

Complaints

AUTHORITY: CEO

RESPONSIBILITIES: All staff, Volunteers, Clients, Parents/Carers (for clients under 17)

SCOPE

This Policy applies to the approved provider, person in day-to day charge, educators, staff, students, volunteer, parents/guardians, children, and others attending the programs and activities of Laverton Community Integrated Services and all its business arms.

IMPORTANT NOTE ON COMPLAINT MATTERS RELATING TO CHILD SAFETY

It is a legal requirement in Victoria that any reasonable belief of physical or sexual abuse of children or young people must be reported.

If a complaint matter raises any reasonable belief of child physical or sexual abuse, the matter must be reported.

Reports must be made to Child Protection by phone. The West Division Intake should be called on 1300 360 462. The After-Hours Child Protection Emergency Services Can be contacted on 13 12 78.

For guidance on matters that may involve risk to the physical or psychological health and safety of children and young people

- Consult the LCIS Child Protection and Mandatory Reporting Policy
- Contact the LCIS Child Safety & Wellbeing officers, Michelle Bradley and Krystle Hills phone 9360 0964 or email managerlccc@lcis.org.au

However, if there is immediate risk to the child/young person, and if delaying the report until after consulting the policy and Child Safety and Wellbeing Officers would increase the risk to the child/young person, reporting should be undertaken immediately.

PURPOSE

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

The purpose of this policy is to inform that: -

- The organisation has an accessible complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff, and volunteers, approaches to dealing with different types of complaints, Child abuse, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- Effective complaint handling processes are understood by all users, children and young people, families, staff, and volunteers, and are culturally safe.
- Complaints are taken seriously and responded to promptly, thoroughly in a professional manner and confidentiality is maintained at all times.
- The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- Reporting, privacy and employment law obligations are met.

The policy will provide guidelines to all parties and ensure that they have a clear understanding of the steps involved in :-

- Making and receiving a complaint
- Procedure to be followed in investigating the complaint.

The Policy is available on the LCIS website for easy access and reference, at all times. 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.

Definitions

Complaint:

A complaint is an expression of dissatisfaction by, or on behalf of, an individual or group of individuals regarding service obtained, administrative practices or any other aspect of service; or an expression of dissatisfaction about staff or client / staff activity. Complaints may be received from anyone who comes in contact with Laverton Community Integrated Services including parents / guardians, children, volunteers, students, members of the local community and other agencies.

Complaints 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 Manager or CEO. In the event that the complaint relates to the conduct of the CEO, the complaint must be directed to the Board Chairperson. If the complaint relates to a Board Member, the complaint must be referred to a mutually agreed upon external mediator.

Nature of Complaints:

Clients may raise any matters of concern relating to delivery of services, training delivery and assessment, the quality of teaching, student amenities, discrimination, sexual harassment and other issues that may arise.

Mediator: A person (neutral party) who attempts to reconcile differences between disputants.

Mediation: An attempt to bring about a peaceful settlement or compromise between disputants through the objective intervention of a neutral party.

Complaint Resolution:

It is the objective of this policy that complaints will be resolved through discussion, negotiation, and mediation. Wherever 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 hours of receipt and will attempt to resolve any complaints fairly and equitably within 10 working days.

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 1300372888
- Youth Disability Advocacy - 0438 638 734
- Youth Support and Advocacy Service - 9415 8881
- Victoria Legal Aid Mental Health Advocacy Service - 1300 947 820
- Action on Disability within Ethnic Communities - 9480 7000

- Victorian Registration and Qualifications Authority - 9637 2806
- Fair Work Commission - 13 13 94

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.

Relevant legislation and standards include but are not limited to:

- Charter of Human Rights and Responsibilities Act 2006 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Information Privacy Act 2000 (Vic)
- National Quality Standard, Quality Area 7: Governance and Leadership
- Privacy Act 1988 (Cth)
- Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth)
- Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Privacy Regulations 2013 (Cth)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

Disclosure of your personal information

Your personal information may be disclosed to other agencies for the purpose of assisting with your complaint. These agencies include, but are not limited to:

- Australian Skills Quality Authority (ASQA)
- Victorian Registration and Qualifications Authority (VRQA)
- Department of Human Services
- State/Territory Training Authorities

Your personal information may also be disclosed to other parties where you have agreed, or where it is otherwise permitted under the Privacy Act. Your personal information is unlikely to be disclosed to overseas recipients.

If you do not provide your personal information, we are unable to refer your complaint to the relevant agencies.

Privacy Statement

Complainant personal information is protected by law, including under the Privacy Act 1988 (Privacy Act). Personal information collected through the LCIS Client Complaint Form (Attachment A) is used only for the purpose of resolving the complaint.

Eligibility to make a Complaint:

Anyone may make a complaint, and anyone can, with that person's permission, make a complaint on behalf of someone else.

Third Party Complaints:

Complaints by third parties acting in good faith should be accepted. 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.

Continuous Improvement and the complaints process:

In order to assess whether the values and purposes of the policy have been achieved, LCIS will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor complaints to assess whether satisfactory resolutions have been achieved
- review the effectiveness of the policy and procedures to ensure that all complaints have been dealt with in a fair and timely manner
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required

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.

Procedure:

INFORMAL COMPLAINTS:

REFER TO ATTACHMENT 1 – INFORMAL COMPLAINT PROCESS.

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. Where a solution is possible immediately, the staff member involved should 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 CEO or Board - see definitions Formal above.

If the complaint involves a child or a young person under 17, families/parents/carers will be informed about the complaints process and the outcome of the complaint.

Parents/guardians are responsible for:

- raising a complaint directly with the person involved, in an attempt to resolve the matter without recourse to the formal complaints and grievances procedures
- If the resolution is not achieved with the concerned person, communicating (preferably in writing) any concerns relating to the management or operation of the service as soon as is practicable

- raising any unresolved issues or serious concerns directly with LCIS or the relevant business arm
- co-operating with requests to meet with the Centre Manager and/or CEO and/or provide relevant information when requested in relation to complaints and grievances.

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.

Attachments:

INFORMAL COMPLAINTS

REFER TO ATTACHMENT 1 – INFORMAL COMPLAINTS PROCESS

FORMAL COMPLAINTS:

REFER TO ATTACHMENT 2 – FORMAL COMPLAINT PROCESS

APPEAL PROCESS:

REFER TO ATTACHMENT 3 – COMPLAINTS/APPEAL PROCESS

COMPLAINT FORM:

REFER TO ATTACHMENT 4 – COMPLAINT FORM

ACKNOWLEDGEMENT LETTER:

REFER TO ATTACHMENT 5 – FOR RECEIVING COMPLAINTS

EASY ACCESSIBLE COMPLAINT PROCEDURE

REFER TO ATTACHMENT 6 – FOR DISPLAYING AT ALL LCIS ARMS

Related Policies

- Privacy Policy
- Code of Conduct
- Child Safety Policy
- LCIS Governance Policy
- Record keeping Policy
- LCIS Child Protection Form
- Child Safety and Wellbeing
- Child Protection and Mandatory Reporting Policy

ATTACHMENT 1

INFORMAL COMPLAINTS PROCESS:

STEP 1: Relevant parties

Attempt to resolve the complaint immediately through discussion and negotiation. This should initially be between the parties concerned. e.g. student and teacher, counsellor and client, children or parents/guardians and Centre Manager. If you cannot speak to the person, contact a staff member from LCIS who will direct you to the right person. If the complaint involves a child or young person, parents /guardians have full rights to lodge a complaint on their behalf. The relevant Manager should be advised of details of the complaint and any resolution reached.

STEP 2: Relevant Manager

If the complaint cannot be resolved as above, the relevant Manager should attempt to resolve the situation informally. 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.

STEP 3: Formal Complaints to CEO

If the complaint is still unable to be resolved, the complainant must be supported to make a formal complaint using the Client Complaint Form to the CEO for investigation and resolution (go to Attachment 2: Formal Complaints Process, Step 3)

ATTACHMENT 2

FORMAL COMPLAINTS PROCESS:

STEP 1:

If the complainant wishes to formalise a complaint this must be in writing. Staff or support people may assist complainants to complete the Client Complaint Form. (**Attachment 4**). Complainants may also put their complaints in the form of a letter. The letter should be directed to the Manager of the relevant business arm

STEP 2:

The Manager must send a letter acknowledging receipt of the formal complaint within 2 working days, unless a letter of resolution is sent within 2 days. The Manager must take all reasonable steps to resolve the complaint. 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 and documented on the LCIS Client Complaints Register

STEP 3:

If the formal complaint cannot be resolved to the satisfaction of the complainant, it must be referred to the CEO for investigation and response. A letter of acknowledgement from the CEO must be sent to the complainant within 2 working days of receiving the complaint

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 4:

The CEO must take all reasonable steps to investigate and resolve the complaint to the satisfaction of all parties. These steps may include questioning of relevant parties, clarification and confirmation of details, discussion, negotiation and mediation with relevant parties.

STEP 5:

All written complaints should receive a written response within 10 working days of receipt of the original complaint. The response should 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. All complaints will be dealt with confidentiality as per the Privacy Act 1988 (Privacy Act)

STEP 6:

Details of formal complaints including outcomes are to be recorded. The Client Complaint Form (Attachment 4) are the appropriate means of recording these details. These forms are to be registered and kept in the Client Complaint Register which is securely stored.

STEP 7: Board Chairperson

If the complaint cannot be resolved by the CEO, the complainant must be referred to the Board Chairperson for investigation and resolution

STEP 8: External

If the complaint remains unresolved after these steps, the complainant should be advised of formal resolution processes and options external to LCIS such as:-

For Education Centre

- a. The State registering body (VRQA) Ph: 03 9637 2806
- b. The National Training Complaints Hotline Ph : 13 38 73

For Children's Centre

- a. Department of Human Services Ph: 1300 333 232

For Community Centre

- a. Dispute Settlement Centre of Victoria Ph: 1300 372 888
- b. Fairwork Ph: 13 13 94

For all other complaints in general: -

- c. The Ombudsman Victoria Ph: 1800 806 314
- d. Dispute Settlement Centre of Victoria Ph: 1300 372 888
- e. Fairwork Ph: 13 13 94

ATTACHMENT 3

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 will consider the appeal. The complainant and any advocate or support person of their choosing 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 Board may delegate the relevant Manager of the service area and/or the CEO to represent the Organisation. The complainant must be invited to bring in any support person or representative of their choosing.

The external mediator 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 if the issue itself cannot be fully resolved to the satisfaction of all participants.

ATTACHMENT 4
Client 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

Personal Details			
Do you wish to remain anonymous:		<input type="checkbox"/> Yes	<input type="checkbox"/> No
First name:		Last name:	
Address:		State:	
Telephone:		Mobile:	
Email:			
Did someone help you fill in this form? Y YES Y NO			
First name:		Last name:	
Address:		State:	
Telephone:		Mobile:	
Email:			
Compliant Information			
Name of center:			
Address of center:			
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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Privacy

LCIS is committed to protecting your privacy. We collect and handle personal information that you provide on this form for investigating and responding to your complaint and provide feedback.
 LCIS will only use your information in accordance with relevant privacy and other laws.
 If you choose to remain anonymous, LCIS may be unable to respond to your complaint, or provide feedback.

Declaration

I declare the information I have provided is true and correct

Signature:		Date:	
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LCIS ADMINISTRATIVE USE ONLY

Complaint taken by :

Referred to:

Date received :

Action taken:

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POSITION:

SIGNATURE:	DATE:
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FORMAL COMPLAINT CHECKLIST:

DATE COMPLAINT RECEIVED:
ACKNOWLEDGEMENT SENT :
RESOLUTION LETTER SENT:

ATTACHMENT 5

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.

We will strive to investigate and resolve your complaint within 10 business days. Within 10 business days we will write to you advising of the outcome of your complaint. Alternatively, if the complaint cannot be resolved within that timeframe, we will advise you within 10 working days of our progress and expected resolution date.

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

Yours sincerely,

<NAME>

<TITLE>

ATTACHMENT 6

AT LCIS WE WELCOME FEEDBACK AND COMPLAINTS

There may be times where our services do not meet your expectations. In these circumstances, we encourage you to let us know.

We are committed to learning from our experiences as it will help us to continually improve the services we deliver.

We have a structured approach to resolving complaints.

If you have a complaint about our service:

Step 1:

Discuss your complaint with concerned person or a staff member from the place where you are receiving the service.

Step 2:

If you are not satisfied, after you have spoken to the concerned person, contact the Centre Manager:

NAME:

PHONE:

EMAIL:

Step 3:

If you still need help, contact the CEO:

Michael Pernar Ph 8368 0174 or email pernam@lcis.org.au

Step 4:

If you still have concerns, you can contact an appropriate external body. However, we ask that you give us the opportunity to resolve your issue internally. If we cannot do this, we will provide you with contact details for external bodies that you can go to. .

For Education Centre

c. The State registering body (VRQA) Ph: 03 9637 2806

d. The National Training Complaints Hotline Ph : 13 38 73

For all other complaints in general: -

f. The Ombudsman Victoria Ph: 1800 806 314

g. Dispute Settlement Centre of Victoria Ph: 1300 372 888

h. Fairwork Ph: 13 13 94