



SERVICE DELIVERY - SERVICE USERS' COMPLAINTS AND DISPUTES POLICY

(Disability Services Act Number Seven)

AIMS

This policy seeks to:

- Increase the level of consumer satisfaction with the delivery of services and enhance the consumer-provider relationship;
- Improve the overall quality of services;
- Recognise, promote and protect consumers' rights, including the right to comment and complain; and
- Provide an efficient, fair, transparent and accessible internal procedure for resolving service users' complaints.

PRINCIPLES

All service users have the right to make a complaint and have it handled in accordance with Learning Links' *Service Delivery - Service Users' Complaints and Disputes Policy and Procedures* without *unfair repercussions or victimisation**.

The *Service Delivery - Service Users' Complaints and Disputes Policy* is designed to be a *fair, impartial** and productive mechanism for both those who provide and those who use Learning Links' services.

The expression and pursuit of complaints provides a welcome opportunity for the organisation to receive critical feedback about service experiences and to consequently improve services.

This policy and procedures will respect the *confidentiality** of all parties involved.

Assistance to service users, including interpreting services, will be provided if required.

POLICY

All service users will be made aware of the *Service Delivery - Service Users' Policy and Procedures* through handbooks and in other regular publications or notices. A full copy of the policy and procedures will be available on request from the Learning Links' office.



Service users retain the right to decide whether they want to pursue informal or formal complaint procedures and when to move from informal to formal procedures. All service users have the right to bring the complaint to the attention of whichever staff member that they feel most comfortable with when attempting to have their concerns addressed informally and formally.

Service users wishing to pursue their complaint as a formal matter will be required to do so by writing or by signing a written complaint for referral to a nominated officer of the organisation and that officer, as Complaint Handler, will be required to respond in writing to the Complainant within 21 days.

Service users have the right to nominate an advocate or support person to accompany them to any meeting or to participate in a way judged by them to be most helpful but that advocate or support person will not be an employee of Learning Links.

Similarly, members of staff who are the subject of complaints also have the right to bring along a support person to any meetings or interviews regarding the complaint provided that person is not implicated in the complaint. The support person will not act as an advocate for the employee concerned and will attend to observe and to be a supportive presence for the staff member.

Service users, if unhappy with either the manner in which their complaint was handled or the content of the proposed resolution of their complaint, can seek to have their complaint reviewed through a process of internal appeal. Internal appeals must be completed within 14 days.

Complaints received by Learning Links will be managed by the sequential actions of a Receiving Officer, a Complaint Officer and, if necessary, an Appeals Officer. Ultimately, a service user can take a complaint to the Board of Learning Links as the final level of internal appeal.

A further appeal, if the service user remains unhappy, can be directed to an external and independent review body or bodies of the service user's choosing. Learning Links will assist the service user by suggesting an appropriate outside agency or agencies for this purpose.

An organisational log of all completed formal complaints at Learning Links will be kept by the Chief Executive Officer who will report on the contents of that log at least annually to the Senior Management Team and to the Board of Learning Links. In making these reports the Chief Executive Officer will invite comment from the Senior Management Team regarding any implications of the complaints for the reform of established service delivery, procedures and policies.

In reporting to the Board the Chief Executive Officer will make any policy recommendations supported by the Senior Management Team as a consequence of the complaints lodged.



Should the Chief Executive Officer have been the subject of the complaint the details of the complaint and its resolution shall be retained permanently by the Chairman.

**Definitions of these key words are found under the Supporting Information section below. Please read these carefully.*

RELEVANT LEGISLATION

Anti-Discrimination Act

Disability Services Act 1993 and the NSW Disability Services Standards

KEY RESOURCES

Australian Standard Complaints handling

Anti-Discrimination Board Grievance Procedures Guidelines – Guidelines for Managers

NSW Ombudsman Effective Complaint Handling

SUPPORTING INFORMATION

Fairness and Impartiality

All sides must get a fair chance to tell their side of the story. Do not prejudge, or appear to prejudge! Make no promises to the complainant, or anyone else, about the actual outcome until you have heard what the other person/people involved have to say..... Do not make or appear to make any assumptions. Do not take any action until you have collected and considered all relevant (that is "factual") information. Ignore irrelevant information. For example, ignore rumour or gossip, and ignore previous unproven complaints. Allow all sides access to support if they want or need it. Any disciplinary action must be imposed fairly and consistently (across the organisation).

**FROM GRIEVANCE PROCEDURE GUIDELINES – GUIDELINES FOR MANAGERS PRODUCED BY THE
Anti-discrimination Board of New South Wales**



Confidentiality

Do not talk to anyone about the grievance, except those directly involved in the grievance or its resolution.

You must do your best to prevent those involved in the grievance from talking to anyone else (except those providing them with formal counselling/support or advocacy). Any breach of confidentiality may be disciplined. It could also lead to someone being able to take out legal defamation proceedings against the person or people who breached confidentiality.

At the first sign of any gossip about a grievance, immediately step in and stop the gossip by stating that any further discussion about these issues will be treated as a breach of confidentiality and appropriately disciplined.

At the same time state that anyone who has any relevant information should supply it confidentially to you, as the Complaint Handler, and only to you. Obviously, you should do all this without revealing to anyone any more details about the grievance than they could possibly already know. The Complaint Handler must keep all records, notes and documents relating to the grievance in a completely confidential place. Do not ask anyone else to type it/them up or store it/them for you. Do not keep it/them in a diary that others can get rid of, or anywhere else that others could read it. Do not enter it/them on the computer system.

From *Grievance Procedure Guidelines – Guidelines for Managers* produced by the Anti-discrimination Board of New South Wales

Unfair Repercussions or Victimisation

Take all necessary step to make sure that people involved in a grievance are not victimised by anyone else for coming forward with the grievance, or for helping sort it out. Tell those involved in the grievance that any victimisation will be disciplined.

From *Grievance Procedure Guidelines – Guidelines for Managers* produced by the Anti-discrimination Board of New South Wales



POLICY REVIEW HISTORY

POLICY: *Service Users' Complaints and Disputes Policy* adopted as the *Consumer Complaints and Disputes Policy* on 27 August 1996 Board Resolution 113/96

Review Date	Details of review
31 March 1998	Board Resolution 05/98 General review of policies
24 August 1999	Noted in minutes that policies were reviewed in light of the NSW Disability Service Standards (no resolution)
27 November 2001	Board Resolution 111/01 General review of policies
24 June 2003	Board Resolution 45/03 – minor amendments only
28 June 2005	Board Resolution 33/05 – comprehensive revision aimed at bringing policy and procedures into line with Staff Grievance Policy and Procedures. Aims, Principles, Policy and Procedures all rewritten. Addition of Relevant Legislation and Key Resources and provision for ongoing log of service users' complaints.
06 May 2008	Board Resolution 29/08 – minor amendments. The Chairman to retain details of any complaint – its handling and resolution – targetted at the Chief Executive Officer. Policy placed under the generic heading of Service Delivery.

Next Scheduled Review: May 2011