

## 2.3 Management of Complaints

---

### Purpose

The purpose of this policy and procedure is to provide the process for managing complaints, including how to make a complaint, how to deal with a complaint and how to support the people involved.

### Scope

The Management of Complaints Policy and Procedure applies to the Board, Manager, Staff, Volunteers, Consultants/Contractors, clients, and stakeholders of CALM.

### Policy

Any person or organisation using CALM services or affected by its operations has the right to complain.

Service users, stakeholders and members are entitled to be heard and have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

Wherever possible, complaints will be resolved through discussion and conciliation. Complaints will be dealt with in a timely manner and parties to the complaint will be kept informed of progress of the complaint. CALM considers all complaints respectfully and will seek to find a resolution that is satisfactory to all parties.

All complaints will be handled based on the principles of procedural fairness (natural justice).

### Responsibilities

#### Board

Review the effectiveness of the Policy and Procedures in managing complaints.

Conduct investigations where necessary, such as a complaint made about the Manager.

Ensure the Manager or Board Members receive adequate support in managing complaints.

#### Manager

Resolve complaints through informal and formal measures as required.

Ensure that Complainants and Respondents have adequate

support.

Inform the Board of any issues raised in the process that require review of policy, procedures, or practices of the agency.

Inform the Board of serious complaint matters.

Ensure that the staff, volunteers, stakeholders, and clients of the service are aware of the Policy and processes.

## **Staff**

Ensure that clients are aware of the complaints process.

Ensure that clients understand the process and offer supports as required to assist them to understand and/or assist them to make a complaint.

Maintain confidentiality regarding complaints at all stages of the process.

## **Definitions**

### **Advocate**

Family, friend, or professional person to provide support in the complaints process.

### **Complainant**

The person making the complaint.

### **Mediation**

Is a process in which an impartial third party, with the consent of the disputing parties, aids them in searching for a mutually satisfactory settlement of the issue/s which prompted the complaint.

### **Procedural Fairness**

Providing information to the employee on their rights, including the opportunity to respond to complaints, is an integral part of procedural fairness.

### **Respondent**

Whom the complaint is about.

## **Procedures**

1. All Board members, staff, volunteers and students are given information about the complaints process as a part of their induction.

2. Information on how to give feedback, including complaints, is to be issued to service users.
3. Complainants are offered appropriate support to ensure that they can comfortably communicate their complaint.
  - 3.1 Aboriginal and Torres Strait Islanders will be offered the opportunity to have a support person and, if needed, an interpreter when making a complaint.
  - 3.2 People from diverse cultural and linguistic backgrounds should also be provided with the opportunity of having a support person and/or interpreter as required.
  - 3.3 Interpreting services and support people should also be provided as required for those with hearing impairments.
  - 3.4 Appropriate adult support will be offered to children and young people who have submitted complaints under this policy. The support person may be a parent or carer, or another adult with whom the child or young person feels comfortable.
  - 3.5 The Complainant is able to use an advocate to negotiate on their behalf.
4. Service users, stakeholders and members may make a complaint in writing or verbally to:
  - The staff member they were dealing with at the time, or
  - The supervisor of that worker,
  - The Manager, or
  - An outside body
5. If the complaint is not resolved at the time it is made, complaints are referred to the Manager.
  - 5.1 If the complaint is about the Manager, or a Board member, the complaint will normally be managed by the President of the Board.
  - 5.2 If the complaint is about the President, the complaint will be managed by another executive member of the Board.
6. The Manager (or other delegate) investigating the complaint will decide with the complainant how to respond to the complaint, through a formal or informal process.
  - 6.1 Complainant's permission will be obtained prior to any information being passed on to resolve the matter (unless it is mandatory under other legislation).

7. The person managing the complaint should always try to resolve those complaints assessed as 'less serious' by informal means first. At times, complainants may wish to express grievances, but not wish to participate in a formal complaints process.

7.1 A matter is considered less serious if it involved a minor breach or complaint and is not seen to be part of a pattern of conduct that would lead to disciplinary/remedial action.

7.2 The Manager will take the complaint to the respondent and ask for a response.

7.3 The Manager will provide feedback to the complainant.

7.4 The Manager may mediate between the complainant and respondent.

7.5 If the complaint is, in the opinion of the Manager, unjustified, then the complainant will be informed and reasons provided.

8. If the complainant is not satisfied with the process, they can make a formal complaint.

9. A formal complaint is warranted where there is an allegation of a serious breach, if proven, could amount to serious misconduct:

9.1 A breach of legislation, policy, procedure or contract likely to lead to disciplinary/remedial action, or conduct of a criminal nature.

10. If the Manager considers a formal complaint is required or if a complainant wishes to make a formal complaint, they are asked to put the complaint in writing. The complainant will be supported to do this as required.

11. The Manager (or delegate) will investigate the complaint and endeavor to resolve the matter.

12. All complaints must be dealt with seriously, quickly, and confidentially; without stopping the person's right to use CALM services.

13. Copies of all complaints and details of actions taken are centrally filed in the Complaints File, held in the Manager's office. This file is confidential.

14. The Complainant is to be informed of the outcome within 7 days of making the complaint, unless the matter is complex. The Complainant is to be informed of any delay.

14.1 The complainant is also asked for feedback on the complaints procedure.

- 14.2 Where complaints highlight the need for improved processes, these improvements will be referred to the next Board meeting for consideration.
15. Within 30 days of the complaint being resolved, the Manager must review the actions taken to ensure adequate follow up.
  16. Feedback data (both positive and negative) is considered in organisational reviews and follow up.
  17. Where a staff member makes a complaint concerning another staff member, this will be dealt with in accordance with the Grievance Policy and Procedure.
  18. Where a member or external agency makes a complaint against a CALM staff member, the Manager will:
    - 18.1 Notify the employee about whom a complaint is being made and the nature of the complaint.
    - 18.2 Investigate the complaint and provide the staff member with an opportunity to respond to any issues raised;
    - 18.3 Attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party;
    - 18.4 Take any other action necessary to resolve the issue.
  19. If the Complaint falls under another category, use the appropriate Policy and Procedure e.g. if the Complaint is a child protection matter, discrimination matter etc.
  20. If the above process still does not resolve the complaint for the Complainant, they have the right to raise the issue with the Community Services Commission.
  21. If a Complainant feels they have been treated unfairly, they can also obtain further support and information from external agencies such as: NSW Ombudsman, Anti-Discrimination Board of NSW, Human Rights and Equal Opportunity Commission (HREOC).
  22. Support is also offered to the respondent, particularly in matters where the complaint is serious.
  23. Support is also offered to the Manager or other person investigating complaints.
  24. Any complaint which relates to reportable or criminal behaviour will be directed to the appropriate investigative agency immediately.

## Legislation

Australian Human Rights Commission Act 1986  
Age Discrimination Act 2004 (Cth)  
Disability Discrimination Act 1992  
Racial Discrimination Act 1975  
Sex Discrimination Act 1984  
Anti-discrimination Act 1977

## Related Documents

2.1 Access and Equity  
2.2 Anti-discrimination  
2.4 Privacy and Confidentiality  
2.5 Mandatory Reporting  
3.1 Child Protection in the Workplace  
3.2 Grievance Management

## Acknowledgement of External Resources

Eastlakes Women and Children's Refuge Inc: Policy and Procedure Manual.  
NCOSS Management Support Unit: *Sample Policy and Procedures for Management and Governance (2005)*  
NSW Government: *Education and Communities - Complaints Handling Guidelines 2011*

2.3 Management of Complaints	Version: 1.0	Date Approved: 18 June, 2013	Due for Review: 18 June, 2015
------------------------------	--------------	---------------------------------	----------------------------------