

Client and Other External Complaints and Disputes Procedure

Southern Youth and Family Services endeavours to provide quality services that respond in a timely way to the needs of clients. We endeavour to have skilled and appropriate staff and we endeavour to offer flexible services. However, this policy recognises that complaints and disputes may occur from time to time. Complaints must be resolved quickly, and where possible, informally and at the most immediate level.

This policy relates to both minor and serious complaints/disputes. Minor complaints will be dealt with at the staff and/or CEO or nominated delegate level. More serious complaints will be dealt with jointly by CEO and/or nominated delegates and the Board. If the complaint cannot be resolved external bodies may be required. The contact details of the relevant external bodies will be provided to those clients who require it, are advertised in each service and the client will be informed of these bodies on admission to the service.

This policy, when enacted, must also be consistent with the *Conflict, Grievance, Disputes and Complaints, Disciplinary Process for Staff Members* and *Resignation and Dismissal Policies*.

Ongoing evaluation and review, individual client evaluation and input information, individual interviews and client meetings may assist in ensuring complaints/disputes do not reach a level whereby a policy such as this one should be enacted. For this reason, this policy includes those on going and regular processes that are currently in place to ensure professional and appropriate service delivery.

Complaints may be received from clients, family members, staff, volunteers, community placement carers, students, Board members, neighbours, other agencies or departments and community members. Complaints may be about a policy or procedure as they pertain to a client or about the treatment of a client. Complaints on other matters unrelated to clients or specifically about staff, volunteers, Board, carers or other organisational matters will be handled through the *Conflict, Grievance, Disputes and Complaint Policy*.

1. Guiding principles

The following principles will guide the handling of client complaints:

- Services of Southern Youth and Family Services will encourage clients and others to voice complaints, concerns and suggestions for improved service delivery, and have a commitment to use complaints to improve service quality.
- Services of Southern Youth and Family Services will ensure clients are informed of the ways to make complaints, concerns and suggestions and they will be given access to information and resources to assist in this.
- Services will foster a culture and environment within which clients and others can confidently raise issues or complaints to any worker in a confidential interview at any time, without being victimised in any way.
- Staff will receive concerns, issues or complaints in a positive way and ensure the concern, issue or complaint is considered and dealt with and reported and recorded appropriately.
- Ensuring the immediate safety of the young person or adult client until the allegation is

investigated and resolved is paramount.

- The clients and others have the right to make a complaint and the staff member, volunteer, student, carer or the Board member has the right to be informed of the nature of the complaint.
- All complaint / dispute processes will be governed by objective assessment, support for all people involved and speedy resolution.
- Natural justice principles will be used in investigating complaints ie. hearing the account of all parties and allowing them to have an advocate present when being interviewed.
- Confidentiality will be a prime consideration during complaint processes for both the client and any staff members involved. When management is notified, any client's name will remain confidential. The names of staff members involved in any dispute are also to be protected as far as possible.
- All staff will be trained to understand the philosophy and principles of the complaints system.
- Where a complaint is received about legal and departmental requirements such as court orders, where they cannot be resolved by the Organisation, the Organisation will inform the client or others of their rights of appeal to other bodies.
- Any complaint which involves child abuse or other inappropriate actions by staff, clients, volunteers or carers will be notified to the relevant department, the Ombudsman, the Office of the Children's Guardian and other relevant external bodies.
- The results of any investigation into a complaint will be communicated to the complainant within an appropriate timeframe consistent with the level of the complaint.

2. Strategies to assist clients in raising complaints / notifying disputes

During admission and entry to program procedures, clients and others will be informed of their rights and responsibilities and processes in place for dealing with concerns or complaints.

Clients and others should be encouraged to use a range of forums and methods to raise complaints or concerns, including:

- Regular client/staff interviews.
- Resident/tenant meetings.
- Exit questionnaires.
- Suggestion boxes.
- Telephone calls or appointments.
- Surveys.

Clients and others will also be encouraged to approach any staff member or carer at any time to raise a dispute or complaint.

3. Dealing with concerns or complaints / disputes

a). Concerns

- If problems or issues that do not constitute complaints or disputes are raised in any forum or discussion, staff must refer such information to the Managers and/or CEO. The CEO or the nominated delegate will address such issues (in consultation with staff and management):
 - Where possible and appropriate, through implementing policies or strategies to improve the area of concern; or
 - Where it is not possible to implement policies or strategies due to cost, ensuring that funding submissions include a request to cover such costs; or
 - Where it is not appropriate to implement policies or strategies due to other reasons (eg duty of care), through referring the matter to the Board for consideration of alternatives.
- In situations where the issue or problem is considered serious, the CEO will raise the matter with the Board at the earliest opportunity.

b). Complaints and disputes

- The CEO or nominated delegate should be informed immediately of any dispute or complaint.
- The CEO or nominated delegate will determine whether a complaint should be dealt with as a 'minor' or 'serious' matter. The CEO may refer the matter to the Employment Sub Committee if uncertainty exists in this regard.

4. Procedure for dealing with minor complaints or disputes

In the event of a minor dispute between a client or another individual or agency and the Organisation (represented by staff, volunteers, carers or management) or a complaint being made, the following principles and procedures should be followed:

- The staff member can receive any complaint in writing or made verbally.
- The staff member who receives the complaint should note it in the register established for this purpose.
- The staff member can act to improve the situation after speaking to a senior staff member or having discussed it in the team.
- Where the concern or complaint is not resolved this must be referred to a senior staff member. The senior staff may consult with the CEO or the delegate.
- The CEO has the power to act in these matters to ensure the safety of all. The CEO has the power to investigate and take any actions necessary to bring the matter to resolution. This includes immediately standing down, with or without pay, from duty or change the work and establish limits of work for any staff member who has committed or is being investigated for breaches of policies and procedures or other serious actions.
- The CEO may seek the advice of management at any stage in dealing with a minor complaint / dispute.
- Clients will be encouraged to discuss the complaint with the relevant staff member, volunteer or carer if it is safe and appropriate to do so. If the client chooses not to speak to the staff member, volunteer or carer involved, they will be invited to speak to other staff members or the CEO or nominated delegate.
- If the client or others have chosen to speak to the staff member, volunteer, carer involved

initially but the problem is not resolved satisfactorily, the matter should be referred to the CEO or the nominated delegate.

- The client may have an advocate of his/her choice in any complaint process. If required, staff, volunteer or carer will assist the client to appoint an advocate.
- The CEO or nominated delegate will interview the staff member, volunteer or carer and client and gather information to enable assessment to be made about the nature of the complaint / dispute and to determine appropriate courses of action. Written statements may be requested and staff, volunteers and carers are required to comply with the request.
- The CEO or nominated delegate will negotiate with the client and staff member, volunteer or carer to achieve an agreeable resolution to the dispute / complaint.
- Any instances of minor complaints / disputes which reoccur or cannot be resolved at service level will be reported to the Board through the staff report. A Sub Committee of the Board will determine future action on the complaint / dispute.
- Where appropriate any complaint which involves child abuse or other inappropriate actions by staff, volunteers or carers will be notified to the relevant department, the Ombudsman, the Office of the Children's Guardian (client under eighteen years of age) and other relevant external bodies (all clients).

5. Procedure for dealing with serious complaints or disputes

A serious complaint may involve:

- Policy and procedure breaches.
- Ongoing poor work practices and performance.
- Recurrence of similar minor complaints/disputes.
- Minor complaints which have the potential to escalate.
- Breaches of ethical and professional conduct standards.
- Inappropriate behaviour or misconduct.
- Allegations of abuse of young people in care.

The CEO must follow the *Conflict, Grievance, Disputes and Complaints and Disciplinary Process for Staff Members* Policy in regard to any serious complaints or disputes. The policy *Reporting Allegations of Child Abuse, Inappropriate Behaviour or Misconduct by Employees to External Authorities* is also relevant. The following procedure will be followed in cases of other complaints or disputes or may be implemented at the same time as the above mentioned Policy.

a). Timeframe

- Ideally the process is not to take more than three weeks from the time the complaint is received by the CEO or the CEO's nominated delegate until resolution or completion.
- Any complaints, which are not able to be resolved promptly, must be reviewed regularly by the CEO.

b). Direct referral of complaints

- In the cases where criminal or child protection complaints are made, the CEO must be notified, and these must be immediately referred to the appropriate groups such as Police, relevant State department, the Ombudsman and the Office of the Children's Guardian (in the cases of clients under the age of eighteen years) or other external bodies (all clients). The Board will take relevant action according to appropriate Organisation policies.
- Where appropriate any complaint which involves other inappropriate actions by staff, volunteers or carers will be notified to the relevant State department, the Ombudsman, the Office of the Children's Guardian (clients under the age of eighteen years) and other relevant external bodies (all clients).
- In cases where complaints involve breaches of the Organisation's *Code of Ethics, Protection and Boundaries* and other relevant policies the CEO should refer the complaint, grievance, conflict or dispute directly to the process outlined in relevant policies.

c). Resolution at service level

- The CEO who has the power to act in these matters to ensure the safety of all. The CEO has the power to investigate and take any actions necessary to bring the matter to resolution. This includes to immediately stand down with or without pay from duty or change the work and establish limits of work for any staff member who has committed or is being investigated for breaches of policies and procedures or other serious actions.
- In the first instance, the client or other will be encouraged to discuss the complaint with the relevant staff member, volunteer or carer if it is safe and appropriate to do so. If the client chooses not to speak to the staff member involved, they will be invited to speak to other staff members or the CEO or nominate delegate.
- If the client or other has chosen to speak to the staff member, volunteer or carer involved initially but the problem is not resolved satisfactorily, the matter should be referred to the CEO or nominated delegate.
- The client may have an advocate of his/her choice in any complaint process. If required, staff will assist the client to appoint an advocate.
- The CEO or the CEO's nominated delegate will interview the staff member, volunteer or carer and the client or other and gather information to enable assessment to be made about the nature of the complaint / dispute, and to determine appropriate courses of action. Written statements may be requested and staff, volunteers and carers are required to comply with this request.
- The client or other and staff member, volunteer or carer will be asked to make written representations to the CEO or nominated delegate. If the client or other chooses not to do this:
 - The CEO or nominated delegate may present the client's or other case following discussions with the client or other to ascertain all details; or
 - The client may have an advocate make written representations for them. This written representation would be considered by the CEO and the CEO's nominated delegate.

- The CEO and the CEO's nominated delegate will consider the above information and will determine actions to resolve the matter. Negotiation with the client or other to achieve resolution may take place through a meeting or other actions. Action may consist of:
 - Discussion leading to resolution.
 - Discussion leading to the decision that no case exists.
 - Mediation.
 - Formal apology.
 - Disciplinary action as appropriate.
- CEO or the CEO's nominated delegate will negotiate with the client or other and staff member to achieve an agreeable resolution to the dispute / complaint. The CEO will refer any staff disciplinary issues to the process outlined in policies mentioned above.

d). Resolution at Board level

- The CEO should notify the Sub Committee of the Board within one week of the complaint being dealt with by the CEO and the CEO's nominated delegate and where it remains unresolved. Notification should be through a written report outlining the nature of the complaint, the CEO's assessment, the response written by the staff member involved and any other documentation that is deemed appropriate (for example, correspondence from the client).
- The complaint will be considered by a Disputes Sub Committee of the Board and will generally consist of CEO and/or other staff member, and one or two Board members. The size of the Disputes Sub Committee of the Board for the purposes of enacting this policy will be flexible but shall be as small as possible. For the purposes of this policy the CEO is delegated to select members and may do this through discussions with one or two other Board members. The Sub Committee will be selected with regard to:
 - The type of complaint / dispute and special expertise required.
 - The availability of Board and staff members.
 - Gender balance.
 - The balance between keeping the numbers low while ensuring the necessary expertise is available, and that a fair and objective assessment can be made.
 - The suggestions by the staff member involved.
- The Disputes Sub Committee will meet within five days or as soon as possible of management's receipt of the complaint/dispute information. The Sub Committee of the Board may:
 - Meet together (face to face, teleconference or by e-mail) with CEO to discuss the report.
 - Meet with the staff member involved. This meeting would be for the purpose of clarifying any information and affirming or revising any action already recommended.
 - Meet with the client or other. The client or other should be given the right to decline attendance or attend with an advocate. Should the client or other decline, the CEO or an advocate may present their case. Should the client or other attend, discussions should remain informal and should be non-adversarial.
 - If required, meet again without staff to further discuss the complaint and develop appropriate measures to resolve the complaint / dispute.
- If staff are to be interviewed and disciplinary action is a possibility they may have a support person present and the *Staff Disputes and Grievance and the Disciplinary Process for Staff Members* policy must be adhered to.

- The Disputes Sub Committee of the Board will determine action to resolve the dispute and will provide quick feedback (usually in the form of a verbal discussion or in writing) to all those involved. Action to be taken may consist of:
 - Discussion leading to resolution.
 - Discussion leading to the decision that no case exists.
 - Mediation.
 - Formal apology.
 - Disciplinary action as appropriate.
- The Disputes Sub Committee of the Board will ensure that the CEO and relevant staff are kept informed of developments in the process. The responsibility for general feedback to other staff lies with the CEO.

6. Follow-up

- Should a client or other be dissatisfied with the final decisions of the Disputes Sub Committee of the Board, the CEO will inform the client of further possible courses of action (for example, Community Legal Centre; Anti-discrimination Board; Disputes Resolution Services; Tenants Union).
- Following resolution of a complaint, staff will ensure that clients are comfortable accessing the service and are not intimidated or victimised in any way within the service. Any intimidation or victimisation will be dealt with immediately in accordance with Organisation policies.

7. Recording and assessing complaints

- a). The CEO or nominated delegate will:
 - Report on complaints and progress to management through the staff report to Board meetings or through verbal or other communication mode which protects confidentiality.
 - Maintain a record of complaints, including the nature of complaints; length of process; outcomes and any policy implications.
- b). Evaluation and input survey responses, other verbal responses and complaints data will be compiled, assessed and included in evaluations and annual reports where appropriate. Serious issues raised in the evaluation and input surveys or other verbal responses must be raised by the CEO to the Board.

Note: Southern Youth and Family Services are not accredited to provide foster care to children in statutory Out of Home Care. The placement of children and young people in statutory Out of Home Care in foster care placements ('community placements') is not permitted.