



SERVICE DELIVERY - SERVICE USERS' COMPLAINTS AND DISPUTES PROCEDURES

Informal Complaints Procedures

Informal complaint procedures can produce a mutually satisfactory resolution to a complaint at the earliest opportunity without using written complaints or a deliberate and targeted approach to those responsible within the organisation's management structure.

Service users should initially contact the staff member they feel most comfortable with or in their opinion is the most appropriate person to assist in the informal resolution of their complaint. Such an approach would take the form of a one on one interview or conversation.

If that staff member is unable to take the complaint they will discuss with the complainant an alternative member of staff and facilitate contact between the complainant and the alternative member of staff as a matter of urgency.

While no standard procedure applies to the handling of informal complaints staff are expected to:

- Listen to the complaint in a courteous and attentive manner even if they may strongly disagree with the view being expressed. Reactions that may inhibit the service user from relating the full nature of the complaint are to be avoided;
- Confirm the exact nature of the complaint by paraphrasing it verbally after the service user has articulated their issue/s;
- Encourage the service user to identify their preferred resolution or resolutions;
- Indicate to the service user their intention to follow-up the complaint as a matter of priority. In doing so, the staff member will describe to the service user what they will do personally to effect a resolution or, if this is not possible, to whom in the organisation the complaint will be referred. Service users can indicate whether the referral should identify them or be made anonymously;
- Check whether the service user is satisfied with the staff member's response and
 - a) If so, clarify the timeframe within which the intended action will be completed and agree on a mutually convenient time to report back to the service user on the actions taken.



The reporting back should occur at the earliest opportunity but, in any case, within a month of the initial discussion with the service user. Some time after the resolution has been effected, a follow-up with the service user should occur to review their satisfaction with the outcome.

- b) If not, suggest that the matter be progressed by the service user through the formal complaints procedures.

There is no requirement to generate a record of an informal complaint and there is certainly no need to retain any record of the lodgement, discussions, actions and resolution of an informal complaint.

Formal Complaint Procedures

Formal complaint procedures exist to produce a mutually satisfactory resolution to a complaint at the earliest opportunity when the complaint cannot be resolved through informal procedures or is unlikely to be resolved through informal procedures. Formal complaint procedures may be initiated regardless of whether informal complaint procedures have been previously used and they are initiated *in every instance* at the discretion of the service user.

Formal complaint procedures begin with an actual or intended written complaint. If the Complainant writes and signs the complaint themselves they can hand it to any member of staff with whom they feel comfortable and, by virtue of that action, that member of staff will become the Receiving Officer.

If a Complainant does not wish to write a complaint or requires assistance to render their complaint in writing the member of staff made aware of this by the service user will become the Receiving Officer and provide appropriate assistance to the service user e.g. acting as a scribe, securing interpreting services etc.

The Receiving Officer has the task of ensuring that the salient points of the Complainant's concerns are accurately recorded to the satisfaction of the Complainant. The Receiving Officer must ensure that the completed written complaint is duly signed by the Complainant and dated whether it was actually written by the Complainant or not.

If the staff member is unable to take on the role of Receiving Officer they will discuss with the Complainant an alternative member of staff to act as the Receiving Officer and facilitate contact between the Complainant and that alternative member of staff as a matter of urgency.

As with informal complaints members of staff acting as Receiving Officers will be courteous and attentive to the Complainant and avoid reactions that may inhibit the Complainant from relating their full concerns. (Note: See the dot points on page one of these procedures.)



The Receiving Officer will then ensure that the written complaint is promptly referred to whichever of the following positions is appropriate: the Chief Executive Officer, a General Manager of Services (which includes the Business Manager, Human Resources Manager and the General Manager of Marketing & Fundraising), a Manager of a Branch or a Site or the Preschool or the Manager of Head Office. This referral will be reported to the Complainant and it will occur within 48 hours of the written complaint having been given to the Receiving Officer.

It is recommended that the referral be made to the position with the most direct responsibility for the person/s or service/s implicated in the complaint. If more than one service is implicated by the complaint it will be referred directly to the Chief Executive Officer.

The person to whom the complaint has been referred will take on the role of Complaint Handler.

A Complaint Handler cannot handle a complaint about themselves or a complaint about those in positions of seniority to them.

If the complaint is about the Chief Executive Officer, the Complaint Handler will be the Chairman of the Board of Learning Links who will report to the Board on his/her actions as Complaint Handler.

The Receiving Officer and the Complaint Handler can be, of course, the same person.

The person who undertakes the role of the Complaint Handler will:

- Contact the Complainant within seven days of the written statement being received by the Receiving Officer to verbally acknowledge receipt of the complaint. Subsequently, this will be confirmed by the Complaint Handler in writing.
- Ascertain, in the initial contact with the Complainant, whether they have a copy of the *Service Delivery - Service Users' Complaints and Disputes Policy and Procedures*. If the Complainant does not have a copy of the policy and procedures the Complaint Handler will ensure that they are despatched immediately to the Complainant and in a way acceptable to the Complainant. Options include express post, email, fax or direct pick-up or drop-off.
- Conduct an investigation of the complaint with *fairness and impartiality**. This will require the Complaint Handler to conduct a series of discussions or meetings as required and complete the attached *Record of discussions and actions for Complaint Handlers* forms.
 - *Part One: Discussions with the Complainant;*
 - *Part Two: Discussions with the Person/s being complained about or person/s responsible for the service being complained about, and*
 - *Part Three: Discussions with relevant personnel/witnesses (if required).*



(Note: These forms and the discussions which inform them will be completed in time to ensure that the Complaint Handler provides the Complainant with a proposed resolution within 21 days of the despatch of the initial acknowledgement of the complaint by the Complaint Officer.)

- The first discussion undertaken by the Complaint Handler, preferably in the form of a face to face meeting, will be with the Complainant. This discussion is an opportunity to explore in greater depth the issues in the written complaint, to clarify the Complainant's expectation of a satisfactory resolution and to describe the role of the Complaint Handler and the intended course of action that will be pursued in a effort to resolve the complaint. The Complaint Handler should ascertain whether the Complainant has any objections to having their identity made known to any member of staff implicated in the complaint. As with informal complaints those members of staff acting as Complaint Handlers will be courteous and attentive to the Complainant/s and avoid reactions that may inhibit the Complainant/s from relating their full concerns. (Note: See the dot points on page one of these procedures).
- After the meeting with the Complainant, the Complaint Handler will determine how many meetings are required and with whom those meeting should be conducted to maximise the likelihood of a satisfactory resolution. The *Record of discussions and actions for Complaint Handlers* forms *Part Two: Discussions with the Person/s being complained about or person/s responsible for the service being complained about* and *Part Three: Discussions with relevant personnel/witnesses* will be used for record-keeping purposes for all subsequent discussions and actions.
- Generally speaking staff members implicated by the complaint should be given all specific details about the complaint as well as the identity of the Complainant. In some circumstances it may be justified for the Complaint Handler to proceed without revealing the identity of the Complainant. Sometimes revealing the Complainant's identity will contribute nothing to the formulation of a satisfactory resolution. Sometimes the Complainant may object to being identified to the members of staff implicated by the complaint. All Complainants seeking anonymity must be made aware that it is sometimes more difficult to effectively pusue complaints from undisclosed sources and an insistence to preserve anonymity could undermine the effort to reach a satisfactory resolution.
- The Complaint Handler's proposed resolution will be recorded on the *Record of discussions and actions for Complaint Handlers* form *Part Four: Proposed Resolution* and given to the Complainant within 21 days of the despatch of the initial written acknowledgement of the complaint. This form must not only describe the proposed resolution but stipulate the timeline within which it will be implemented and refer to any further meetings that may need to occur to review the actions undertaken.
- If the Complainant accepts the proposed resolution the Compaint Handler will contact them within a month of the despatch of the proposed resolution to review their level of satisfaction with the outcome and to ascertain if any further action is required.



Internal Appeal Procedures

Internal appeals procedures provide a Complainant - who is unhappy with the way the complaint was handled or with its outcome - with access to a review process within Learning Links that has power to over-ride the proposed resolution outlined in *Part Four: Proposed Resolution*.

An appeal is initiated when the Complainant lodges a written request for the matter to be referred to internal appeal.

If a Complainant indicates a desire to seek an appeal and requires assistance for any reason to put this in writing that assistance will be provided by the Complaint Handler

The appeal will normally be referred to the position within the organisation to which the Complaint Officer reports and the person in that position will become the Appeals Officer. If the Appeals Officer is an employee other than the Chief Executive Officer, s/he will keep the Chief Executive Officer fully informed of the progress of the appeal.

If the Chief Executive Officer acted as the Complaint Handler the appeal will be referred to the Chairman and the Board of Learning Links. If the Chairman acted as the Complaint Handler, the Complainant will need to direct the appeal to the entire membership of the Board.

The Appeals Officer will “rehear” the complaint with *fairness and impartiality** and follow the same broad steps as the Complaint Handler i.e. read the written complaint, talk with the Complainant/s, then interview the person/s implicated and so on (see dot points on pages\ one of these procedures).

The Appeals Officer does not have to limit him/herself to discussions with those with whom the Complaint Handler talked and can take on board new information if it is considered to be relevant.

The process of appeal will be concluded within 14 days of the matter being referred to the Appeals Officer. At this point the Appeals Officer will decide to either uphold the Complaint Officer’s proposed resolution or propose a different resolution. A different resolution will, like the preceding resolution, be accompanied by a time-line for implementation and identify a date for final sign-off review between Learning Links and the Complainant.

Should the Complainant reject the findings of the appeal a final internal review can be initiated by referring this matter to the Board of Learning Links, provided that it hasn’t previously acted as either Appeals Officer.

In this case, the Chairman and Board will exercise final internal review by “rehearing” the appeal and following the same broad steps undertaken by the Complaint Handler and the Appeals Officer.



External Appeal Procedures

In the event that a complainant is unhappy with the outcome of their final appeal within Learning Links they can refer the matter to an appropriate independent external body and will be advised of that right by the Appeals Officer.

External agencies include:

- **NSW Ombudsman**
Level 24
580 George Street
Sydney NSW 2000
Phone: 02 9286 1000
Freecall: 1800 451 524
TTY: 02 9264 8050
Fax: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Website: www.ombo.nsw.gov.au
- **Auditor-General**
Level 15
1 Margaret Street
Sydney NSW 2000
Phone: 02 9275 7100
Fax: 02 9275 7200
Email: mail@audit.nsw.gov.au
Website: www.audit.nsw.gov.au
- **Anti-Discrimination Board (NSW)**
Stockland House
Level 4
175-183 Castlereagh Street
Sydney NSW 2000
Phone: 02 9268 5555
Freecall: 1800 670 812
TTY: 02 9268 5522
Fax: 02 9268 5500
Website: <http://www.lawlink.nsw.gov.au/adb>
- **Privacy NSW**
Justice Precinct Offices
160 Marsden Street
Parramatta NSW 2150
Phone: 02 8688 8585
Fax: 02 8688 9660
Email: privacy_nsw@agd.nsw.gov.au
Website: www.lawlink.nsw.gov.au/privacynsw
- **Health Care Complaints Commission (NSW)**
Level 13
323 Castlereagh Street
Sydney NSW 2000
Phone: 02 9219 7444
Freecall: 1800 043 159
TTY: 02 9219 7555
Fax: 02 9281 4585
Email: hccc@hccc.nsw.gov.au
Website: www.hccc.nsw.gov.au
- **Disability Complaints Service of DADHC**
Ground Floor
52 Pitt Street
Redfern NSW 2016
Phone: 02 9370 3100
Toll Free: 1800 422 015
TTY: 02 9318 2138
Fax: 02 9318 1372
Email: pwd@pwd.org.au
Website: www.pwd.org.au



RECORD KEEPING AND THE IMPLICATIONS FOR AMENDING POLICIES AND PROCEDURES

- When a complaint is satisfactorily resolved or all internal appeals have been exhausted the Complaint Handler or Appeals Officer will submit all the completed *Record of discussions and actions for Complaint Handlers* forms to the Chief Executive Officer with any concluding comments that may be useful. These forms will be briefly summarised by the Chief Executive Officer and those summaries retained by her/him and registered in the organisation's permanent log of completed complaints.
- If the Chief Executive Officer was the subject of the complaint the above task will be undertaken by Learning Links' Chairman and the Chairman will retain all summaries of the complaint and its resolution.
- The Chief Executive Officer will give update reports on the contents of that log to the Senior Management Team and to the Board of Learning Links at appropriate periods and at least annually. 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 in light of the complaints lodged.
- The log of complaints will be stored by the Chief Executive Officer in a way that guarantees the confidentiality of all those implicated in the compiled records of complaint.



RECORD OF DISCUSSIONS AND ACTIONS FOR COMPLAINT HANDLERS

Part One

Discussions with the Complainant

Name of Complaint Handler: _____

Name of Complainant: _____

Name of advocate/support person _____

Date of written complaint: _____

Date of receipt of written complaint: _____

Date of dispatch of acknowledgement: _____

Date of first discussion with Complainant: _____

Main point summary of the complaint (Note: Signed letter of complaint to be appended):

-
-
-
-
-

Feelings expressed by Complainant: _____



How the Complainant would like the matter to be resolved: _____

What I advised the Complainant:

Please attach further information as required.



RECORD OF DISCUSSIONS AND ACTIONS FOR COMPLAINT HANDLERS

Part Two

Discussions with the Person/s being complained about or person/s responsible for the service being complained about

Name of this person: _____

Name of support person
Date of interview: _____

Interview started at: _____

Interview completed at: _____

Present at interview: _____

The facts as stated by them in response to the complaint:



Feelings expressed by that person: _____

What they suggest could happen to resolve the grievance:

What I advised them: _____

Please attach further information as required.



RECORD OF DISCUSSIONS AND ACTIONS FOR COMPLAINT HANDLERS

Part Three

Discussions with relevant personnel/witnesses (if relevant)

Name of witness: _____

Date of interview: _____

Interview started at: _____

Interview completed at: _____

Present at interview: _____

The facts as stated by witness regarding the complaint:

Feelings expressed by witness:

Any other views expressed by the witness: _____

Please attach further information as required.



RECORD OF DISCUSSIONS AND ACTIONS FOR COMPLAINT HANDLERS

Part Four

Proposed Resolution

Date of proposed resolution: _____

Name of Complaint Handler: _____

Name of Service User: _____

Principal issues of the complaint: _____

Actions taken by the Complaint Handler: _____

Proposed Resolution: _____



Proposed time-line for implementation of the resolution: _____

Suggested date of review meeting between Complaint Handler and Service User:

Other comments: _____

Please attach further information as required.