

Complaints Management [reviewed April 2020]

Policy Statement

The Service is committed to ensuring that any person or organisation using the programs or affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation and to have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

The Service is also committed to working with all communities, including Aboriginal and Torres Strait Islander communities, to monitor and improve services where necessary. The Service recognises that Aboriginal and Torres Strait Islander peoples' values, beliefs and cultures need to inform the services delivered to maintain working relationships. The Service acknowledges that a complaints management policy that is equitable, responsive and culturally appropriate to the needs of Aboriginal and Torres Strait Islander Peoples is important for a relationship that is built on mutual respect and trust.

The organisation will provide a complaints and appeals management procedure that:

- Is simple and easy to use;
- Is culturally appropriate;
- Is effectively communicated and promoted to all clients and stakeholders;
- Ensures complaints or appeals are fairly assessed and responded to promptly;
- Is procedurally fair and follows principles of natural justice;
- Complies with legislative requirements;
- Complies with the National Association of Community Legal Centre's Risk Management Guidelines; and Complies with the Service's *Information Barrier Policy*.

Scope

This Policy applies only to complaints or grievances from external sources. All complaints or grievances of any worker are to be managed as per the Service's *Grievance and Complaints Policy*.

Principles

The Service will:

- Consider all complaints it receives;
- Treat all complainants with respect, recognising that the issue of complaint is important to the complainant;
- Maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution;
- Consider any cultural needs a person may have during the complaints process;
- Ensure advocacy is available to clients who make a complaint and require support;
- Resolve complaints, where possible, to the satisfaction of the complainant;
- Deal with all complaints in a timely manner;
- Keep parties to the complaint informed of progress of the complaint;

- Ensure that Board members and workers are given information about the complaint procedure as part of their induction and are aware of procedures for managing client feedback and complaints;
- Ensure all program users, stakeholders and members are aware of the complaint policy and procedures;
- Ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue; and
- Ensure that feedback data (both positive and negative) is considered in Service reviews and in planning service improvements.

Procedures

The Service's complaints and appeals procedure is documented for clients and stakeholders in Disability Advocacy NSW Practice and Mid North Coast Legal Centre Practice Manual.

All clients will be informed of their rights and responsibilities with regards to complaints and appeals at the earliest possible stage of their involvement with the organisation.

Client confidential information should not flow above the level of Manager Advocacy for Disability Advocacy NSW or Principal Solicitor for Mid North Coast Legal Centre unless it is deemed necessary by either the Manager Advocacy or the Principal Solicitor that a complaint should escalate to Deputy CEO, CEO or the Board.

In these circumstances it must be explained to the client that by escalating their complaint to this level they are providing confidential information to part of the organisation that otherwise would not be privy to it.

If a DANSW client makes a complaint above this level, their name should be recorded in CLASS for future conflict checking purposes, as the Board and hence their workers i.e., the Principal Solicitor will be deemed to know that information under the law of agency (all workers are the agents of the Board and what the Board knows all their agents are deemed to know).

Complaints Procedure

Information about detailed complaints procedure is in the DANSW and MNCLC practice manuals as noted above.

For individuals who identify as Aboriginal or Torres Strait Islander, MNCLC will inform the complainant that the Centre has an Aboriginal Engagement Officer. The person should be offered the opportunity to discuss their matter in the presence of the Aboriginal Engagement Officer where appropriate. The Principal Solicitor and Aboriginal Engagement Officer will work together to ensure that any complaint by an Aboriginal or Torres Strait Islander client is handled in a manner that reflects the MNCLC's ambition to foster strong relationships with Aboriginal and Torres Strait Islander communities, that is based on mutual respect and trust and is culturally appropriate.

If the complaint is not resolved at the DANSW or MNCLC level, and a client wishes to escalate their complaint to the CEO or the Board, the complainant should be informed of the information barrier and the complainant's personal information will be shared across the organisation and will be cross entered into IVO and CLASS (client databases) for future conflict checks.

Complaints involving both programs

If DANSW receives a complaint that involves the MNCLC or if the MNCLC receives a complaint involving DANSW, the complaint should go to the Manager Advocacy and Principal Solicitor jointly after informing the person of the barrier and getting them to sign an authority to do so.

Record Keeping

A register of complaints and appeals will be kept independently and separately by the Manager Advocacy (for complaints about DANSW), the Principal Solicitor (for complaints about MNCLC) and the CEO (for complaints escalated to the CEO or the Board) and will include the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint;
- Date lodged;
- Action taken;
- Date of resolution and reason for decision;

- Indication of complainant being notified of outcome; and
- Complainant response and any further action.

The complaints register and files will be confidential, and access will be restricted to the Manager Advocacy in the case of a complaint regarding DANSW and the Principal Solicitor in the case of a complaint regarding MNCCLC.

A separate register and files will be kept in relation to complaints that have been escalated to the CEO and/or Board and access to these will be restricted to the CEO and the Board.

The Manager Advocacy and Principal Solicitor will provide a de-identified summary of complaints and appeals to the CEO to present to the Board at each Board meeting.

Results from this report will be reviewed by CEO and Board and used to:

- Inform Service planning by including a review of complaints and appeals in all Service planning, monitoring and evaluation activities; and
- Inform decision making by including a report on complaints and appeals as a standard item on staff and management meeting agendas.

Complaints involving conduct of CEO or Board Members

Complaints involving the CEO will be managed by Chairperson. Complaints made against a member or Board member will be referred to the Chairperson. The Chairperson, or their delegate, will:

Notify the person about whom a complaint is being made, of the complaint and its nature;

- Investigate the complaint and provide the member with an opportunity to respond to any issues raised; and
- Attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party.

Where the Chairperson is the subject of a complaint, the complaint should be referred to an executive Board member e.g. Vice Chairperson.

If the matter remains unresolved, the Chairperson will raise the matter at the following Board meeting. Depending on the seriousness of the complaint, the Board may:

- Deal with the matter at its meeting; or
- Refer the matter to the process outlined in the Service's constitution.