



**Samaritans**

*Compassion Integrity Justice*

# COMPLAINTS POLICY

HR – POL / 00104

**Version Three**

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**Authorised by: *The Samaritans Board* (22/03/05)**

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## 1.0 Policy

Samaritans has a positive attitude towards complaints and feedback, as they are a key opportunity to develop the quality of our services. We encourage our staff, clients, families and others to make a complaint if dissatisfied. Samaritans will respond to complaints quickly, objectively and confidentially and will at all times work together with others towards fair and practical solutions. All complaints are important as they provide opportunities for learning and growth. As a key component in empowering our staff we will train them in complaints handling.

We will ensure that those who require it will be given assistance to formulate, lodge and work through the complaints process.

## 2.0 Purpose and Scope

The purpose of this document is to ensure that Samaritans have an open and transparent Complaints Policy, which is easy to understand, comprehensive and timely in application.

This policy and procedure applies to all staff, clients, visitors, families and all others who wish to provide feedback or make a complaint related to any aspect of Samaritans business.

This policy provides a planned framework for the resolution of complaints and grievances (Grievance Policy HR-POL/00109).

## 3.0 Definitions

**Samaritans** – Samaritans Foundation; Samaritans Community Services Hunter Mid North Coast Pty Limited; Samaritans Enhanced Living Options Central Coast Pty Limited; Samaritans Enhanced Living Options Hunter Mid North Coast Pty Limited; Samaritans Enhanced Living Options Newcastle/Lake Macquarie Pty Limited or any other organisation operating as part of Samaritans Foundation.

**CEO** – Chief Executive Officer

**Director** – Director, Client Services, Director, Corporate Services or Director, Finance.

**Manager** – any Manager as defined by Samaritans official organisational chart.

**Supervisor** – the person who directly manages or oversees the activities and performance of other employees.

**Staff** - all paid employees and volunteers who work for Samaritans.

**Client** - any person for which Samaritans provide a service.

**Complaint** – anytime that our staff, clients, visitors, families or others feel that Samaritans staff have not acted in an appropriate manner, or that Samaritans policies and procedures have not been implemented in a manner according with Samaritans stated philosophy and ethos. This includes appeals of a decision and staff grievances.

**Grievance** - a grievance is any condition of employment that the employee feels is unjust or unfair, or thinks should be brought to the attention of management. A grievance may be any act, omission, situation or decision that you think is unfair, discriminatory or unjustified. To assure prompt attention, grievances should be submitted within five (5) working days of the event, which has prompted the grievance.

**Investigator** - a person who examines the complaint and reports on the findings, as identified by the relevant Director.

## 4.0 Principles

**Easy to use and Consistent** – Samaritans policy will be user friendly and be applied consistently in all cases.

**Communication** – Those who lodge a complaint shall remain informed and up-to-date on the progress. For complaints that remain at an informal level the relevant Supervisor will be responsible for liaising with the complainant for the entirety of the complaints process. For formalised complaints the complainant shall receive confirmation of receipt of the complaint from the HR Manager within five working days. During the complaints handling process the complainant will remain informed of any delays in the progress of the complaint. Upon completion of a formal investigation process, the Director will advise the complainant of the outcome.

**Confidentiality** – only the people directly involved in the complaint as part of the nature of the complaint or in the resolution of the complaint will have access to the information about the complaint. Information will only be recorded on an employee's personnel file if they are disciplined as a necessary action in the resolution of the complaint.

**Equity** – Samaritans explicitly caters for groups with special needs and where reasonable will make every effort to ensure there are processes in place to cater for these groups. This may include and not be limited to alternative formatting of documents, the use of interpreters and the provision of advocates.

**Fair (Impartial)** – No-one will make assumptions or will take any action until all sides have had a chance to tell their story and all information has been considered.

**Free of unfair repercussions or victimisation** – management will take all necessary steps to ensure that people are not victimised for making legitimate complaints. Samaritans will however, discipline staff for breaching policies and standards, including making false complaints. All parties should be aware that S.47 of the Community Services (Complaints, Reviews and Monitoring) Act 1993 makes retribution a criminal act and details penalties applicable to people who engage in retribution.

**Important** – all complaints are treated seriously. No one will be made fun of or treated badly for making a complaint.

**Support** - All people have a right to support during the complaint process. This may be through another staff member, supervisor, external party, Human Resources or the Employee Assistance Program (EAP). EAP provides a confidential counselling service to assist employees and their families with work, personal and family concerns that they may experience.

**Timely** – Samaritans aim to address complaints as quickly as possible and, at least, within four weeks. Time limits have been set for different stages of the process.

**Opportunities** - the complaints handling process forms an integral part of and maximises opportunities for service improvement.

## 5.0 Procedure

**Note:** If staff have a grievance (i.e. a complaint about any condition of employment that they feel is unjust or unfair, or thinks should be brought to the attention of management) then staff should follow the Grievance Policy (HR-POL/00109). Samaritans supports the resolution of grievances amongst staff without fear that they will be discriminated against or suffer any loss because of an action by them of raising a legitimate grievance.

### Step One

A Complaint is made in writing to the Supervisor of the relevant service. The complaint should outline the circumstances, people involved and be dated and signed by the complainant. If the complaint relates to the Supervisor then the complaint should be forwarded to the next level, e.g. Area Coordinator/Team Leader/Manager.

### Step Two

The Supervisor should assess the complaint and make a decision if:

**A.** The complaint can be resolved at the local level, for example, a neighbour complaint, then the Supervisor should take immediate action to resolve the issue and on resolution complete the complaints register form and forward to the Human Resources Manager within five working days. If on commencing on dealing with the complaint it becomes clear that a local solution is not possible complete the complaints register form and forward to Human Resources Manager within two working days.

**OR**

**B.** If it is not appropriate to resolve the complaint at the local level then the Supervisor completes a complaints register form and forwards to the Human Resources Manager within two working days.

The Supervisor should advise the Human Resources Manager as soon as possible that he/she will receive a complaint either via telephone or email to expect receipt of a complaint register form.

### Step Three

The Human Resource Manager will log the complaint, assign an identification number and establish a confidential file and will forward confirmation of receipt in writing to the complainant within seven working days. If the complainant does not receive confirmation in writing within seven working days they should contact the Human Resources Manager to confirm receipt.

### Step Four

The Human Resources Manager will forward the complaint to the appropriate Manager/Director within one working day of sending receipt. Where the Manager/Director was the first person to receipt the complaint this step is not relevant.

### Step Five

The Manager/Director will decide on the appropriate person/s to investigate the complaint and establish a timeframe for completion. They will brief the investigator and agree on a comprehensive investigation plan.

## **Step Six**

The investigator will commence the investigation and determine the need for debriefing or referral to outside parties. The investigator will speak to complainant (if necessary an advocate can be arranged) to ensure the complaint is thoroughly understood and to explore possible resolutions, they will also speak to witnesses including the supervisor and any other relevant parties. The investigator will advise the complainant if there are delays throughout this process. The investigator will ensure that where staff are giving statements they sign the Confidentiality Form. (*Refer Attachment three*).

## **Step Seven**

The investigator will make a final report to the relevant Manager/Director within 21 days including a summary of the investigation and suggested recommendations. The recommendations could include, for example, changes to policy or procedures, training, mediation, no action necessary, apology, changed decision or disciplinary action.

## **Step Eight**

The Manager/Director, together with the Human Resources Manager if relevant, will make the final decision on action plans after consulting with any necessary parties and will advise the complainant of that outcome and implementation. This should be completed within 28 days of receipt of original complaint.

## **Step Nine**

Action plan and outcomes are implemented and monitored by the Director or Manager for the coming six months.

## **Step Ten**

The file is referred to Human Resources Manger for confidential storage.

## **Appeals**

If the complainant feels that the procedure set out has not been followed and/or that the outcome was unfair, they can appeal to the Director. If the grievance was against the Director then they can appeal directly to the CEO. In either case the Director or the CEO will review the way the complaint was handled.

If the complainant feels their complaint has not been properly dealt with by the organisation, they may wish to take it to an external agency to see if they can help; for example, the relevant State Commissioner for EEO, the NSW Anti-Discrimination Board, the Commonwealth Human Rights Commission. The complainant can do this at any time of the investigation procedure.

## **6.0 References**

Samaritans Grievance Policy HR-POL/00109

Samaritans Managing Performance HR-POL/00112

Community Services (Complaints, Reviews and Monitoring) Act 1993 Section 47

## 7.0 Person Responsible

**All Staff are responsible for** reporting and encouraging clients, visitors and families to provide feedback, register complaints and grievances.

**Supervisors are responsible for** working with staff, clients, visitors and families to resolve workplace issues and to report complaints, grievances and feedback to their Manager and Human Resources Manager within two working days upon receipt of a complaint.

**Managers are responsible for** working with supervisors and complainants to resolve issues and work towards preventing reoccurrences.

**The Human Resource Manager is responsible for** registering, receipting and referring the complaint and for maintaining confidential records and for overseeing the complaints system and process in its entirety.

**Directors are responsible for** ensuring that the investigation is conducted in a professional, timely and independent manner.

**Investigators are responsible for** undertaking a comprehensive, fair and timely investigation and providing a report of recommendations to the Director.

*All persons are responsible for observing confidentiality standards of Samaritans.*

## 8.0 Implementation and Evaluation

The implementation of this policy is immediate and will be supported by awareness training and publication. This policy should be evaluated annually.

## 9.0 Documentation

<b>Attachment 1</b>	Complaints Process /Flowchart
<b>Attachment 2</b>	Standard Form HR Register of Complaint
<b>Attachment 3</b>	Confidentiality Form

# COMPLAINTS POLICY

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## Attachment 1

### COMPLAINTS PROCESS FLOWCHART

Date Received: \_\_\_\_\_ By Whom: \_\_\_\_\_

Service: \_\_\_\_\_

#### Details of Person Making Complaint

Name: \_\_\_\_\_ Contact Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to Service: Neighbour  Client  Visitor  Staff   
Other  (*Please Specify*)

*Samaritans Service Outlet/Client/Staff Relevant To Complaint*

Details of Concerns \_\_\_\_\_

Discussions to Date: (*please include date and details*): \_\_\_\_\_

Agreed Actions: (*include timeframes and responsibilities*) \_\_\_\_\_

Outcome: (*include date*) \_\_\_\_\_

Suggestions for Improvement: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Date Sent to HR: \_\_\_\_\_ Date Received HR: \_\_\_\_\_

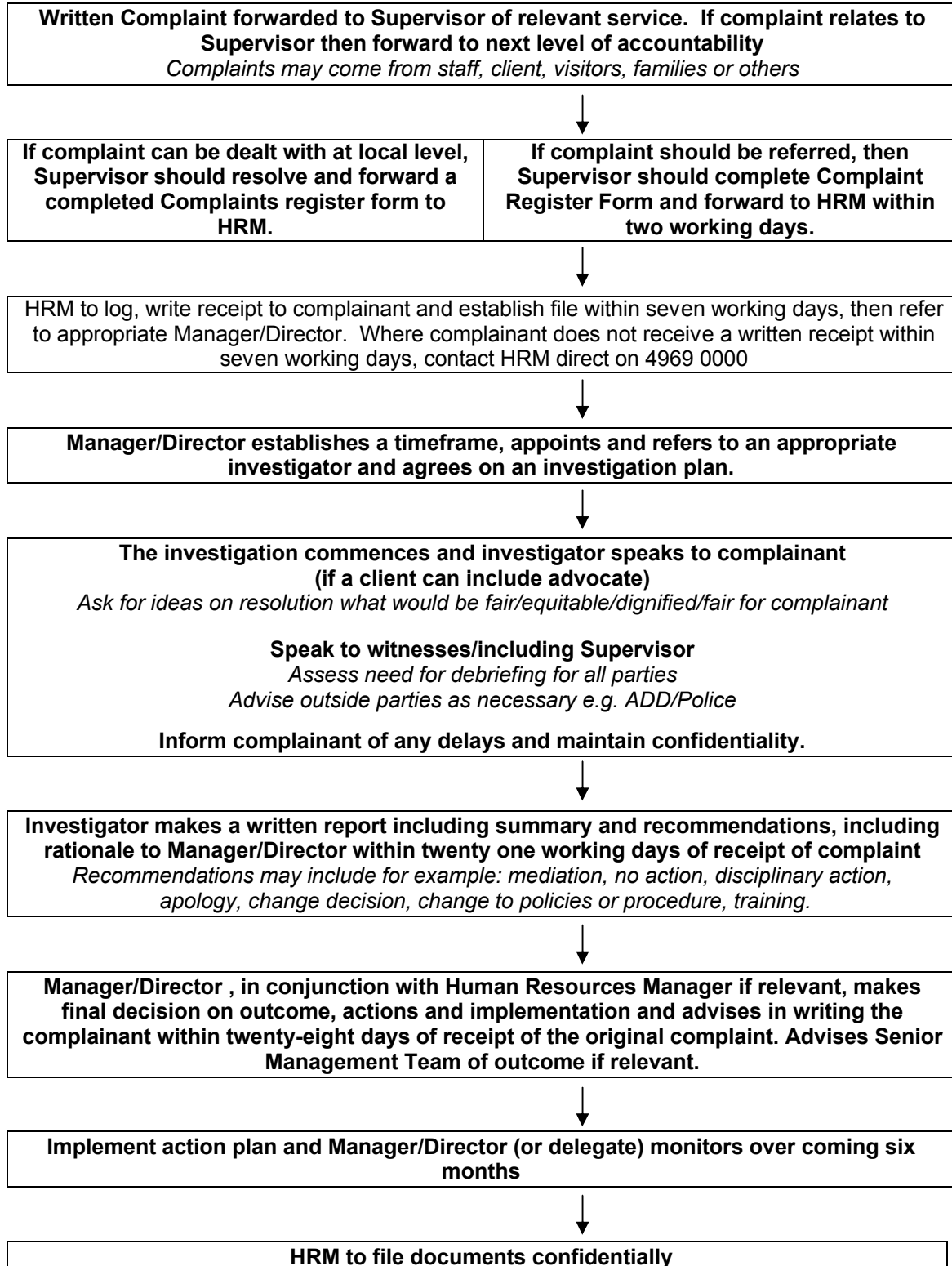
Log #: \_\_\_\_\_

Referred Yes / No Other: \_\_\_\_\_

# COMPLAINTS POLICY

## Attachment 1

### COMPLAINTS PROCESS FLOWCHART



# COMPLAINTS POLICY

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## Attachment 2



**To:**            **Manager/Director**  
**From:**        **Human Resources Manager**  
**Date:**  
**Subject:**     **Complaint -**

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Please find attached a copy of a complaint from \_\_\_\_\_ from our  
\_\_\_\_\_ service.

**Information Attached**

Letter of Concern \_\_\_\_\_  
From: \_\_\_\_\_  
Service: \_\_\_\_\_  
Dated: \_\_\_\_\_  
Received: \_\_\_\_\_  
Reference NO.: \_\_\_\_\_  
Summary of Concern \_\_\_\_\_

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Details of any action taken to date:

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Other Comments:

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Kind regards

Human Resources Manager

# COMPLAINTS POLICY

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## Attachment 2

### FILE DOCUMENTATION

REFERENCE	DOCUMENT	No. PAGES	DATED
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			

# COMPLAINTS POLICY

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## Attachment 2

### FILE NOTES

DATE	FILE NOTE

# COMPLAINTS POLICY

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## Attachment 2

### INVESTIGATION PLAN

\_\_\_\_\_ **Service**

**Investigator/s:**

**Timeframe:** To be completed by \_\_\_\_\_

**Allegations:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Objectives:**

\_\_\_\_\_  
\_\_\_\_\_  
**Information Required:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**People to be interviewed:**

## Attachment 3



<b>SAMARITANS FOUNDATION CONFIDENTIALITY AGREEMENT - INVESTIGATION</b>
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All information disclosed during the investigation process will remain private and confidential except for where information is provided to the HR Manager, Portfolio Manager, Director and/or CEO or as required by law or requested by the Privacy Commissioner.

As an employee of the Samaritans Foundation, I acknowledge that I will preserve the confidentiality of all organisational, staff and client information I encounter during the proceedings of this investigation. I will not divulge or release any confidential information to any other parties other than those appointed to the official investigation process. I understand that my failure to maintain these confidentiality principles may lead to possible disciplinary action.

.....  
(signature)

.....  
(Print Name)

.....  
(Date)