



S4.29	MANAGING COMPLAINTS AND DISPUTES POLICY
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Target group/Applies to: This policy applies to The Housing Connection for adults with an intellectual disability. All THC workers are required to uphold this policy.

Version 01.

Date approved:

Review Cycle: Every three years

PURPOSE

The purpose of this policy is to outline processes for obtaining client, family, members of the organisation and the community (collectively “stakeholders”) feedback as part of our quality management and improvement system. The Housing Connection is committed to enabling stakeholders to raise complaints about the services they receive and have them addressed in a supportive, timely and respectful manner.

POLICY STATEMENT

The Housing Connection is committed to ensuring that any person or organisation using The Housing Connection services 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 organisation will provide a complaints and appeals procedure that:

- is simple and easy to use
- 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.

DEFINITIONS

Open Disclosure: The open discussion of incidents that result in harm to a client/patient while receiving health care. The elements of open disclosure are an apology or expression of regret (including the word ‘sorry’, a factual explanation of what happened, an opportunity for the client/patient to relate their experience, the potential consequences of the incident and the steps taken to manage the event and prevent recurrence. (*Refer Australian Commission on Safety & Quality in Health Care ‘Open Disclosure Framework’ 2013.*)

PROCEDURES

General



Approach

The Housing Connection will:

- promptly consider all complaints it receives, and enter them on the THC Complaints Register even when they do not require a formal letter because they have been resolved at the time of receipt
- treat all complainants with respect, recognising that the issue is important to the complainant
- adhere to the principles of Open Disclosure when receiving and managing complaints
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution
- ensure advocacy and support is available which responds to and takes account of individual, cultural and linguistic needs of stakeholders who make a complaint and require support
- resolve complaints, to the extent reasonably possible, to the satisfaction of the complainant, and if that is not possible, refer the complainant to internal or external resources available
- deal with all complaints in a timely manner
- keep parties to the complaint regularly informed of progress of the complaint as per organisational timeframes for resolution
- ensure that Board members and workers are given information about the complaints procedure as part of their induction and are aware of the procedures for managing client feedback and complaints
- ensure all stakeholders are aware of the complaints 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
- ensure that complaints data including categories of complaint and outcomes, is considered in organisational reviews and in planning service improvements.

Information for clients and stakeholders

The Housing Connection complaints and appeals procedure will be documented for stakeholders in the THC Managing Complaints and Disputes Policy. A summary of this Policy and its Procedures are contained in the My Client Manual which is made available when clients join the service or when requested and on the website www.thc.org.au.

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

The THC Managing Complaints and Disputes Procedure will contain information on the following:

- how to make a complaint or lodge an appeal
- the appropriate contact person for lodging a complaint or appeal

- how the organisation will deal with the complaint or appeal, the steps involved and the timelines
- the rights of the complainant to involve an advocate, support person or interpreter
- how the person will be informed about the outcome of their complaint or appeal
- how to make a complaint to an external body including contact details.

Making a complaint

This is a formal process for dealing with complaints. The informal system whereby a stakeholder is free to talk with support workers should continue to be used while the complaint is being processed formally. The Manager: Client Services or the Project Manager will also arrange to meet informally with any stakeholder, any time they wish, to talk over any problems they may have and to ensure that their needs are being listened to and met.

A person wishing to make a complaint may do so in writing or verbally to:

- the worker they were dealing with at the time
- the manager/supervisor of that worker
- the Senior Management
- the Board or
- an independent complaints service

The complaint may, without limitation, be about:

- The service
- Communication
- The service contract details
- Client rights not being upheld
- The facility or home of the client
- Perceived actions or inactions of THC personnel.

In the first instance when a complaint is received it will where possible, be dealt with immediately by the person who receives it, with regard to the requirements of Open Disclosure. If it cannot be dealt with immediately then it must be referred to the relevant team leader or Manager: Client Services who will either manage it or delegate it appropriately.

Irrespective of the complaint being verbal or written it must immediately be documented in the THC Complaints Register and designated as a complaint to enable tracking and timely resolution.

Written complaints may be sent to The Housing Connection, 31 Albert Avenue Chatswood, 2067 or via email to thc@thc.org.au. THC's Manager: Client Services or the Operations Manager will be responsible for receiving this correspondence and directing it to the appropriate person.

Dealing with the complaint

The person managing the complaint will be responsible for:

1. Processing the complaint or appeal:

- registering the complaint or appeal in the Complaints Register
- acknowledging receipt of the complaint immediately by phone, email or post.

2. Investigating the complaint or appeal:

- investigating the complaint and deciding how to respond
- informing the complainant by letter within two (2) working days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution.

As far as possible, complaints or appeals will be investigated and resolved as soon as received. The resolution of a stakeholder's concerns may take an extended period of time, for example if an advocate is required. This means that not all issues will be resolved immediately but will be attended to as soon as possible. If an extended timeframe is likely the complainant will be informed of the reasons why and of the likely time frame for resolution.

3. Resolving the complaint:

- making a decision or referring to the appropriate people for a decision within the stated expected time frame of the complaint being received
- informing the complainant of the outcome:
 - upheld (and if so what will be done to resolve it)
 - resolved (and how this has been achieved); or
 - if no further action will be taken, the reasons for this.
- informing the complainant of any options for further action if required
- providing a summary of the report to the Support and Monitoring Committee (SAM) who will monitor the process of resolution within one month of reporting the complaint:
 - that the actions that were agreed upon to resolve the issue have been implemented and that the stakeholder is satisfied with the outcome.
 - if resolution has not yet been reached, the SAM Committee will keep track of progress made.
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The complaint can be withdrawn at any time by the complainant.

Upon the resolution of the complaint, the complainant will sign a document that describes the outcome. Stakeholders should not sign the report if they are not satisfied with the outcome.

4. Reviewing the complaint:

If the complainant is not satisfied with the investigation and proposed resolution of their complaint they can seek a further review of the matter by the CEO (unless the complaint relates to the CEO in which case it will be dealt with by the President of the Housing Connection Board as below). If the complainant is still not satisfied he/she may refer the matter for review to the President of the Board.

5. Referral to external procedure:

A formal external complaints procedure may follow Step 4 if the complainant is still not satisfied with the outcome, the complainant will be referred to the National Disability Insurance Agency by calling 1800 800 110, visiting one of their offices in person, or visiting ndis.gov.au for further information. Or other independent bodies listed at the end of this section.

Record keeping

A register of complaints and appeals will be kept in the Complaints Register. The register will be maintained by the Administration Officer and will record the following for each complaint, review 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
- Complainant response and any further action

Copies of all correspondence will be kept in the [Complaints Register](#).

The complaints register and files will be confidential and access is restricted to Management.

The Manager: Client Services or the Operations Manager will be responsible for reporting on complaints at Management meetings and the monthly meeting of the Support and Monitoring (SAM) Committee.

Results from this report will be used to:

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

Complaints involving workers

The CEO has delegated responsibility for resolving complaints or disputes involving workers.

Internal complaints, where a worker makes a complaint concerning another worker, will be dealt with in accordance with The Housing Connection's Staff Grievance, Complaints and Disputes Policy.

External complaints by stakeholders made against a worker will be managed by Manager: Client Services or the Operations Manager who will:

- notify the worker of the complaint and its nature
- investigate the complaint and provide the worker with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party
- take any other action necessary to resolve the issue.

Any disciplinary action against a worker arising from a complaint will be taken in accordance with the procedures contained in The Housing Connection's Staff Performance Management and Review Policy.

Complaints involving the CEO will be managed by the President.

Complaints involving organisation members or Board members

Complaints made against a member or Board member will be referred to the President. The President 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
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the parties.

Where the President is the subject of a complaint, the complaint should be referred to the Vice President or any other Board member. If the matter remains unresolved, the President or notified Board member will raise the matter at the next Board meeting. Depending on the seriousness of the complaint, the Board may:

- deal with the matter at its meeting, or
- inform the complainant to refer the matter to the external agency such as the NSW Ombudsman.

Withdrawing the Complaint

A complainant may at any time during the complaint process, withdraw their complaint; however the other party may wish to, and has the right to; continue the process if they believe that they have not had the opportunity to respond appropriately.

**COMPLAINT HANDLING ORGANISATIONS, AGENCIES AND SUPPORT SERVICES
(Independent complaint services):**

NSW complaints handling organisations		
National Disability Insurance Agency	www.ndis.gov.au	1800 800 110
Health Care Complaints Commission (HCCC)	www.hccc.nsw.gov.au	Complaints Info line: 1300 656 419 E-mail: complaintsinfo@humanrights.gov.au
NSW Ombudsman	Web: www.ombo.nsw.gov.au Online complaints form	Phone: 02 9286 1000 Email: nswombo@ombo.nsw.gov.au

National complaints handling organisations		
Complaints Resolution and Referral Service CRRS (CRRS)	www.crrs.org.au	
Abuse and Neglect Hotline	www.disabilityhotline.org	
Australian Human Rights Commission	www.hreoc.gov.au	Complaints Info line: 1300 656 419 E-mail: complaintsinfo@humanrights.gov.au

Other Agencies and support services		
Intellectual Disability Rights Service (IDRS)	www.idrs.org.au	Telephone: (02) 9318 0144 Fax: (02) 9318 2887 Freecall: 1800 666 611
Action for Citizens with Disabilities		Telephone: (02) 9449 5355 Fax: (02) 9449 2652

DOCUMENTATION

Documents related to this policy	
Standards, Legislation or other external requirements	<ul style="list-style-type: none"> • <u>Disability Inclusion Act 2014</u> • <u>Community Services (Complaints, Reviews and Monitoring) Act 1993</u> • <u>National Disability Insurance Scheme (NSW Enabling) Act 2013 No 104</u> • <u>Ombudsman Act 1974</u> • <u>National Standards for Disability Services (2014)</u> • NSW Standards in action (ADHC, 2012) • NSW Ombudsman Community Education and Training Unit Publications
Related internal policies	<ul style="list-style-type: none"> • Client Rights Policies • Client Safety Policies • Staff Management Performance and Review Policy • Staff Grievance, Complaints and Disputes Policy • Community Participation and Social Inclusion Policies • Feedback and Complaints Policies • Service Access Policies • Service Management Policies • THC Constitution
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> • THC My Client Manual • THC Complaints Form • THC Complaints Register • Training staff in complaints process & procedure • Complaints Review Process for policy and improvement

Reviewing and approving this policy		
Frequency	Reviewer/s	Approver/s
Every 3 years	Senior Management	CEO

Version	Policy review and version tracking			
	Review	Date Approved	Approved by	Next Review Due



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0.1	3. Jan 2018			Jan 2021