

POLICIES AND PROCEDURES

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Approved: Janet Champney **Signed:** 

Date Signed: 9 Jan 20

CATEGORY: ALL SERVICES (RESIDENTIAL SERVICES ALSO REFER TO FEEDBACK AND REQUESTS POLICY AND PROCEDURE)

TOPIC: COMPLAINTS MANAGEMENT AND RESOLUTION

POLICY

South Burnett CTC Inc (CTC) is committed to:

- Ensuring the delivery of safe and quality services.
- Ensuring people know how to make a complaint to us or other agencies/Commissions.
- Encouraging feedback and being accessible for people to use their fundamental right to express their views about what is and what is not working for them.
- Ensuring no person is adversely affected or that services are discontinued or reduced because of making a complaint.
- Ensuring a positive complaints culture, from the highest levels of management to frontline staff.
- Ensuring our complaints system is based on natural justice and rights-based principles.
- Fostering an organisational culture that values and learns from complaints and continuously improves services.
- Seeking an outcome to a complaint which is timebound and satisfactory to all parties or where a satisfactory outcome cannot be reached, supporting the complainant to elevate their complaint to an appropriate external body.
- Providing frontline staff with a procedural guide on how to respond to complaints at the first point of contact.
- Complying with whistleblower protection provisions if a complaint is in relation to organisational misconduct. <https://www.acnc.gov.au/tools/factsheets/whistleblower-protections>.
- Reflecting on the complaints process and outcomes.

The Complaints Management and Resolution process will meet all relevant Industry requirements and Acts including those below.

- Human Services Quality Framework
- Queensland's Human Rights Act 2019
- National Standards for Disability Services
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- NDIS (Procedural Fairness Guidelines) 2018
- NDIS Code of Conduct
- NDIS Quality and Safeguards Commission - based on Commonwealth of Australia (Department of Social Services) data
- Australian Charities and Not-for-profits Commission (ACNC) Whistleblower Protection Factsheet

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This document will be available externally on the CTC Website (Feedback tab) and internally on the staff Intranet (All Services tab). Every client and where appropriate, their immediate support network (eg. their family/carer/guardian/decision maker or substituted or informal decision maker/advocate etc) will be provided information on how to make a complaint/the process in a form of communication appropriate to meet their needs and abilities.

PROCEDURAL RESPONSIBILITIES OF THE MANAGEMENT TEAM

To undertake regular reviews of complaints raised and actions undertaken across each Service/the organisation and also identify and address any systemic issues by reflecting on:

- What information did complainants provide that enables us to identify and improve the relevant Service, policy and procedure or the organisation as a whole?
- What was the experience for the people who made a complaint, or for any affected person? Were the issues resolved for them?
- How effectively did we communicate with people making complaints or with any affected person, staff member or other stakeholder?
- Did people using our service (and if appropriate, people in their immediate support network) require more or improved information about their rights and the complaints process? Do they feel more comfortable about speaking up in the future?
- Does anything need to change in our complaints handling system or approach to dealing with complaints?
- Do staff require further resources or training?
- Did the handling of complaints reflect our stated values and expectations for complaint handling or were any complaints perceived as something negative that needed to be dealt with as quickly as possible?

PROCEDURAL RESPONSIBILITIES OF EACH SERVICE MANAGER

- As the Service's "Designated Complaints Manager" manage complaints that can't be dealt with immediately and appropriately by frontline staff at the point of contact.
- Assess complaints to determine the appropriate, proportionate process to follow.
- Ask the person making the complaint (as well as any other person affected) if they would like to request updates as we progress throughout the process and/or if they would like to request to be advised on what steps we have taken to resolve their complaint when we have completed the process and follow through as requested.
- Ensure complaints are referred or notified to other bodies if required under mandatory reporting, by law or under contractual requirements.
- Ensure appropriate support and assistance is provided to the person making a complaint, and any affected person, including how to contact other agencies (eg. the Department/NDIS Quality and Safeguards Commission, the Queensland Human Rights Commission, the Ombudsman, Information Commissioner etc).
- Liaise with the Human Resources Team where a complaint is of a complex nature and requires significant investigation and/or a Risk Assessment to identify and control any risks to the safety, health and wellbeing of any parties.
- Where a complainant has requested to be informed of our resolution of their complaint, consider the confidentiality rights of any staff member and the legal obligations and confidentiality rights of the organisation. At a minimum, the complainant should be advised that the complaint has been fully investigated and closed and comment on any changes made to

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operational policies and procedures if applicable. If the complainant is not satisfied with the outcome of the complaint, offer support to elevate their complaint to an appropriate external body.

PROCEDURAL RESPONSIBILITIES OF EACH TEAM LEADER

- Ensure each client is provided with their Service's complaint brochure and understands how to make a complaint on the commencement of service delivery/intake.
- Discuss the Procedure for Responding to a Complaint at the First Point of Contact below at staff induction, ensuring all new staff members recognise when to elevate a complaint that can't be resolved at first point of contact to the Service Manager.

PROCEDURAL RESPONSIBILITIES OF THE HUMAN RESOURCES TEAM

- Ensure the most current version of this policy and procedure is available to staff via the CTC Intranet (All Services tab) and to clients and the public via the CTC Website (Feedback tab).
- Ensure each Service's poster on how to make a complaint is available to clients on the relevant Service Tab of the CTC Website and to staff via the relevant Service Delivery Tab of the Staff Intranet.
- Ensure CTC Complaints Posters and lockable Feedback Boxes are prominently displayed in the reception area of all sites.
- Ensure only authorised staff have access to lockable Feedback Boxes.
- Monitor and manage postings to the CTC Website Feedback tab and complaints received via each site's Feedback Box.
- Ensure all complaints across the organisation are allocated a CTC Central Complaints Number and tracked until satisfactorily resolved.
- Capture statistical and other information about complaints for internal and official external use (eg. auditors/the NDIS Quality and Safeguards Commission).
- Provide a list of ongoing or new complaints to the Management Team (weekly) and the Board of Governance (monthly) with names and other identifying information omitted.
- Assist Service Managers with complex complaints that require significant investigation or risk assessment.
- Manage any complaint about the CEO by appointing an external person or body or Board Member to assist in the resolution of the complaint.
- Keep accurate records (for 7 years from the date the record was made) relating to complaints (across the organisation and by Service) including information about complaints, any action taken to remediate or resolve complaints and the outcomes of any action taken.
- Record complaint information relating to a staff member on their staff file.
- Ensure new staff and volunteers/student placements are provided with a copy of this policy and procedure.
- Monitor staff understanding and compliance with the CTC Complaints System and schedule refresher training where it is indicated this is required.

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PROCEDURAL RESPONSIBILITIES OF ALL STAFF (INCLUDING VOLUNTEERS/STUDENT PLACEMENTS)

- Ensure they understand and comply with the CTC Complaints System after induction.
- Understand and comply with any relevant mandatory reporting or other obligation under Australian law, eg. work health and safety laws.
- Respect the culture and the privacy and confidentiality rights of people making a complaint and any persons affected by the issues raised in a complaint.
- Respectfully acknowledge a person's complaint without becoming upset or defensive. Follow the steps in the Procedure for Responding to a Complaint at First Point of Contact below.
- If a complaint is in relation to another staff member, ensure the complainant feels that they have been listened to and their opinion valued before supporting them to contact the Service Manager or the Human Resources Team.

PROCEDURE FOR RESPONDING TO A COMPLAINT AT FIRST POINT OF CONTACT

People who make a complaint are generally seeking one or more of these four outcomes:

- Acknowledgment
- Answers
- Action
- Apology

Acknowledgement. In many ways this is the most important step as it sets the tone for the rest of the process. Making a complaint can be difficult for people. It is important that people feel that their concerns have been understood and that the impact on them is recognised. Acknowledgment can include:

- Genuinely listening to the person without interrupting
- Empathising
- Making sure the person feels comfortable talking to you, and being aware of whether you are feeling defensive and how this may be perceived
- Acknowledging how the situation has affected the person
- Rectifying by asking the person what a good outcome would look like for them, ensuring commitments aren't made that can't be fulfilled.

Answers. People want to know why something has or has not happened, or why a decision was made. People need to understand what has happened in order to better understand how they can move on to resolving their concern. Answers should include a clear explanation that is relevant to the concern raised but ONLY if you know the facts.

Actions. If a complaint can be satisfactorily resolved at first point of contact, send a case note to the Service Manager and the Human Resources Team for recording on the CTC Central Complaints Register.

If a complaint can't be satisfactorily resolved at first point of contact, or is in relation to another CTC worker, ensure the complainant feels that they have been listened to and their opinion valued before supporting them to contact the Service Manager or the Human Resources Team.

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PROCEDURE – WHERE A COMPLAINT IS IN RELATION TO A STAFF MEMBER

If the complaint is in relation to a staff member, the staff member will have a right to request external supervision and to nominate a support person. The role of a support person is to provide moral/and or emotional support to the staff member, not to be an advocate/provide their own opinions during the proceedings. Complaints in relation to one staff member against another staff member will be processed under the Staff Grievance Policy and Procedure.

If a complaint in relation to a staff member is assessed to be of a serious nature, eg. sexual harassment, threatening or illegal behaviours, actions that endanger the health and safety of another person, the staff member may be suspended with pay while the complaint is being investigated.

Employers do not have an unfettered right to regulate the out of hours conduct of staff. Therefore, if a complaint is in relation to a staff member's behaviour outside of work hours (while not in uniform or not representing CTC), CTC's obligation/legal responsibility to investigate the complaint may be limited, unless the staff member's actions directly impact on the reputation of CTC, or there is substantiated evidence of illegal activity.

If the investigation reveals that the allegations outlined in a complaint are substantiated, depending on the nature and seriousness of the issue and Industrial Relations requirements, the staff member against whom the complaint was lodged may be required to:

- Re-sign the Code/s of Conduct
- Make a verbal or written apology to the complainant
- Undertake relevant training and/or external supervision
- Participate in a disciplinary process which could include a warning or termination of employment

The Human Resources team will inform the staff member of the outcome verbally and in writing when the investigation has been completed. Documentation in relation to the complaint will be placed on the relevant staff file.

PROCEDURE - COMPLEX COMPLAINTS

The Service Manager will liaise with the Human Resources Team where a complaint is of a complex nature and requires significant investigation and/or a Risk Assessment. The Human Resources Team will take a lead role in the process below.

Risk Identification.

Complete a Risk Assessment to identify any risk to the safety, health and wellbeing of any parties. Put any necessary controls in place. Monitor and review.

Investigation.

The following parties may be interviewed:-

- The person who lodged the complaint
- Any affected person if appropriate

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- The representative of an external agency making a complaint
- Any relevant staff
- Any witnesses to the complaint

If the investigation reveals that the allegations outlined in a complaint are substantiated, depending on the nature and seriousness of the issue, CTC may seek additional assistance in resolving the complaint/be transparent about the details of the complaint by liaising with:-

- A Peak Body (eg. Jobs Australia for Industrial Relations matters)
- The CTC Board of Governance
- The relevant funding body
- Any other agency where there is a legal or contractual requirement to do so