

## **COMPLAINTS POLICY**

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### **Policy**

Carers NSW recognises the important role of an effective complaint management process in providing high-quality person-centred services. Carers NSW acknowledges their accountability for decisions and actions, with the complaint management process designed to ensure responses to complaints occur in a timely and appropriate manner. The complaints management process plays an important role in identifying and resolving problems, enhancing service provision and providing information to improve business processes.

### **Definition**

Carers NSW defines a complaint as any expression of dissatisfaction, either written or verbal, made by or on behalf of an individual who is accessing Carers NSW services. This includes feedback provided by carers or other service users on the support provided, policy and/or advocacy work, education and training provided or about employees, Board members, volunteers, interns, students on placement or contractors including Brokered Counsellors.

### **Objectivity and Fairness**

Carers NSW is committed to responding to complaints objectively and fairly.

- All complaints are recorded in the *Complaints Register* and are objectively evaluated to ensure fairness and compliance with all relevant legislative requirements.
- The Complaints Advisor will act in an impartial and unbiased manner and if it is deemed that the Complaints Advisor has a personal interest or involvement, the complaint will be referred to the CEO.
- All complaints are managed with privacy and confidentiality.
- The lodgement of a complaint will not compromise the complainant's ability to access services provided by Carers NSW.

Carers NSW Complaints Policy has been developed in accordance with the principles outlined in *AS ISO10002:2014*, the *NSW Ombudsman Complaint Handling Toolkit for Community Services*, *National Disability Insurance Scheme Complaints Management and Resolution Rules 2018* and the *Aged Care Complaints Commissioner*. All of these sources provide the guidelines for formal and informal complaints resolution and provide information on external review for unresolved complaints.

Carers NSW maintains accreditation and quality service provision against the Quality Improvement Council Health and Community Care Standards and the NSW Disability Services Standards (DSS).

### **Our Commitment**

The Board of Directors, CEO and Management of Carers NSW are committed to:

- promoting and supporting an effective complaints process that is receptive to service user and service provider complaints that encourages and facilitates feedback
- ensuring a culture that respects people's right to complain about any aspect of the organisation's operations

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- developing and implementing strategies which provide opportunities for individuals to provide feedback through targeted questions, for example in evaluations, surveys and newsletters to inform complaints policy development and implementation
- providing a range of opportunities for input into how complaints handling policies and processes are developed and implemented at the local level
- providing feedback and reporting outcomes of complaints to carers and other service users, families and advocates
- ensuring that appropriate resources are allocated to manage the complaints process including adequate employee training
- determining and implementing remedies through the complaints management process
- documenting complaints and reporting on the operation of the complaints management process
- utilising information gathered through the complaints management process to review and improve internal business processes.

### **Complaints Management Process**

Carers NSW complaints management process is structured to ensure there is a fair and detailed consideration of complaints that will result in a satisfactory resolution for the complainant. It provides for internal review of the complaint as well as an external and independent review where necessary.

#### **1. Frontline Complaints Function**

Carers NSW empowers all employees to resolve less serious complaints at the outset quickly and efficiently.

##### ***Involves -***

- Complaint registration
- Attempted resolution of the complaint
- Referral of all higher-level complaints directly to the next stage.

#### **2. Internal Complaints Review**

An internal complaints review is undertaken by the designated Complaints Advisor to resolve complaints when a review of the frontline decision is requested, or the matter is unsuitable for frontline review.

##### ***Involves -***

- Coordinating the internal complaints resolution process
- Providing timely and consistent responses to the complainant
- Resolution of the complaint
- Feedback and reporting of the outcome to the carer, other service user, their family or advocate.

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### 3. Independent External Review

When a complaint remains unresolved after an internal review the complainant will be advised of their external review rights. Depending on the circumstances, service users can approach a number of external review organisations and tribunals. Carers NSW may also identify that a complaint should be referred to an external agency for review.

- Complainants can be referred to the following agencies:
  - ⇒ NSW Ombudsman - the independent and impartial overseer of community services in NSW **or**
  - ⇒ NDIS Quality & Safeguard Commission - for complaints about NDIS Service Provision **or**
  - ⇒ Aged Care Quality and Safety Commission - for complaints about Aged Care Services **or**
  - ⇒ Other appropriate external agencies for example legal services.
- Responding to enquiries from the Ombudsman or other agencies in a thorough, prompt and consistent manner, addressing all requests for information.

### Roles and Responsibilities

**Employees** - All Carers NSW employees are responsible for providing high quality services to people accessing services and to other service providers and play an integral role in the frontline complaints handling process. Employees will work with the Executive Manager, senior management team and program managers where appropriate, to find a satisfactory resolution to all complaints.

Employees have the authority to address less serious complaints quickly and efficiently as they are received. This would include complaints such as incorrect address, errors in records, lack of response to correspondence or telephone calls.

**Complaints Advisor** - is responsible for coordinating the internal complaints resolution process when a less serious complaint has not been satisfactorily resolved through the frontline complaints handling process or the complaint is of a more serious nature. The Complaints Advisor is responsible for providing feedback and reporting the outcome to the complainant, their families or advocates. The Complaints Advisor is also responsible for the maintenance and monitoring of the Complaints Management Record System.

**Managers and Team Leaders** - are involved in frontline complaints resolution as well as assisting the Complaints Advisor to investigate and resolve a complaint. Managers also play an important role in identifying and recommending improved business processes to enhance service provision for service users and service providers.

**Executive Manager** – is responsible in consultation with the CEO for the management and resolution of complaints of a serious nature.

**CEO** - is responsible for overseeing the appeals process. On receipt of a written appeal from the complainant, the CEO will investigate all aspects of the complaints handling process with the view to resolving the complaint satisfactorily. The CEO will advise the complainant in writing of any actions or decisions made.

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The CEO is also responsible for complaints resolution where it is identified the complaint is against the Complaints Advisor, or the Complaints Advisor is compromised in undertaking the complaints handling process.

### Complaints Procedure

The following procedure must be adhered to for every complaint received:

1. Request the complainant to complete the *Complaints Form*, which is to be made available to the complainant. The form can be accessed on the website at <https://www.carersnsw.org.au/complaints> Complaints Advisor receives copies of all complaints received via the website and these are entered onto the Complaints Register on Sharepoint directly by the Complaints Advisor.
2. If the complaint is received by telephone the employee will commence recording the complaint in the *Complaints Register*, ensuring all details are completed and data is updated to reflect the current status of the complaint. Once entered into the Complaints Register a notification is sent to the Complaints Advisor.
3. Assistance can be provided to complete the form, including the provision of a translating and interpreting service through the Translation and Interpreting Service (TIS) on 13 14 50, or the National Relay Service on 1300 555 727.
4. Advise the complainant of their right to access an advocate and that assistance can be provided to access advocacy services, if required.
5. Advise the complainant of their right to nominate the Carers NSW employee they wish to have as their contact regarding the complaint.
6. Review all written responses for consistency, accuracy and completeness.
7. Take the necessary steps to rectify the complaint, communicating and working with the appropriate Carers NSW employee to find a satisfactory solution.
8. Additional information may be sought from the complainant during the complaints resolution process.
9. Where applicable, notify the complainant in writing if the matter is resolved.
10. Update the *Complaints Register* to record the action that has been taken to resolve the complaint, any corrective action that is necessary to finalise the resolution of the complaint and to avoid further similar complaints.
11. Where, after initial assessment the complaint is found to be unsuitable for frontline review the complaint must be forwarded to the Complaints Advisor, or if of a serious nature to the Executive Manager or CEO for further investigation. The Complaints Advisor and/or Executive Manager are to utilise the *Complaints Investigation Template* to ensure a consistent and documented approach is taken to adequately resolve the complaint.
12. Where the complainant requests a review of the initial response, the complaint should be forwarded to the Complaints Advisor for further action.
13. The outcome of the complaint will be reported to the complainant, their family or advocate.

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14. The Complaints Advisor, Program Manager or Executive Manager will provide timely and consistent updates on the complaints resolution process to the complainant, the CEO and to Carers NSW employees who are involved.
15. Report the outcome of the complaint to Carers NSW Executive Management and any relevant employee making recommendations for system enhancements that may prevent a complaint of a similar nature in the future.
16. If the complainant requests a review of the complaints handling process or appeals the decision, the Complaints Advisor will advise the complainant to put in writing an appeal to the CEO of Carers NSW.

### **Note -**

- All complaints, including less serious complaints, need to be recorded in the *Complaints Register* by the person who received the complaint or the Complaints Advisor
- If the complaint is against the Complaints Advisor, the complainant must be referred directly to the CEO who will be responsible for undertaking the complaints handling procedure.
- If a complaint is regarding the CEO or Carers NSW Board of Directors the procedure outlined in the *Complaints and Grievance Resolution Board of Directors and CEO* should be followed
- If a complaint involves allegations of abuse and neglect, or criminal conduct, the complainant will be referred to the Police and/or the Department of Communities & Justice Child Protection Helpline at 13 21 11.
- If the complaint is of a legal or criminal nature, the Complaints Advisor will inform the CEO of the complaint. The CEO will then notify the President of the Board and the matter will be referred on to the appropriate authorities.
- All complaints are reviewed by the CEO and consideration given as to whether the complaint reaches the criminal or risk of significant harm threshold. If this is the case, such complaints will be referred to the NSW Police or to the Child Protection Helpline in line with the Preventing and Responding to Abuse of Vulnerable People Policy.
- Children and young people are given a Plain English Fact Sheet about how to make a complaint when they participate in our programs

In responding to complaints and concerns that are child focused, Carers NSW will refer to and seek guidance from the [Complaint Handling Guide: Upholding the rights of children and young people](#).

### **Response Timeframes and Communication**

Carers NSW is committed to making it easy to lodge a complaint and to responding quickly and courteously to complaints from carers and other service users and service providers.

- The *Complaints Register* is accessible to all Carers NSW employees where each complaint is recorded and monitored
- A copy of the *Complaints Policy* and the *Complaints Form* can be lodged electronically from the website

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- Information on all complaints lodged and the resolution process is stored in the *Complaint Register* and is accessible by the Complaints Advisor and CEO
- Assistance will be provided to people wishing to make a complaint, including access to a translating and/or interpreting service.

The following table outlines the response times for each type of complaint.

Nature of Complaint	Referred to	Initial Verbal Contact	Resolution
Lower level/less serious complaint	Frontline employee	Immediately	2 working days
Referred complaint from frontline employee	Complaints Advisor	Within 2 working days	10 working days
Higher level/more serious complaint	Complaints Advisor	Within 2 working days	10 working days
Complaint Appealed	CEO	Within 5 working days	15 working days
Unresolved Complaint	<ul style="list-style-type: none"> <li>• NSW Ombudsman for state funded programs</li> <li>• NDIS Quality &amp; Safeguard Commission for NDIS Service Provision</li> <li>• Aged Care Quality &amp; Safety Commission for aged care services</li> <li>• Other external authorities</li> </ul>		
Allegations of Abuse and Neglect, or Criminal Conduct	<ul style="list-style-type: none"> <li>• Police</li> <li>• Department of Communities &amp; Justice, Child Protection Helpline at 13 21 11</li> </ul>		

### Resources and Training

Employees are provided with training during the induction process to ensure awareness and support an effective complaints management process. The *Complaints Policy* is available to all employees on the Business Management System in SharePoint.

Carers NSW has a dedicated Complaints Advisor to manage the internal review process.

The *Complaints Register* records and tracks each complaint to ensure accuracy and quick response times and is also used as a reporting tool to analyse complaint trends and assess business practices.

### Business Improvement

Carers NSW regards the complaints management process as an important component of the review of business practices and is committed to learning and improving as a result of complaints. The effectiveness of the complaints process is monitored and reported to the CEO and Executive Management on a regular basis and the information is utilised to increase the effectiveness of overall business operations.



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### External Review

Carers NSW acknowledges that its decisions and actions in the complaints handling process can have a significant impact on individuals, with attempts to resolve all complaints in a fair and equitable manner. Carers NSW also recognises the right to appeal all decisions and undertake to advise complainants of their rights to review by an external independent agency. Contact details for the NSW Ombudsman, NDIS Quality & Safeguard Commission, Aged Care Commission or other external authorities are provided on request.

### Privacy and Confidentiality

The *Privacy and Confidentiality Policy* provides information on Carers NSW obligations, and privacy and confidentiality requirements expected when accessing, recording and retaining personal information, and the process for managing a data breach.

### Managing a Vexatious Complaint

In some cases where the above processes have been exhausted it may be necessary for the CEO and/or Board to determine whether a particular individual is making a vexatious complaint.

A vexatious complaint may be a false complaint, be frivolous, not made in good faith, or is behaviour that raises substantial health, safety, resource or equity issues for the parties to a complaint. It may be from an individual where there is evidence of a previous relationship with an employee, Board Director, CEO or volunteer and the complainant is using the process to abuse and psychologically injure that individual. In these situations, Carers NSW has an obligation to protect all employees and volunteers from harm.

In other circumstances, a vexatious complainant may have complained repeatedly about the same or slightly differing issues. Carers NSW may have fully completed the complaints resolution process only to receive further complaints. In this situation the CEO in their absolute discretion, will determine whether the investigation of the complaint was procedurally fair and consider if the complaint is vexatious. A second independent review of the complaints and processes will occur, with it determined whether further complaints received by this individual will be considered. Other factors considered when determining if a complainant is vexatious or the complaint is frivolous include:

- Does the complaint involve the persistent pursuit of a particular person, allegation or outcome, even though reasonable consideration has already been given to the matter?
- Does the complaint serve principally or in part to cause annoyance, disruption or harassment of a person or excessive use of Carers NSW resources?

The CEO will write to the individual who has been determined a vexatious complainant informing them of the initial decision and that a second investigation will occur, with the subsequent findings or resolution advised in writing.

### Breach of the Policy

A breach of this policy may be a breach of the *Code of Conduct* and may lead to disciplinary action or dismissal for employees, or cessation of contracts with Board members, volunteers, Brokered Counsellors, interns, students and contractors.

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### References and Related Documents

- Aged Care Quality and Safety Commission [www.agedcarequality.gov.au](http://www.agedcarequality.gov.au)
- Aged Care Quality and Safety Commission, Quality Standards [www.agedcarequality.gov.au/providers/standards](http://www.agedcarequality.gov.au/providers/standards)
- [AS ISO10002:2014](#) Standard: Customer Satisfaction, Guidelines for complaints handling in organisations
- Complaint and Grievance Resolution Board Directors/Chief Executive Officer
- [Complaints Form](#)
- Complaints Investigation Template
- Complaints Register
- Department of Communities & Justice [www.dcj.nsw.gov.au](http://www.dcj.nsw.gov.au)
- National Disability Insurance Scheme, Complaints Management and Resolution Rules 2018
- [NDIS Quality & Safeguard Commission](#)
- NSW Disability Service Standards [www.facs.nsw.gov.au/inclusion/disability/standards-in-action](http://www.facs.nsw.gov.au/inclusion/disability/standards-in-action)
- [NSW Ombudsman](#)

### Review

This policy is to be reviewed every two years, or as required.