statement:

What is a Complaint:

"An Expression of Dissatisfaction made to or about a Disability Services Provider, relating to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required"

This Policy recognises that the people served, their families or carers, and the staff of **focus** have the right to raise complaints and express their dissatisfaction regarding the service they receive.

Our Approach to Complaints:

focus acknowledges that sometimes people don't like to complain because they fear retribution or don't believe their concerns will be heard. **focus** are committed to establishing an atmosphere of trust, and open communication so that all complaints are dealt with in a constructive, timely and transparent manner.

focus recognises that the services provided may not always meet peoples expectations and sometimes mistakes do happen. **focus** values all feedback received and uses such feedback to identify areas for improvement and ensuring overall customer satisfaction.

It is **focus** policy that all people who use our services or are employed by the service have the right to:

- Complain and provide feedback without fear or discrimination
- Use an advocate or representative when seeking resolution or making a complaint
- Be provided the provision of an interpreter if required
- Have their views respected and acknowledged
- Have their complaints handled sensitively, objectively, promptly and confidentially
- Continue to receive services or work until the dispute is settled or resolved
- Take their complaint directly to the Disability Services Commission if they don't feel comfortable bringing their complaint to **focus** to resolve.

All complaints will be assessed in a timely manner and directed to the appropriate staff member for resolution. All complaints are overseen by the Continuous Improvement Officer and CEO.

Principles for Managing a Complaint.

It is important to respond to complaints in a timely manner, as an early resolution is beneficial to all involved.

All **focus** staff have a responsibility to ensure they:

- have explained to the people receiving services the process for raising and resolving complaints, in a manner that ensures that it is understood
- ensure that the person is aware of their right to have an advocate to assist them with making a complaint
- be aware that people can make an anonymous complaint
- take all reasonable steps to ensure that any person using a **focus** service is not adversely affected by making a complaint
- deal with any complaint in a timely manner, addressing issues in accordance with their urgency
- treat the person making the complaint courteously, and keep the person informed about the progress of their complaint
- lodge a written record of any complaint on Riskman via the Feedback/Complaint module
- inform their Manager that the complaint has been made and how it has been managed

All complaints or expressions of dissatisfaction should be viewed as an opportunity to improve the services we provide.

Any situation which involves the breaking of Law will immediately be referred to the appropriate external agency.

In the event that the person or members of their family have a complaint about any aspect of the services provided by **focus**, the following procedures should ensure an effective means of securing a resolution of the complaint by:

1. Creating an environment of open communication within which the clients and their families feel free to raise issues of concern
2. Encouraging staff to raise concerns and complaints or offer suggestions to improve service delivery

3. Establishing the means by which a satisfactory resolution of any conflict can be reached
4. Undertaking to advise clients and their families of their right to make complaints and to have grievances properly addressed.
5. Undertaking to advise clients and their families of external avenues for grievance resolution if desired.
6. Making every effort to resolve each complaint in a timely manner.

Providing Information about How to Make a Complaint

Whenever a referral is accepted for service, the new person will receive a copy of the **focus** Complaints policy and procedure, including their right to voice their concerns directly the Disability Services Commissioner, as part of their New Customer Documents Pack. This policy and procedure will be explained at this time and a note will be made on their Supportability file that this has occurred.

All other people we support will be provided with the Complaints Process on an annual basis when their Service Agreement is renewed.

When a new staff member commences at **focus**, it will be a compulsory requirement that they read the Complaints policy and procedure as part of their Induction program. Further training on the importance of following the process of recording and managing complaints will be provided periodically at staff meetings.

Process Steps:

1 Responsibilities

Delivering a quality service to the people we support requires that all staff are available and able to hear issues that are concerning them.

Everyone at **focus** has a role to play in maintaining this supportive, open atmosphere for our people - in relation to complaints, the specific responsibilities are outlined in this policy.

focus staff record the complaint on Riskman via the Feedback/Complaint form. This will formally register the complaint once submitted and will automatically notify relevant staff of the complaint via email.

The Continuous Improvement & Investigations Officer, Executive Manager, Client Services and/or the CEO will assess all complaints and allocate to an appropriate staff member for handling and resolution.

The Executive Manager, Client Services and/or the CEO will manage all Highly Complex Complaints directly.

The Continuous Improvement & Investigations Officer and /or CEO will oversee all complaints to ensure a timely and satisfactory resolution is reached.

The Continuous Improvement & Investigations Officer and/or

Responsibilities Links

| | |
|---|-----------------------------------|
| (FOC) focus | Complaints Flowchart (F-Template) |
| (fo) Area Manager - (fo) HR(In Draft) | |
| (fo) Area Manager (fo) HR | |
| (fo) Chief Executive Officer (fo) HR | |
| (fo) Continuous Improvement & Investigation Officer (fo) HR | |
| (fo) Executive Manager Client Services (fo) HR | |

Process Steps:

the CEO is responsible for ensuring;

- That the complaint is assessed and allocated to an appropriate person
- That the complaint is handled in a timely manner
- That where required a thorough investigation of the issue is undertaken
- That the complainant receives notification of any outcomes of the complaint.
- That the complainant is provided with information regarding further avenues to complaint if they are unsatisfied with the complaint.
- That the complaint is reported to the Board of Directors

Under the *Disability Act 2006* **focus** must report annually to the Disability Services Commissioner the number and types of complaints received and how those complaints were resolved. In consultation with the CEO, the Continuous Improvement & Investigations Officer will ensure all relevant data is collected and record the final entry into the ORIMA database in order to answer any queries from the Disability Services Commissioner and to provide the annual report. Information from the reports is published in the Commissioner's annual report and contributes to improvements in all disability services.

Responsibilities Links

2 Complaints/Expression of Dissatisfaction Contact Person

The Continuous Improvement & Investigations Officer will assume the role of the Complaints Contact Person for the organisation.

(fo) Chief Executive Officer
(fo) HR

The Complaints Contact Person will oversee or conduct the **focus** response to the complaint.

(fo) Continuous Improvement & Investigation Officer
(fo) HR

The role of the Complaints Contact Person is to:

- Respond to Complaints, co-ordinate and conduct investigations if required
- Contact the person making the complaint within **2-days** to verify the complaint has been received and reassure them on how the matter will be managed
- Support the Manager of the service (or the person designated) to manage the complaint.
- To represent **focus** in the ongoing management and development of individual complaints and reporting requirements
- Assist and support people wishing to make a complaint in order that they understand their rights, the complaints procedure and additional complaint avenues

Process Steps:**Responsibilities Links**

For complaints against the CEO, contact should be made with the Chair of the Kindilan Society Board of Directors, through the administration office on (03) 59815100.

3 Process for Making Complaints

Any **focus** staff can inform a complainant about how to make a complaint and provide support to assist the complainant, or identify another suitable support person to assist them. (FOC) focus

Complaints can be lodged by letter, email, in person, by phone, or by other means appropriate for the person in the circumstances. Complaints can be made in languages other than English, and if required, an interpreting service will be used to support the person.

All complaints must be recorded in Riskman
- Feedback/Complaint form

Complaints may be made anonymously. Anonymous complaints will be treated with the same rigorous due process, as all other complaints at **focus**, although the opportunity for a full assessment and the development of a resolution may be limited by the anonymity.

All complaints received must be entered into a **Riskman - Feedback/Complaint form** by the person receiving the complaint within **focus**. If the complaint has been made in writing or via electronic correspondence then a copy of this must be attached to the Riskman entry. When staff are documenting the complaint they must ensure that the information contained in the Riskman entry is consistent with what the complainant has told staff.

Any person can lodge a complaint with **focus**. If the person is unable to make a complaint, a parent, carer, guardian, advocate or other person can make a complaint on their behalf.

Complaints can be made to any person at the organisation, clients and families are encouraged to speak to the person they feel most comfortable with. When a complaint is received by a staff member of **focus**, the complaint should be assessed and resolved, if possible, at the local level by speaking directly with the people involved, and reaching an amicable conclusion to the issue.

Should this not be possible, the Continuous Improvement & Investigations Officer will be contacted. They will then decide who will resolve the problem. The person making the complaint and the Continuous Improvement & Investigations

Process Steps:

Officer must agree on a resolution strategy and timeframe for action.

Should the problem remain unresolved within the agreed timeframe, the complaint should be referred to the Executive Manager, Client Services and the CEO for resolution.

An external mediator may be engaged at any point during this process to assist in resolving a complaint where this is considered appropriate.

Responsibilities Links**4 Categories of Complaints**

When a Complaint is received, a Riskman entry must be completed by the first person receiving the complaint on the Feedback/Complaint Form (this is usually the Active Support Worker or the Customer Relationship Leader in the house and/or Individualised Support Services). If the complainant is a person with a disability, they should be offered the assistance of an advocate to support them through the complaints process.

Staff members working with *focus* will not become a client's advocate in relation to the organisation.

Where ever possible the complaint should be dealt with and a resolution reached immediately by the person receiving the Complaint. If further action is required, inform the Continuous Improvement & Investigations Officer by the next working day.

Categories of Complaints

All complaints received by ***focus*** will be assessed by the person receiving the complaint into one of three categories.

Category C - based on day to day operational matters which should be resolved as far as possible between the people concerned - usually the staff member receiving the complaint and the people served or family members.

A routine complaint is managed through a process of listening and resolving the problem at a local level. Informal procedures emphasise resolution rather than factual proof of a complaint.

These complaints should be dealt with immediately and a resolution reached.

A complaint can be managed at this level when;

- it is of a minor nature;

(FOC) focus

(fo) Continuous Improvement & Investigation Officer
(fo) HR

(fo) Executive Manager Client Services
(fo) HR

Complaints Flowchart (F-Template)

Process Steps:

- the complainant wishes the matter to be dealt with informally and the staff member considers this appropriate in the circumstances.

These concerns/complaints should always be referred to the Customer Relationship Leader/Activities Facilitator or the Area Manager for further follow up with the complainant.

Complaints at this level should be resolved within **2-days** to the satisfaction of the complainant.

Category B - these may be ongoing complaints that are not able to be resolved at a local level or that need intervention from another organisation or professional. These will be referred to the Area Manager who will deal with this or refer it to higher level of management.

These complaints will often be received by an Area Manager, Continuous Improvement and Investigations Officer, Executive or Chief Executive Officer (CEO). In all cases the CEO will be notified.

A complaint will be managed at this level when;

- the matter is unresolved and the complainant wishes to pursue the matter;
- the matter is of a serious nature and warrants a thorough review of the situation or an investigation.

Complaints at this level should be finalised within **14-days**.

Category A - these are issues that need to be dealt with immediately and will involve the Continuous Improvement and Investigations Officer, Executive Manager, Client Services, and/or the Chief Executive Officer and will eventually be reported to the Board of Directors. (In some instances these issues will also be incidents that would require completion of a Riskman Incident Report and other necessary documentation).

Complaints at this level will require a thorough investigation of the issues raised. Investigations may be conducted by the Continuous Improvement and Investigations Officer or a suitably trained and impartial staff member at **focus**, however there will be times that the complaint or incident is of such a serious nature that an external investigator will be engaged to investigate the complaint/incident.

Complaints at this level may take some time to resolve but we would aim to finalise the complaint within **30-days** wherever possible. The complainant will be kept informed of

Responsibilities Links

Process Steps:

the status of the complaint until a resolution is reached.

For complaints relating to serious misconduct or illegal activities the Chair of the Board will be informed and appropriate contact made with relevant Authority Bodies including the Police.

5 Complaint Investigated

Some complaints may warrant a full investigation of the issues identified before the complaint can be resolved.

If an investigation is required the Continuous Improvement & Investigations Officer will make an initial contact with the Complainant to advise that they are handling the complaint and to ensure that all relevant information has been provided, and to seek information about the resolution the complainant requires.

The complaint form must include specific details about the complaint, location(s), date(s), times(s) and witnesses(s). The Continuous Improvement & Investigations Officer may invite the complainant to a meeting to ensure their concerns are fully understood and documented. Often a one-to-one meeting can be beneficial in resolving matters quickly. The complainant may bring a support person to any meetings.

The complainant will be informed that:

- interviews will be held with relevant persons subject to the complaint or concerns
- natural justice principles will be followed, which means that the respondent is presumed innocent and until the facts show otherwise, and that the investigation will proceed on this basis
- the requirement to maintain strict confidentiality of all parties
- our legal obligation to report complaints of a serious nature to the Department of Health and Human Services, Disability Services Commissioner and Police where relevant
- the name and contact details of the person managing the complaint
- their right to an advocate; and
- the date, time and venue of the next meeting.

If the complainant is a person with a disability, the Continuous Improvement & Investigations Officer should offer to contact an advocate to support the person through the complaints process.

In every situation the person investigating the complaint must

Responsibilities Links

(FOC) focus

(fo) Chief Executive Officer
(fo) HR

(fo) Continuous Improvement & Investigation Officer
(fo) HR

(fo) Executive Manager Client Services
(fo) HR

(fo) Executive Manager People and Culture

Process Steps:

Responsibilities Links

be independent of the issues raised in the complaint.

The Continuous Improvement & Investigations Officer will work with the Manager of the Service to look into all the details of the complaint by:

- speaking to individuals and active support workers that may have some perspective on the issue.
- looking at daily notes, incident reports, and other communications to verify facts.

Each case will be assessed on its own particular set of circumstances and the timeline for this step in the process will depend on the nature of the complaint, the amount of time required to investigate; and the possible negotiations for resolution. Our aim is always to resolve the issue within **30 days**, however if an external investigator is required these timelines may have to be extended.

If there are allegations against a staff member the specific allegations will be provided in writing to the staff member or others involved with sufficient time provided to prepare an adequate written response.

This process may result in further contact with the complainant to request further information.

For all investigations witness statements will be made in writing and included in the investigation.

Up until this point a number of individual meetings or phone conversations may be required between the parties and the Continuous Improvement & Investigations Officer to gain sufficient information to make a determination.

6 Resolution Reached

Once the investigators are satisfied that they have an accurate account of the issues surrounding the complaint - they should document this information and return all paperwork to the CEO.

(FOC) focus
(fo) Chief Executive Officer
(fo) HR

Corrective Action Plan (F-Form)

The Continuous Improvement & Investigations Officer in consultation with the Executive Manager, Client Services and/or the CEO or another member of the Executive will make a final assessment based on;

- the desired outcome of the complainant;
- the facts as presented by all parties;
- the balance of probabilities where the allegations cannot be substantiated;
- the credibility of the parties involved where there are no

(fo) Continuous Improvement & Investigation Officer
(fo) HR
(fo) Executive Manager Client

Process Steps:

witness statements.

With all complaints the outcomes and any actions are to be communicated to the complainant by the most appropriate method given all the circumstances

In some cases it may be necessary for the Continuous Improvement & Investigations Officer, The Executive Manager, Client Services and/or CEO to contact the complainant to arrange a meeting so that the outcomes of the investigation can be explained.

Following the meeting where applicable a Corrective Action Plan may be developed outlining the process for remedying the issues that have been raised. The Corrective Action Plan will state who is responsible for each action.

As soon as a decision has been made the Continuous Improvement & Investigations Officer will create a final report and send it to the CEO for consideration. All supporting documentation should be included with the final report and held in the complaints file.

A journal entry is to be made in the persons SupportAbility file that the complaint is finalised.

In the event that the complaint is accepted and it relates to unsatisfactory performance or inappropriate behaviour the *Disciplinary Policy and Procedure* will be followed.

Once the Complaint has been fully investigated, and a resolution reached - the issue should be considered to be finalised and the complaint closed.

The complaint will be finalised in Riskman and Orima by the Continuous Improvement & Investigations Officer.

In the event that the complaint relates to a change in service delivery, Support Plans, Routines and Time-tables may need to be updated to reflect the desired outcomes. All stakeholders must be informed of changes to ensure outcomes can be met.

Responsibilities Links

Services
(fo) HR

7 Quality Review of Complaints

focus is committed to continually improving the quality of our services. Managing complaints justly, effectively and proficiently is in the best interests of all concerned, and may lead to:

- improved services and better outcomes for all people served
- an apology, explanation or investigation

(fo) Chief Executive Officer
(fo) HR

(fo) Executive Manager Client Services

Complaints Flowchart (F-Template)

Corrective Action

Process Steps:

- a policy or procedure review and/or change
- the identification of issues and emerging trends within the organisation

In order for **focus** to attain its goal of continual Quality Improvement, all complaints will be reviewed and analysed regularly by the Executive Manager, Client Services and/or the CEO. This will allow the identification of any areas of service provision or policy that may require change.

Responsibilities Links

(fo) HR

Plan (F-Form)

8 Seeking Additional Support

Receiving complaints can be difficult and distressing, it is important that all staff remember to:

- remain calm and where necessary, remove the complainant to a more private place if possible
- ask a senior staff member to provide support if necessary
- acknowledge the complainant's concerns and reassure the complainant that you have documented their complaint
- if you cannot resolve the complaint immediately inform the complainant that you will pass the information along and a senior person will contact them within **2-working days**
- provide your details so as if they do not hear from someone or they have further concerns they have a contact name and number.

(FOC) focus

9 The Role of the Disability Services Commissioner

A person with a disability, family member or concerned party can lodge a complaint with the Disability Services Commissioner at any time. (FOC) focus

Under the *Disability Act 2006*, the Disability Services Commissioner has a broad range of functions related to complaints about disability services and conciliation of complaints.

The specific functions of the commissioner are detailed in section 16 of the *Act*. These include:

- providing information and education about complaints processes
- improving complaints processes
- investigating and conciliating complaints
- making broad recommendations about resolving complaints or issues arising from complaints
- determining actions that should be taken by disability services providers with regard to complaints.

The Disability Services Commissioner responds to complaints

Process Steps:

about:

- the provision of a disability service, or
- where a disability service provider has acted unreasonably by not properly investigating, or not taking proper action on a complaint made to them.

The Disability Services Commission encourages and assists the resolution of complaints in a variety of ways including:

- facilitating discussions and agreements
- providing advice
- conciliation processes
- formal investigation

The Disability Services Commission is independent of government, the Department of Health and Human Services and Service Providers.

10 Complaints Relating to Fees

Any complaints relating to an increase in Residential Charges should be lodged with VCAT (Victorian Civil and Administrative Tribunal) within 28 days of notification of an increase.

11 External Resources

The following agencies may be of assistance in resolving a complaint.

Department of Health and Human Services Regional Office
focus Local Engagement Officer (03) 9784 3100

VALID (Disability Advocacy Service)
235 Napier Street
Fitzroy Vic 3065
Phone: 9416 4003

Southern Disability Advocacy
320 Main St
Mornington 3931
Phone: 5973 6320 **M:** 0438 760 155

Disability Resources Centre Inc
186 Foster Street
DANDENONG Vic 3175
Phone: 9791 4870

The Disability Services Commissioner -
Complaints - 1800 677 342 (Free Call)
General Enquiries - 1300 728 187 (Local Call)
TTY - 1300 726 563

Responsibilities Links

Process Steps:

Level 30, 570 Bourke Street
MELBOURNE VIC 3000

Office of the Public Advocate (including Community Visitors) -
1300 309 337

Villamanta Legal Service
44 Bellarine St.
GEELONG VIC 3220
Phone: (03) 5229 2925 or 1800 014 111

Victorian Civil & Administrative Tribunal
55 King St
MELBOURNE
1800 133 055

Equal Opportunities Commission
Level 3 / 380 Lonsdale Street
MELBOURNE VIC 3000
1800 134 142

Disability Act 2006 provides a legislative framework to strengthen the rights and responsibilities of people with a disability. It is on the Victorian Legislation and Parliamentary Documents website at: <http://www.legislation.vic.gov.au/>

- Disability Services Commissioner the Commissioner provides information about complaints processes and responds to complaints. The website of the Commissioner is at: <http://www.odsc.vic.gov.au>
- Disability Services Commissioner - "It's OK to Complain" brochure
- Disability Services Commissioner - Complaints Form

Responsibilities Links**Revision History:**

Revised with the support of Ron Tiffen on 24/1/2017

Internal Files/Links:

| | |
|---|--------------------|
| Complaints Flowchart | F-Template |
| Complaints Process for Families | F-Form |
| Complaints process VALID compic | dKnet General Info |
| Complaints to the Commissioner VALID compic | dKnet General Info |

Quality Document References:

Complaints Plain English: Policy and Procedure -(fo) Disability Services
Fees and Charges: Policy and Procedure -(fo) Finance
Investigations: Policy and Procedure -(fo) HR
Investigations: Policy and Procedure -(fo) HR (**Not Issued** - In Draft)
Staff Discipline: Policy and Procedure -(fo) HR
Fees and Charges Grievance/Review: Procedure -(fo) Finance

Quality Document References:

Receiving a Complaint: Work Instruction -(fo) Disability Services

External Files/Links:

Janes Story - Working Effectively with families ODSC Home page

Office of Disability Services Commissioner ODSC Home page

References to Standards and Legislation:

HSS: Standard 1 - Empowerment

1.1:Criteria 1.1 – People understand their rights and responsibilities.

HSS: Standard 1 - Empowerment

1.2:Criteria 1.2 – People exercise their rights and responsibilities

HSS: Standard 2 – Access and Engagement

2.2:Criteria 2.2 – Services are delivered in a fair, equitable and transparent manner.

NSDS: Standard 4 - Feedback and Complaints

4.1:Individuals, families, friends, carers and advocates are actively supported to provide feedback, make a complaint or resolve a dispute without fear of adverse consequences

NSDS: Standard 4 - Feedback and Complaints

4.2:Feedback mechanisms including complaints resolution, and how to access independent support, advice & representation are clearly communicated to individuals, families, friends, carers and advocates

NSDS: Standard 4 - Feedback and Complaints

4.3:Complaints are resolved together with the individual, family, friends, carer or advocate in a proactive and timely manner

NSDS: Standard 4 - Feedback and Complaints

4.4:The service seeks and, in conjunction with individuals, families, friends, carers and advocates, reviews feedback on service provision and supports on a regular basis as part of continuous improvement

NSDS: Standard 4 - Feedback and Complaints

4.5:The service develops a culture of continuous improvement using compliments, feedback and complaints to plan, deliver and review services for individuals and the community