

MontroseAccess

COMPLAINTS POLICY

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1. PURPOSE

The purpose of this policy is to provide a system to deal with all types of complaints, ranging from minor operational or administrative matters to more serious complaints concerning unfair, unjust or unreasonable behaviour.

2. SCOPE

This policy applies to all MontroseAccess staff members, clients, families and other stakeholders who wish to raise a complaint or concern.

3. RESPONSIBILITY

MontroseAccess management and supervisory staff are responsible for ensuring this policy is implemented and complied with.

4. REFERENCE

Australian Standard for Complaints Management (AS4269-1995).
Queensland Disability Standards

5. DEFINITIONS

Complaint:

According to the Australian Standard for Complaints Handling, a complaint is defined as: 'Any expression of dissatisfaction with a product or service offered or provided' (Australian Standard AS4269-1995). An expression of dissatisfaction can be made by a staff member, client, a family member, carer or an advocate or support person of a client or family member.

This policy refers to three main types of complaint, based on disputes, mismanagement and misconduct.

- **Disputes:** Differences relating to assessment decisions, effectiveness of policies and procedures, or grievances lodged by staff.
- **Mismanagement:** Unreasonable decisions, inconsistent application of policy and procedures, procedural unfairness, failure to provide rights, failure to consider relevant matters and negligence.
- **Misconduct:** Breach of the Code of Conduct.

Continuous Improvement Plan

A set of activities designed to bring gradual but continual improvement to processes through constant review.

Advocate/Support Person

A person providing support or representation for the complainant in making a complaint. This person is chosen by the complainant and may include a representative of an advocacy organisation.

6. RELATED DOCUMENTS

MontroseAccess Code of Conduct (QS547)
MontroseAccess Workplace Harassment and Discrimination Policy (QS553)
MontroseAccess Appeal Process Procedure (QS536)
Complaints Registration Form (ID7082)
Feedback and Suggestions Flow Chart (ID6091)

7. KEY PRINCIPLES FOR COMPLAINT HANDLING

The key principles under this Policy are as follows:

- MontroseAccess is committed to the efficient and fair resolution of complaints for both the complainant and the person complained about.
- Information on complaint management is made available to all stakeholders.
- Any complainant has the right to complain about any aspect of the organisation without fear of retribution.
- The right of an individual to access independent support to assist them in making a complaint.
- Complaints are treated confidentially.
- Provision of feedback to all stakeholders on the progress and outcome of the complaint.
- The right of stakeholders to appeal decisions.
- Data from complaints is to be used for continuous improvement purposes.

8. MAKING A COMPLAINT OR RAISING A CONCERN

Informal complaints or concerns

Complaints and concerns should be managed at the lowest possible level within the organisation. Many concerns or complaints can be resolved informally without the need for further action. By allowing both sides to clarify their positions, an informal complaint may be resolved by better understanding of the nature of the concern or complaint.

A direct approach to the person or group whose actions have given rise to the complaint may lead to resolution of the problem without further action. This approach may be by email, in writing, by telephone or face to face.

All avenues for resolving the issue informally should be explored prior to formalising the complaint. This may include raising the concern or complaint with another staff member within the organisation in order to assist the resolution of the issue.

However, if any party to the concern or complaint is not comfortable with a direct approach or is unsure how to or who to raise the concern with, the Complaints Officer should be contacted directly for advice and assistance.

Formal complaints

Formal complaints should be lodged if:

- An informal complaint has not been resolved;
- A complaint relates to potential unlawful behaviour;
- The complaint may result in disciplinary action; or
- The facts of the complaint are disputed.

Formal complaints must be made in writing to ensure that sufficient information is available to adequately manage the complaint. Formal

complaints will be acknowledged in writing within three working days of the complaint being received by the Complaints Officer.

Anonymous complaints

MontroseAccess will not act on anonymous complaints unless the information provided is convincing and the issues raised are significant.

Vexatious complaints

Complaints are deemed vexatious if they are intended to harass or annoy, cause detriment or be lodged for any other wrongful purpose.

The Complaints Officer will examine complaints to determine whether they are vexatious. Staff members who make vexatious complaints may be in breach of the organisations Code of Conduct.

9. CONFIDENTIALITY

The privacy of all parties to a complaint is maintained at all times. Persons dealing with a complaint must not divulge any information obtained during the complaints process.

All complaints whether informal or formal will be registered on the organisations Complaints Register with the actions to rectify any issues arising from the complaint being recorded on the Continuous Improvement Plan. However, the information placed on these documents will be de-identified.

It is important to record informal and formal complaints in order to track trends which may become an issue to the organisation and stakeholders in the future.

Reports associated with the investigation of formal complaints will be written by those staff members involved in the investigation and resolution of the complaint. These records will be kept on the organisations confidential central filing system. In some circumstances information may be required to be provided to external bodies due to:

- Workplace health and safety concerns,
- Allegations of criminal conduct, or
- Allegations of reportable conduct against children.

10. PROTECTION OF FAIRNESS

Procedural fairness will be applied to all parties involved in the complaint regardless of the type of complaint made. MontroseAccess is committed to protecting all parties to the complaint from retaliation, victimisation, adverse impacts or vexatious claims.

All parties to the complaint includes those who are the subject of the complaint who have been dismissed, witnesses, people who have provided information on the complaint, investigators of the complaint and those who make the final decision regarding the complaint.

Any person who believes they are victims of retaliation or fear they will be subject to retaliation should report their concerns to the Complaints Officer.

11. TIMETABLE

The timing for resolution of complaints is dependent on the nature and complexity of the complaint. Informal complaints can be dealt with quickly while other matters will take longer to resolve. The estimated timeline for complaints is outlined in the Feedback and Complaints Flowchart (ID6091). Complainants will be provided with estimated times for resolution based on these timelines.

12. REFERRAL AND INVESTIGATION

Complaints which cannot be dealt with immediately can be referred directly to the Complaints Officer. Complainants may also choose to address the complaint directly to the Complaints Officer rather than deal with the matter at a local level. Following referral an initial investigation will be undertaken. The results of the investigation will be considered by a suitably qualified person with the capacity to consider the issues and make recommendations. The outcome of the investigation will be provided to the complainant in writing.

13. MEDIATION AND RESOLUTION

MontroseAccess requires all parties associated with either informal or formal complaints to attempt resolution in good faith. In all cases complaints should be dealt with at the local level whenever possible. On occasions mediation may be required to resolve the complaint.

14. APPEALS

The outcome of a complaint can be appealed directly to the Chief Executive Officer who will review the investigation process and the recommendations made from that process. No further appeal will be entered into unless the matter involves potentially criminal activity. However, if the complaint relates to service provision complainants may choose to contact the Department of Communities - Disability Services for further consideration.

15. INVESTIGATION PROCESS

Accepting a Complaint

Complaints can be accepted by any staff member. In the first instance the staff members must listen to the concerns of the complainant. At this time the staff member should ascertain the complainant's expectation for the resolution of the complaint and attempt to resolve the complaint at the local level.

Though a complaint may be able to be resolved quickly it must still be lodged on the Complaints Register using the Complaints Registration Form. The complaint will then be placed on the Complaints Register and filed in the confidential central filing system.

In circumstances where a complaint from either a client or staff member cannot be resolved quickly to the satisfaction of all parties the complaint should be referred to the Complaints Officer. A report outlining the issue and actions taken to resolve the complaint should be provided to the Complaints Officer by the person initially receiving and dealing with the complaint. The Complaints Officer will acknowledge the receipt of the complaint in writing and forward a copy of the Complaints Policy to the complainant within three working days of receiving the complaint. At this time the Complaints Officer will also discuss options for a support person or advocate assisting the complainant in managing the complaint process. Support persons or advocates may include a staff member e.g. Social Worker or a representative of an outside advocacy organisation.

Investigation Process

For complaints requiring further investigation the Complaints Officer or delegated staff member will:

- Confirm the details of the complaint with the complainant,
- Identify the complainants desired outcomes;
- Provide a timeline for resolution of the complaint to the complainant;
- Outline the process for investigation and resolution with all parties to the complaint; and
- Instigate an investigation of the complaint.

The investigation will include:

- Collection of information about the complaint;
- Interview in confidence the respondent, witnesses and relevant stakeholders;
- Development of ideas for resolution in consultation with manager/supervisor.
- Discussion of the proposed resolution with the complainant and the respondent.
- Recording of the investigation process including information gathered record of interviews and discussions with supervisors/managers.

Resolution

If the proposed resolution is acceptable to all parties the Complaints Officer or delegated staff member will:

- Provide written confirmation of the resolution of the complaint to the complainant;
- Ensure all relevant written material is placed on the confidential central file;
- Prepare a written report for placement on the confidential central file; and
- Finalise the complaint in the Complaints Register.

If the proposed resolution is not acceptable to all parties the Complaints Officer or delegated staff member will;

- Advise the disaffected party of the Appeals Procedure; and/or
- Refer disaffected parties complaining about direct service provision to the Disability Services Complaints Management System at <http://www.disability.qld.gov.au/complaints/>