

Complaints

AUTHORITY: CEO, Operations Manager

RESPONSIBILITIES: All staff, Volunteers, Clients

PURPOSE AND SCOPE

Laverton Community Integrated Services Inc. (LCIS) is committed to providing an environment in which all service users, partners, students, employees and volunteers feel comfortable in making complaints about any aspect of service delivery, and are provided with the support and resources to do so.

All complaints will be addressed professionally and confidentially and where possible work towards a satisfactory resolution.

Complainants have the right to a fair hearing; to have their complaint properly considered; and to have any remedial action taken as soon as practicable.

The Complaints process is an integral part of the LCIS continuous improvement process. The information received through this process can be used to make improvements in service delivery.

The existence of a complaints procedure is to be publicised by means of appropriate notices, website, reference in staff/volunteer student/family handbook, notice in office(s), etc.

All clients are to be advised of complaint procedures as appropriate. It is preferable but not essential that formal complaints be in writing. A member of staff to whom a complaint is made verbally should record it in writing if that is the complainant's wish.

Where clients require a third party (in the case of L.O.T.E, disability, impairment or other health issues) to make formal complaint on their behalf LCIS will act in good faith toward the third party but may require evidence of the arrangement in writing before particulars can be discussed.

All parties must have a clear understanding of the steps involved in the complaints procedure.

Definitions

Complaint:

An expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

Dispute:

An unresolved complaint escalated either within or outside of our organisation.

Feedback:

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling system where a response is not explicitly or implicitly expected or legally required.

Grievance:

A clear, formal written statement by an individual staff member about another staff member or a work-related problem.

Complaints/Disputes may be Informal or Formal.

Informal;

Expressions of dissatisfaction which are of a minor nature and can be dealt with promptly & courteously as soon as they occur, to the complainant's satisfaction.

Formal;

All complaints that involve matters that cannot be resolved immediately must be reported to the relevant Coordinator, Manager or CEO. In the event that the complaint relates to the conduct of the CEO, the complaint must be directed to the Board Chair. If the complaint relates to a Board Member, the complaint must be referred to a mutually agreed upon external mediator.

People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame (as in AS/NZ 10002).

People making complaints will be:

- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate,
- and provided with reasons for our decision/s and any options for redress or review.
- This information will be in writing for those who have made a formal complaint.

No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Anonymous complaints

We accept anonymous complaints if there is a compelling reason to do so and will carry out a confidential investigation of the issues raised where there is enough information provided.

Nature of Complaints:

Clients, staff and volunteers may raise any matters of concern relating to delivery of services/training, other participants/clients/staff/volunteer, the quality of teaching, the physical environment/amenities, OHS, any kind of harassment or breach of equal opportunity legislation and/or other issues that may arise.

Complaint Resolution:

It is the objective of this policy that complaints will be resolved through discussion negotiation, and mediation. Where ever possible complaints should be resolved at the point at which they originate and remedial action should be offered within the program itself.

LCIS will acknowledge all complaints within 48 working hours of receipt and will attempt to resolve any complaints fairly and equitably within 10 working days. Some formal complaints may take longer than this but every effort will be made to resolve within 30 days.

Confidentiality

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by us as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

External Referrals

LCIS will encourage the parties to approach a complaint with an open view and to attempt to resolve problems through discussion and conciliation. Where a complaint cannot be resolved through discussion and conciliation, we acknowledge the need for an appropriate external and independent agent to mediate between the parties.

Clients and their advocates have a right to know about any external avenues of complaint, such as;

Dispute Settlement Centre of Victoria 1800 658 528

Youth Disability Advocacy - 9267 3755

YSAS - 9415 8881

Victoria Legal Aid Mental Health Advocacy Service - 1300 792 387

ADEC - 8744 2100

Legislation:

This policy will, where relevant, be consistent with any legislation affecting any program. Where there is an inconsistency between this policy and any relevant legislation, the relevant legislation will take precedence.

Eligibility to make a Complaint:

Anyone may make a complaint or someone on his/her behalf.

Third Party Complaints:

Complaints by third parties acting in good faith should be accepted but because the confidentiality of private information is important, steps should be taken to verify that the complaint is being made on behalf of the client, and disclosure of information is authorised by him or her. Ideally the complaint should be in writing, signed by the complainant. Where this is not possible, the relevant Manager or CEO should attempt to make verbal contact with the complainant and record or annotate the conversation.

Advocate/Support Person:

The Complainant has the right to have an advocate or support person with them at all stages of the complaint process.

Complainants whose first language is not English who wish to make a complaint should have the option of having an interpreter present at all stages of the complaints process. Complainants with low literacy skills should be offered support to formalise their complaint. This may be a staff member, volunteer or any nominee to write down the complainants spoken words.

Procedure:

COMPLAINTS:

This should be read in conjunction with the notes below.

Complainants should be encouraged to voice their concerns as soon as they feel dissatisfied. This enables the service to attempt to resolve the matter immediately. We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision. Where a solution is possible immediately, the staff member involved will endeavour to resolve the matter without delay and document the episode.

All verbal or telephone complaints should be dealt with immediately or with a return phone call the same day if possible and document the episode.

The person will determine themselves whether they wish to make a formal complaint or to use informal mechanisms to resolve complaints.

Where complaints cannot be resolved through this informal process, they are to be documented and referred to the appropriate senior staff member, manager, CEO or Board - see definitions Formal above.

NOTE: If a complainant wishes to lodge a formal complaint, the procedure for formal complaints must be followed even if the staff member considers the complaint to be of a minor nature.

INFORMAL COMPLAINT:

REFER TO ATTACHMENT 1 – INFORMAL COMPLAINT PROCESS.

FORMAL COMPLAINTS:

REFER TO ATTACHMENT 2 – FORMAL COMPLAINT PROCESS

APPEAL PROCESS:

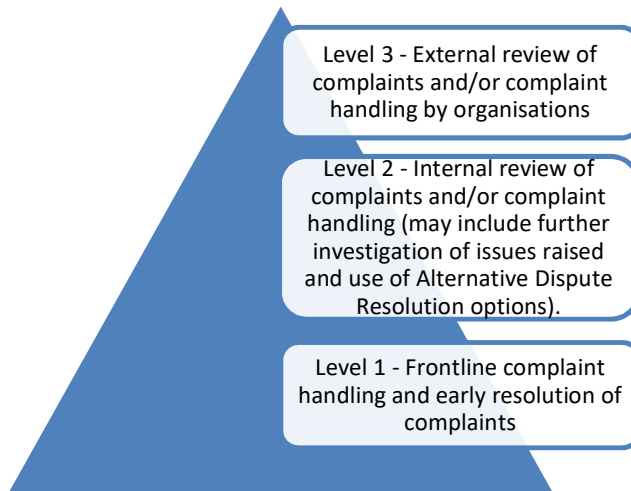
REFER TO ATTACHMENT 3 – APPEAL PROCESS

CONTINUOUS IMPROVEMENT & THE COMPLAINTS PROCESS:

The CEO will provide an annual report on complaints including statistics, trends and details of any corrective action taken, to the Board as part of the continuous improvement process. This report should not contain any information which identifies complainants.

Any complaints received within the Education Centre must be recorded on the Continuous Improvement Register together with their resolution and other relevant information. Wherever possible, individuals should be de-identified within this record.

The three levels of complaint handling



Level 1

We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Level 2

Where this is not possible, we may decide to escalate the complaint to a more senior officer within our organisation. This second level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision/s already made, and/or
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Level 3

Where a person making a complaint is dissatisfied with the outcome of our review of their complaint, they may seek an external review of our decision from an external provider.

ATTACHMENT 1

INFORMAL COMPLAINTS PROCESS:

STEP 1: Relevant parties

Complainants are encouraged to identify their issues and, if possible, think of some solutions. Once a complainant has identified the issues and thought about solutions, either by themselves or in conjunction with a support service or person, they are encouraged to speak directly with the staff member, volunteer, participant or student responsible for the particular issue. This should initially be between the parties concerned. e.g. student and teacher, room leader and parent where the complainant is under 16 years of age.

STEP 2: Staff Awareness

When a staff member becomes aware of an issue they should:

- endeavour to resolve the issue to the satisfaction of all parties if possible and where appropriate email the complainant the outcome and basis for that decision
- refer the issue to a senior staff member from LCIS, if appropriate
- where the matter is not suitable for a resolution, or where parties have issues that a matter may be serious and/or complex, or are seeking further advice, contact the relevant Manager as soon as practicable.

All outcomes should be document and the relevant Manager should be advised of details of the complaint and any resolution reached.

STEP 3: Relevant Manager

If the complaint cannot be resolved at the above level (because either it is inappropriate or the resolution reached is considered unsatisfactory), the relevant Manager should attempt to resolve the situation informally. Firstly the Manager will acknowledge the complaint within five working days and arrange a suitable time if needed to discuss the complaint. There will then be an investigation of circumstances, discussion, negotiation and mediation if required. All steps taken to resolve the complaint and any outcomes must be communicated to the complainant, along with the process to take this to the next level.

STEP 3: CEO

If the complaint is still unable to be resolved it must be brought to the attention of the CEO. The CEO should encourage the client to put his/her complaint in writing. This becomes a formal complaint. If the client does not wish to do so, steps should continue to be taken to resolve the complaint and actions taken documented accordingly. This may be through investigation of circumstances, discussion, negotiation and mediation if required. All steps taken to resolve the complaint and any outcomes must be communicated to the complainant.

Board Chair

If a client wishes to discuss his/her complaint with someone other than the CEO or staff, they are to be advised to contact the Board Chair and given the contact details to do so.

STEP 4:

If the complaint remains unresolved after these steps, the complainant should be advised of formal resolution processes and options external to LCIS such as the State registering body (VRQA) or the National Training Complaints Hotline ph: 1800 000 674 or the Dispute Settlement Centre of Victoria ph: 1800 658 528 Fairwork,

ATTACHMENT 2

FORMAL COMPLAINTS PROCESS:

STEP 1:

If the complainant wishes to formalise a complaint, it is preferable that this be in writing. Staff may assist complainants to complete the Client Complaint form. (**Attachment 4**). Complainants may also put their complaints in the form of a letter or formal email. Complaints should:

- a. Identify the relevant breach in policy and procedure and a lack of consideration of relevant facts (and where practicable provide evidence/supporting documents) and describe the reasons for making such complaint.
- b. Details of attempts or the reasons for bypassing the previous resolution process – complainant should explain why they have referred the matter to the CEO. For example: bypassing of the previous resolution process may include serious matters such as harassment, discrimination, etc.
- c. Propose the outcome sought – complainants should be aware that not all complaints will result in the outcome they seek.

STEP 2:

All written complaints are to be referred to the CEO for investigation and response. A letter of acknowledgement must follow receipt of a written complaint within 5 working days, unless a letter of resolution is sent within the 5 days.

The letter of acknowledgement should confirm receipt of the complaint and provide details of the person handling the complaint, a contact number and some expectation of the resolution date. (see example **Attachment 5**)

STEP 3:

The CEO must take all reasonable steps to investigate and resolve the complaint to the satisfaction of all parties. Throughout the process of assessing and addressing the complaint, the CEO may:

- contact the complainant and any other party/parties to a complaint in order to gather information;
- seek to clarify the information relevant to the matter, request further information and/or make preliminary enquires;
- provide further information to the complainant;
- provide relevant information as feedback to the area/s;
- Refer the matter to a different process or service if this is more appropriate (e.g. fee issues, misconduct, safer community etc.);
- assist parties to resolve the matter by suggesting options for resolution including, where appropriate, referring the matter back to the relevant area for resolution;
- Dismiss the complaint if it is out of time, vexatious, without merit or otherwise represents an abuse of process.

STEP 4:

The investigation phase of the complaint will take no more than 15 working days, unless there are exceptional circumstances, which make this timeframe impracticable. All reasonable measures will be taken to finalise the process as soon as practicable.

- If the process results in a decision that supports the complainant, LCIS will implement any decision and/or corrective and preventative action required as soon as practicable.
- The complaints process will, in most cases, be concluded within 30 working days. If this is not possible, the complainant will be informed in writing of the delay by the CEO and the reasons for it, and kept informed as to the likely timeframe for completing the matter.
- LCIS will make a record of, and follow up on, the causes of the complaint, and put in place suitable remediation's to mitigate against a recurrence.

All written complaints should receive a written response within 30 working days of receipt of the original complaint. The response will set out the findings of any investigation, outcomes, and proposed future action if appropriate. It should also advise the client of their appeal rights if they are not satisfied with the response and provide information of alternative external options. The CEO must sign all written responses.

STEP 5:

Details of formal complaints including outcomes are to be recorded on the Complaints Register located in the LCIS Management Drive. The Client Complaint form is the appropriate means of recording these details.

COMPLAINTS - APPEALS PROCESS

STEP 1:

All complainants who have made a formal complaint must be advised of their right to appeal in the letter of resolution. If they are not satisfied with the resolution they can appeal to the Chairperson of the Board. This appeal must be in writing and set out the reasons why they are not satisfied with the resolution. Alternatively, the complainant can seek further resolution, assistance or clarification from an external body.

STEP 2:

A panel consisting of representatives from the Board, and a representative of the relevant funding body (depending on the nature of the appeal) will consider the appeal. The complainant, their advocate or support person will attend a meeting with the panel and will have the opportunity to present their reasons for ongoing dissatisfaction.

STEP 3:

The panel will consider all relevant information and make a decision. This decision is final and not open to further appeal.

NOTE: If the Chairperson or any member of the Board has had previous involvement in any aspect of the complaint process, that person should not be a member of the appeal panel.

STEP 4:

In the event that an external body is engaged to mediate the issue, the Manager and CEO of the service area will represent the Organisation; the complainant will be supported by their representative and the external body will determine the outcome and any further action or recommendations in relation to the issue. This may include written reports to funding bodies or Government Departments separate to information required to be provided to the complainant. All parties will abide by the recommendations of the external party and put in place workable strategies in the event that the issue itself cannot be fully resolved to the satisfaction of all participants.

COMPLAINT FORM

This form is for people who wish to make a complaint about an LCIS service. You can fill out the form or someone can fill it out on your behalf. Please ask a staff member if you need any assistance.

What is your complaint? Please provide details below including the names of staff or other people who were involved and any relevant dates.

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Date issue occurred: _____

Anonymous: Yes **No - fill in the details below so we can provide feedback to you:**

Signature:.....

Date:

Your Name:

Your Address:.....

Suburb **Postcode:**

Telephone number **Email Address**

Did someone help you fill in this form? YES/NO

If YES, please provide the name & address of the person who helped you.

Name:.....

Address:.....

.....**Postcode:**.....

Telephone:.....**Email Address**.....

Providing your name and contact details are optional; we want to make our service better and telling us your experience will help us to do that. If you choose not to provide your contact details we will work on your feedback however, we will be unable to keep you advised of any resulting outcomes.

CLIENT COMPLAINT - ADMINISTRATIVE USE ONLY

Complaint taken by.....

Staff Referred to.....**Date**.....

Action taken:

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SIGNATURE:.....

POSITION:.....

DATE:.....

FORMAL COMPLAINT CHECKLIST:

DATE COMPLAINT RECEIVED.....

ACKNOWLEDGEMENT SENT.....

RESOLUTION LETTER SENT.....

SAMPLE LETTER OF ACKNOWLEDGEMENT OF A COMPLAINT

DATE

NAME

ADDRESS

Dear.....,

I am writing to you about the complaint you made recently about the service provided by LCIS. Your complaint has been referred to me and I will work with you and the people involved to try to find a satisfactory solution for the concerns you have raised.

I can assure you that your complaint will be held in the strictest confidence.

I would like to thank you for bringing this matter to our attention and reassure you that Complaints are taken seriously. We believe feedback gives us the opportunity to improve our service both for the person making the complaint and for people who will use our service in the future.

If you have any questions regarding this letter or your complaint, please do not hesitate to contact me on ph: 8368 0174.

Yours sincerely,

Michael Pernar

CEO