

Complaints Management

[updated and approved by Board 23 September 2014]

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 organisation will provide a complaints and appeals management 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.
- complies with the National Association of Community Legal Centre's Risk Management Guidelines
- complies with the Advocacy Law Alliance Information Barrier 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;
- 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, staff and volunteers are given information about the complaints 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 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 feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements.

Procedures

Information for clients and stakeholders

The Service's complaints and appeals procedure will be documented for clients and stakeholders in Disability Advocacy Practice and CLC Legal 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 Advocacy Coordinator (AC) (for Disability Advocacy) or Principal Solicitor (PS) (for Mid North Coast Community Legal Centre). Unless in circumstances where it is deemed necessary by either the

Advocacy Coordinator or the Principal Solicitor that a complaint should escalate to an Executive Officer, CEO or the Board.

In this circumstance 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 CLSIS for future conflict checking purposes, as the Board and hence their staff i.e. the Principal Solicitor will be deemed to know that information under the law of agency (all staff are the agents of the Board and what the Board knows all their agents are deemed to know).

Making a complaint

- In the first instance a person making a complaint about DA or its staff should present this in writing or verbally to the Advocacy Coordinator. A person making a complaint about MNCCLC or its staff should present this in writing or verbally to the Principal Solicitor.
- If the complaint is not resolved at this 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 CLSIS (client databases) for the purpose of future conflict checks.

Procedure for complaints and appeals management

The person managing the complaint will be responsible for:

- *Processing the complaint or appeal:*
 - registering the complaint or appeal in complaints register
 - informing the complainant that their complaint has been received and providing them with information about the process and time frame
- *Investigating the complaint or appeal:*
 - examining the complaint within a reasonable timeframe of the complaint being received
 - investigating the complaint and deciding how to respond
 - informing the complainant by letter within a reasonable timeframe 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 within two weeks of being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

- *Resolving the complaint:*
 - making a decision or referring to the appropriate people for a decision within one week 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 can be taken, the reasons for this.
 - Informing the complainant of any options for further action if required
- *Reviewing the complaint:*

If the complainant is not satisfied with the investigation and proposed resolution of their complaint or appeal they can seek a further review of the matter by the President.

- *Referral to external procedure:*

If the complainant is still not satisfied with the outcome they can pursue the issue with the relevant program complaints handling body (NSW Ombudsman, Complaints Resolution and Referral Service (DANSW) or Legal Services Commissioner (MNCCLC)).

Complaints involving both programs

If DA receives a complaint that involves the CLC or if the CLC receives a complaint about DA, the complaint should go to the AC and PS 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 Advocacy Coordinator (for complaints about DA), the Principal Solicitor (for complaints about MNCCLC) and the CEO (for complaints escalated to the CEO, Executive Officers and/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
- Complainant response and any further action

The complaints register and files will be confidential and access will be restricted to the Advocacy Coordinator in the case of a complaint regarding DA 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 Advocacy Coordinator and Principal Solicitor will provide a de-identified summary of complaints and appeals to the CEO prior to each Board meeting.

A de-identified summary of complaints and appeals will also be reported by the CEO to the Board at each 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
- 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 President. 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 outside party.

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

If the matter remains unresolved, the President 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
- refer the matter to the process outlined in the Service's constitution.