

STANDARD SEVEN: COMPLAINTS AND DISPUTES

Each person using a service is free to raise and have resolved any complaints or disputes he or she may have regarding the agency or the service.

Standard 7.1

COMPLAINT AND DISPUTE MANAGEMENT

7.1.1 Purpose and Scope

This policy guides Samaritans staff in effective management of complaints and disputes.

7.1.2 Definitions

Complaint: expressed dissatisfaction and a stated grievance concerning a matter.

Dispute: controversy and debate about a difference of opinion.

7.1.3 Principles

Samaritans recognises the right of people using their services and their family or significant others or those affected by the decisions of the service to make complaints if dissatisfied. No person making a complaint against a service should fear any form of reprisal, repercussion or victimisation. Similarly, any staff member making a complaint on behalf of a person should fear no form of retribution. Both the person and staff member's rights are protected under the Community Services (Complaints, Appeals and Monitoring) Act.

7.1.4 Policy

Samaritans maintains effective complaint management that aims to resolve dissatisfactions. Samaritans aims to improve processes, systems and skills as a result of the complaint. People receiving services from Samaritans are made aware of their right to complain about the service and their right to review and appeal. Further, the service fosters an environment that promptly and positively deals with complaints. Samaritans fosters an environment of accountability with sound systems and documentation to minimise the possibility of complaints and disputes. Samaritans staff investigating complaints and disputes undertake that responsibility with fairness and equity.

7.1.5 Procedures

- Samaritans undertakes to investigate and complete the complaint process in a timely and structured manner.
- Where a complaint is made Samaritans' management utilises the complaint to examine its current systems and make amendments to minimise the opportunity for the situation to arise in the future.
- People receive verbal and written advice from the Coordinator on decisions that affect them.
- People receive training and support to understand their right to make a complaint and the processes for handling them.
- People are advised by the Coordinator and key worker of their right of review or appeal against decisions made by Samaritans, which affect them.
- Samaritans management promotes an environment that responds positively to complaints and ensures objectivity when managing complaints.
- People making complaints are informed by the Coordinator and key worker of their right to have an advocate assist them through the process.
- Samaritans ensure that the lodgement, investigation and outcome of a complaint does not result in a reduction or withdrawal of a service.
- The complainant is kept informed at every stage of managing the complaint. If the complainant is external to the service, information is provided with respect to the confidentiality of the person concerned. The following is the complaints management procedure:
 - a) the complaint is identified by the complainant. The person might be encouraged to put the complaint in writing, with assistance, as necessary. The staff member receiving the complaint documents the complaint on a complaints register
 - b) if possible, the person and the staff member may be able to resolve the complaint at this level
 - c) if the complaint has not been resolved at this level it is to be referred to the Coordinator. The Coordinator acknowledges the receipt of the complaint to the complainant in writing within three working days
 - d) the referred complaint has full details about the complaint to aid in the development and documentation of a complaint investigation plan

- e) the complaint investigation plan may cover:
 - summary of the complainant's issues
 - identification of persons to be consulted or interviewed
 - documents or files to be reviewed
 - time line for completion
 - person responsible
- f) the Coordinator develops the investigation plan and consults with the Disability Services Manager of the complaint and plan to investigate
- g) the Disability Services Manager advises the Director Client Services of the complaint and the plan to investigate.

If it is determined that the complaint is to be investigated at the service delivery level:

- a) the Coordinator and Disability Services Manager determine which staff will be involved in investigating the complaint
 - b) following investigation a summary report with recommendations of any necessary actions is to be provided to the Disability Services Manager
 - c) an outcome to the complaint is provided to the complainant, in writing within four weeks
 - d) if resolution fails at the service level referral may be made to an independent mediator or the Community Services Commission
 - e) the Disability Services Manager conducts a review of the case to determine any further action necessary such as alterations to policies, procedures or practices.
- The Director Client Services is informed of the outcome of any formal complaint by the Disability Services Manager and approves the actions to be taken. The Director Client Services informs the CEO of all aspects of the situation.
 - Where a complaint has not been resolved to the satisfaction of all parties the Director Client Services advises the CEO within 24 hours.
 - Samaritans provides information to people using the service and significant others about external services available to assist them with their complaint. These include Intellectual Disability Rights Service (IDRS), advocacy organisations, Community Services Commission, Community Services Appeal Tribunal and Health Care Complaints Commission.
 - Samaritans management ensures the complaint management system is presented in alternative formats to ensure people with disabilities and people from non-English speaking backgrounds can access the information.

7.1.6 References

Community Services (Complaints, Appeals and Monitoring) Act 1993

NSW Disability Services Act 1993 Division 3 - Appeals

NSW Disability Services Standards - Standards 7 & 8

Samaritans Disability Services Policy and Standards -

Exit

Management of Abuse and Neglect

Samaritans Policy and Procedural Guidelines

Grievance Policy and Procedure

7.1.7 Person Responsible

It is the responsibility of staff members to:

- support people using the service to make complaints
- attempt to resolve complaints at the local level
- document complaints and refer them to the Coordinator.

It is the responsibility of the Coordinator to:

- record the complaint in the complaint register
- develop a complaint investigation plan in consultation with the Disability Services Manager
- advise the Disability Services Manager of the complaint
- provide information to the person or their family on external complaint systems.

It is the responsibility of the Disability Services Manager to:

- inform the Director Client Services about the complaint and the proposed investigation plan
- ensure that the Manager, Human Resources and Administration is made aware of the complaint and the investigative process.

7.1.8 Implementation and Evaluation

Sound systems are in place to minimise the possibility of a complaint.

Complaint management meets the time frame of twenty-eight days for an investigation.

7.1.9 Documentation

Complaints are documented in a complaint register. An action plan is developed. Correspondence relating to the complaint is filed in the person's file.