

# Community Restorative Centre



## Complaints Handling

05 January 2010

# Complaints Handling

## Policy

CRC aims to provide the highest possible standard of service to its clients. Any person or organisation using CRC services or affected by its operations has the right to complain. We view complaints from clients as valuable feedback that will be used to monitor and improve service delivery. We have developed, and will follow, a user friendly complaints handling system that deals with complaints fairly, promptly, confidentially and without retribution.

All Board members, employees, volunteers and students are given information about the complaints procedure as part of their induction. All members and employees of CRC are expected to work cooperatively as a team, to acknowledge any dispute at an early stage, and to resolve any dispute in the most constructive manner possible. Any conflict of interest arising from a dispute will be declared and all steps will be taken to ensure persons working to resolve a dispute are impartial. Members and employees are expected to maintain confidentiality in relation to complaints and disputes. Resolving complaints, where possible, to the satisfaction of the complainant is the goal of the complaints policy process.

*To achieve this, we will:*

1. Deal with complaints in a timely manner and parties to the complaint will be kept informed of progress of the complaint;
2. Address feedback in organisational reviews and follow up;
3. Ensure board members, employees, volunteers and students are aware of CRC procedures for managing client feedback and complaints;
4. Take a pro-active approach, through our communications strategy to ensure all service users, stakeholders and members are aware of the complaints policy and procedures; and
5. Ensure the *CRC Service Commitment Brochure* is available to all service users.

*The CRC Service Commitment Brochure informs service users, stakeholders and members of:*

1. How to make a complaint to CRC;
2. Who to complain to;
3. How CRC will deal with the complaint – complaints process and timelines;
4. Rights to a support person and interpreter; and
5. How to make a complaint to an external body including contact details.

*Our complaints handling system is able to deal with:*

1. Formal complaints – where the complainant, either in writing or verbally, acknowledges they are making a complaint; and
2. Informal complaints – where the complainant does not outwardly state they are making a complaint but is expressing dissatisfaction about an element of our service they would like addressed.

### **Informal Complaints**

Informal complaints should be addressed immediately after the problem is identified. If the client is not satisfied with the explanation or apology, the client should be referred to the service coordinator. If the client remains dissatisfied after talking with the coordinator, the client should be invited to fill out a Complaints Form. The process outlined in the next section will then apply.

## **Procedure**

### **1. Complaints Initiation Process**

*Service users, stakeholders and members may make a complaint in writing or verbally to:*

1. The employee they were dealing with at the time;
2. The direct manager of that employee;
3. The Chief Executive Officer; or
4. An outside body.

If the complaint is about the CEO, or a Board member, the complaint will normally be dealt with by the President of the CRC Board.

### **2. How CRC Deals with Complaints**

A designated employee, or “complaint handler”, can be appointed by the CEO to look at the complaint. Complaint investigations will be initiated within seven days of the complaint being received. The complaint handler may contact the complainant for more information. The complaint handler will decide how to respond to the complaint and make sure action is taken. A letter will be sent to the complainant within 14 days of the complaint being received explaining what is being done to investigate and resolve their complaint.

CRC aims to investigate and resolve all complaints within a further 28 days of receipt of the formalised written complaint. If this time frame cannot be met, the complainant will be informed of the reasons why and given an alternative time frame for resolution.

*Complaints will be handled within the organisation and will be dealt with:*

1. Seriously and with confidentiality;
2. Without retribution;
3. In a timely manner within set time frames;

4. In a manner designed to achieve an outcome that is fair to the client, service and employees.

Service users, stakeholders and members have the right to access a support person at all stages of the complaints resolution process. Copies of all complaints and details of actions taken are centrally filed in the Complaints File, held in the CEO's office. This file is confidential. Within six months of the complaint being resolved, the CEO must review the actions taken to ensure adequate follow up.

### **3. Complaints Handling Process**

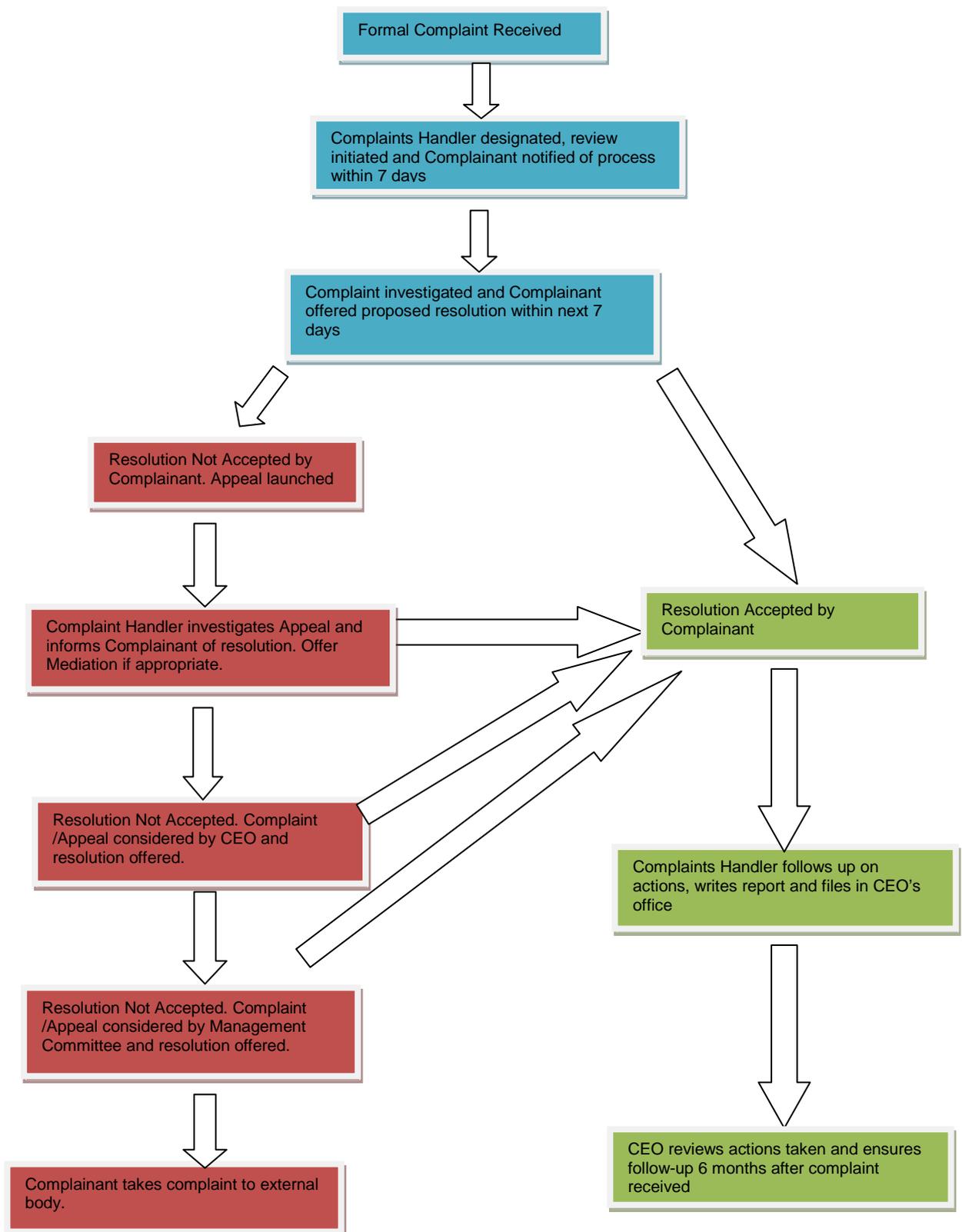
*The Complaints Handling process will take place as follows:*

1. Complaint verbal or in writing;
2. Senior employee allocated by CEO as complaint handler;
3. Must initiate review of complaint within 7 days;
4. Letter to person confirming receipt of complaint and informing them of action to date;
5. Within next 7 days contact client with proposed resolution, if not acceptable to client, they will be informed of the appeals process;
6. Within next 28 days investigate and resolve written complaint, inform person of action taken, include opportunity for/offer of mediation if appropriate; and
7. Within 6 months, CEO must review actions taken and ensure follow up.

*It is the Complaint Handler's responsibility to notify all parties of the outcome. They should explain the following:*

1. Whether or not the complaint was substantiated after investigation;
2. The background behind the outcome;
3. Options that can be implemented by the service to address part or all of the complaint; and
4. As far as possible, involve the client in developing a fair outcome in response to the complaint.

# CRC Complaints Handling Flowchart



#### **4. The Right to Appeal**

If the client is not satisfied with the finding by the Complaint Handler or the resolution, they may ask that the complaint be reconsidered. The complaint should then be reconsidered by the Chief Executive Officer of CRC, who will review the complaint and the written report of the investigation. The CEO will make a decision which may either affirm or contradict the original finding.

If the client remains dissatisfied, they can request the Board of Management review the complaint. The members of the Management Committee will consider the complaint in conjunction with the reports by the Complaints Handler and the CEO. The complainant may also present their issue to the Management Committee at one of its meetings.

If the client still remains dissatisfied, they may contact an external body, such as the Ombudsman; to either have their complaint heard or be referred to the most appropriate service to hear their complaint.

#### **5. Complaints Involving Employees**

The Board delegates responsibility for resolving complaints or disputes involving employees to the CEO. Where an employee makes a complaint concerning another employee, this will be dealt with in accordance with the Grievance Procedure 6.9. Where a member, client or external agency makes a complaint against a CRC employee, the CEO will:

1. Notify the employee about whom a complaint is being made and the nature of the complaint;
2. Investigate the complaint and provide the employee with an opportunity to respond to any issues raised;
3. Attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party; and
4. Take any other action necessary to resolve the issue.

Any disciplinary action against an employee arising from a complaint will be taken in accordance with Disciplinary Procedures 6.10.

#### **6. Complaints Involving the CEO**

Complaints or disputes involving the CEO should be referred to the President. The procedural format for complaints involving the CEO is the same as for complaints involving other employees excepting it is the President facilitating resolution.

#### **7. Complaints Involving Members and Board Members**

Complaints against a member or Board Member should be referred to the President. The President, or an approved delegate, will attempt to resolve the issue to the satisfaction of the complainant. The President or delegate will advise the person about whom a complaint is being made of the nature of the complaint. Where the President is the subject of a complaint, the complaint should be referred to another Executive Member of the Board.

If the matter remains unresolved, the President or notified Board Member will raise the matter at the next Board Meeting following notification.

*Depending on the seriousness of the complaint, the Board may:*

1. Deal with the matter at this Board Meeting by determining appropriate action to resolve the issue; or
2. Defer the matter to a special meeting of the Board.

Under the Constitution, the Board has powers to suspend or terminate the membership of any member who wilfully 'refuses or neglects to comply' with the provisions of the Constitution, or who is 'guilty of conduct prejudicial to the interests' of CRC. Such action must be taken in accordance with the process described in the Constitution, which provide for proper notice and rights of appeal.

### **Links with Legislation and Other Organisational Policies**

Complaints Handling should be considered in conjunction with state and federal legislation as well as other CRC policies and procedures.

#### ***Links with Legislation***

1. Human rights legislation including the *Human Rights and Equal Opportunity Commission Act 1986* (Cth);
2. Anti-discrimination legislation including the *Anti Discrimination Act 1977* (NSW), *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth);
3. Privacy legislation including the *Federal Privacy Act 1988* (Cth) and the *Privacy Amendment (Private Sector) Act 2000* (Cth), *Privacy and Personal Protection Information Act 1998* (NSW), *Health Records and Information Privacy Act 2002* (NSW) , *Freedom of Information Act 1982* (Cth), *Freedom of Information Act 1989* (NSW); and
4. Complaints legislation for the *NSW Ombudsman, the Community Services (Complaints, Appeals and Monitoring) Act 1993* (NSW).

#### ***Policy Links***

1. Code of Ethics (3.1)
2. Client Rights and Responsibilities (3.2)
3. Privacy and Confidentiality (3.3)
4. Access and Equity (3.4)
5. Client Records Management (3.7)
6. Evaluation of Services (3.17)
7. Grievance Procedures (6.9)
8. Disciplinary Procedures (6.10)

#### ***Relevant Forms***

- Complaints Form
- *CRC Service Commitment Brochure*