
Service User Complaint Resolution Policy and Procedure

People with Disability Australia



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1. Purpose

This policy and procedure has been developed to establish a clear framework for the resolution of complaints from service users and the public about any aspect of PWD's services and operations.

2. Coverage

This policy and procedure does not apply to staff (including volunteers) grievances and disputes or to grievances and disputes between members of the Association, or a member of the Association and the Board. Staff grievances and disputes are to be handled in accordance with the Staff Grievance and Dispute Resolution Policy and Procedure. Disputes between members, and between a member and the Board are to be dealt with in accordance with clause 53 of the Constitution of the Association.

3. Overarching Policy Commitment

People with Disability Australia will resolve complaints in an ethical, confidential, timely, transparent and fair way.

We will view complaints as a positive opportunity to improve the quality of our services and operations, and to strengthen relationships with our clients and with our community.

4. Definitions

“Complaint”

The term “complaint” refers to any expression of dissatisfaction, grievance, conflict or dispute about an act or omission for which PWD is either partially or wholly responsible.

5. Principles

- We will take complaints seriously.
- We will be accessible and responsive to complaints.
- We will act quickly to resolve complaints.
- We will resolve complaints in a transparent manner.
- We will resolve complaints in a way that is fair to each party involved.

- We will adopt a practical, problem-solving approach in our response to complaints.
- Wherever possible and appropriate, will seek to deal with complaints in an informal manner as close as possible to the source of the problem or concern. We will only escalate resolution efforts to a formal level where informal means have failed, or are inappropriate given the nature of the issue.
- We will respect the dignity of people who make complaints, as well as those who are required to respond to complaints.
- We will ensure that PWD does not treat a complainant detrimentally for making a complaint.
- Except as required by law, we will deal with complaints in a confidential manner.
- We will ensure that any complaint that raises issues of a criminal or child protection nature is immediately referred to the Police and/or other appropriate authorities for investigation.
- Where a complaint is associated with, or results in, trauma to a complainant or respondent, we may provide (or arrange the provision of) reasonable emotional and/or clinical support for the person.
- Where a complaint:
 - is complex, highly contentious, or involves multiple parties; or
 - involves key PWD personnel, and informal resolution efforts have failed or are inappropriate given the nature of the complaint

we may engage an external expert in complaint resolution to manage the complaint resolution process.

- We will welcome and facilitate the involvement of an advocate or support person for the person making a complaint or responding to a complaint.
- We will maintain accurate and confidential records of complaints.
- We will institute regular consultation with service users and other stakeholder groups to provide the opportunity for issues and concerns to be raised in a positive environment in an effort to prevent them escalating to the level of complaints.

5. Application of Principles

5.1 When should a complaint be made?

- It is often quicker and more effective to talk about a problem with the person concerned, before making a complaint.
- However, sometimes talking directly to the person will not be appropriate – perhaps the complainant fears he or she will react in anger, or the matter raises a criminal or child protection concern. Also, sometimes raising a problem directly doesn't resolve the problem. In situations such as this it is appropriate to lodge a complaint.

5.2 To whom can a complaint be made?

- A complaint can be lodged with any staff member or director of the Board of PWD. However, it is preferable that a complaint is lodged with the Executive Director. If a complaint is not lodged with the Executive Director the person receiving the complaint will refer it to the Executive Director to deal with.
- If the complaint involves the Executive Director and the complainant does not have confidence that the Executive Director will deal with matter in a fair way, it may be lodged with a Deputy Director or the President of the Board of Directors. If the complaint is lodged with a Deputy Director, he or she will immediately refer the matter to the President to deal with.

5.3 How can a complaint be made?

- A complaint may be made either orally or in writing.
- Where a complaint is made orally, it is the responsibility of the officer receiving the complaint to document it.
- The person making the complaint is to confirm the written record of the complaint by signing the document.

5.4 Is there a time limit within which a complaint must be made?

- Complaints should be made as soon as possible after the issue becomes apparent. It is much easier to resolve complaints while the issues, and evidence, are still fresh.
- We will not deal with complaints more than 6 months after the issue has ceased unless there is an exceptional reason why we should do so. We will consider

requests to deal with 'old' complaints on their merits, on a case-by-case basis, and give reasons why we will, or will not, deal with them.

- Note that complaints that raise criminal, child protection or civil law issues are governed by legislated limitation periods, not by this policy and procedure.

5.5 What should the complaint include?

- There are no requirements about what a complaint should include.
- However, to assist in the resolution of the matter, complainants are strongly encouraged to include the following:
 - A short outline of the complaint.
 - A short outline of the evidence that supports any claims made in the complaint.
 - An outline of the outcome sought as a result of the complaint.
- A Complaint Form has been developed for this purpose (see Attachment 1).

5.6 Is it possible to lodge complaints anonymously?

- We will receive anonymous complaints, and do our best to resolve them.
- However, it is difficult to deal these matters because:
 - Where the complaint relates to an individual, it may be difficult to determine if the complaint is genuine or malicious.
 - It is very difficult to accord procedural fairness (natural justice) to the respondent(s) to an anonymous complaint, and this will limit any investigation of the complaint and any findings that can be made.
 - It is difficult to give the complainant feedback about how the matter has been dealt with, or the outcome.

5.7 Who will find out about my complaint?

- Complaints are dealt with in strict confidence. We will only tell those people who need to know about the complaint in order to resolve it. This will include the Executive Director, the relevant Deputy Director and Manager, the respondent to the complaint, and anyone else who needs to contribute information to assist in the

investigation of the complaint. In some circumstances, complaints may need to be discussed by PWD's Board of Directors.

- In some cases the law requires that we tell other people or agencies about a complaint. For example, if the complaint raises allegations of a criminal nature we must tell the NSW Police Service. If a complaint relates to a child protection issue, we must inform the NSW Department of Community Services. It is also possible that a Court will subpoena a complaint file.

5.8 Who is responsible for handling a complaint?

- After a complaint is received, the Executive Director or PWD's Board (if the matter involves the Executive Director) will appoint a "Complaint Resolution Officer" to handle the complaint.
- The term "Complaint Resolution Officer" refers to a competent person, who is independent of the parties and circumstances to a complaint, appointed by the Executive Director or PWD's Board to undertake the complaint resolution process.
- The Complaint Resolution Officer may be the Executive Director.

5.9 What skills does the Complaint Resolution Officer have?

- The Complaint Resolution Officer will be a person:
 - Fully briefed in, and committed to, this policy and procedure;
 - Skilled in dispute resolution techniques; and
 - Independent of the parties to the complaint, and the subject matter of the complaint.
- PWD will provide or arrange initial training and ongoing education in dispute resolution and complaint investigation techniques for persons to be appointed Complaint Resolution Officers.

5.10 What is the difference between informal and formal resolution?

- Informal complaint resolution involves the parties to the complaint working together to develop their own solution to the problem. If necessary, the Complaint Resolution Officer plays a facilitation or guidance role.
- Formal complaint resolution involves the Complaint Resolution Officer investigating the complaint and determining the outcome, whether or not the parties agree.

5.11 What kinds of complaints will never be dealt with informally?

- We will not deal informally with any complaint that includes claims of violence or abuse, or where there is a significant power imbalance between the complainant and the respondent. Such complaints will be dealt with formally.

5.12 What if a complaint includes allegations of a criminal or child protection nature?

- Complaints that raise allegations of criminal conduct or risk of harm to children will be referred to the Police and child protection authorities to deal with.
- The Executive Director, or if the matter involves the Executive Director, PWD's Board, will liaise with Police and child protection authorities to determine if any internal investigation of these matters should also occur, and if so, when this should occur.

5.13 How will the outcomes of a complaint resolution process be carried out?

- Where the outcome of a complaint resolution process requires actions to be taken, we will ensure that these actions are documented in a 'Complaint Resolution Action Plan.'
- The Complaint Resolution Action Plan will set out the action to be taken, the name of the person responsible for the action, and the timeframe within which the action is to be completed.
- The Executive Director, or if the matter involves the Executive Director, the PWD Board will monitor the Complaint Resolution Action Plan to ensure that all actions arising from complaints are completed.
- A Complaint Resolution Action Plan Form has been developed for this purpose (see Attachment 2).

5.14 What happens if the complaint raises broader issues?

- Sometimes a complaint will highlight broader issues that need to be addressed beyond what it will take to resolve the complaint. For example, the complaint might highlight a policy gap, or a problem in our administrative systems or processes.

- To ensure that we use complaints as a way of continuously improving our work, we will specifically look for and learn from any broader issues highlighted in complaints.
- The Complaint Resolution Officer will identify any broader issues in his or her report to the Executive Director or PWD Board finalising the complaint. It is then the responsibility of the Executive Director or PWD Board to ensure that these broader issues are addressed.

5.15 What if a party disagrees with the outcome the complaint resolution process?

- A party to a formal complaint handling process can seek a review of the outcome of the complaint resolution process by making a request to the Executive Director, or if the matter involves the Executive Director, to PWD's Board.
- The Executive Director or PWD Board shall review the process and outcome of the complaint resolution process, and for good reason, may amend the decision or set it aside. The Executive Director or PWD Board may substitute a correct or preferable decision in place of the outcome of the complaint resolution process. The Executive Director or PWD Board may also direct that further investigation of the matter take place, and direct the scope and procedure for this investigation.
- The decision of the Executive Director or PWD Board on review shall be final.

5.16. How will service users find out about this policy and procedure?

- We will develop an easy-English brochure describing this policy and procedure and ensure that a constant supply is available in all PWD venues. This brochure will be provided to PWD service users as part of the intake process. The brochure will tell interested people that they can obtain a free copy of the full policy and procedure from PWD's Office.
- This easy-English brochure and a full copy of the policy and procedure will also be posted on PWD's Website.
- Both the easy-English information, and this policy and procedure will be made available in accessible formats including Braille, Large Print, RTF in electronic text, and on audio-tape.
- The easy-English information about this policy will be translated into community languages, and referral information provided about translation and interpretation services that can assist complainants to communicate with PWD in their preferred language.

- We will also include a module about this policy and procedure in the induction and orientation program for all new PWD officers, staff, and volunteers.

5.17 How are records are kept of complaints?

- The Executive Director will maintain a General Register of Complaints, and individual complaint files relating to each complaint.
- The register will assign each complaint a unique identification number. This number will comprise two parts – the first part will be a sequential number, and the second part will be the year in which the complaint was lodged. For example, if the seventeenth complaint lodged is lodged in 2005, the unique identifier will be 17/05.
- The register will set out:
 - the date on which the complaint was received;
 - the name of the complainant and respondent to the complaint;
 - the name of the Complaint Resolution Officer assigned to resolve the complaint;
 - the method used to resolve the complaint;
 - the date on which the complaint was finalised; and
 - the outcome of the complaint (ie withdrawn, resolved informally, substantiated, substantiated in part, not substantiated)
- All documents relating to a complaint shall be filed in a single complaint file. Each file and each document in the file is to be marked with the complaint's unique identification number. The documents are to be filed in date order – in order of receipt. The Complaint Resolution Officer's Report and any Complaint Resolution Action Plan developed to resolve the complaint are to be filed at the front of this file.
- The General Register of Complaints and individual complaints files are to be maintained in strictly confidential and secure storage for a period of 7 years, after which all the records of the complaint are to be destroyed by confidential means.

5.18 What supports are available for people who make complaints?

- If a complainant speaks English as a second language, PWD will arrange appropriate interpreter and translation services to assist the person throughout the dispute resolution process.
- If a complainant is Deaf, PWD will arrange for the availability of appropriate sign-language interpreter services throughout the dispute resolution process.

- If the complainant wants an advocate or support person to assist them through the complaint resolution process, and they do not have access to this support, PWD will use its best endeavours to arrange this support from an independent source.

6. Procedures

The preceding Policy Principles and Applications of Principles are to be applied at all stages in the Complaint Resolution Procedures set out following.

Stage 1: Intake and Assessment

Step	Timeframe	Procedure	Responsibility
Step 1	Within 7 days	A letter is to be written to the complainant acknowledging receipt of the complaint.	Executive Director*
Step 2	Within 7 days	The complaint is to be entered on the PWD Register of Complaints, and a Complaint Record completed.	Executive Director
Step 3	Within 7 days	An initial assessment of the complaint is to be made to: <ul style="list-style-type: none"> • Determine if it raises criminal or child protection issues that ought to be referred to the Police or other appropriate authority. • If an informal complaint resolution approach is an option given the nature of the complaint. • If the complainant requires emotional or clinical support to deal with any trauma that arises from the circumstances of the complaint. • If there are elements to the complaint which require external expert complaint resolution skills. • If the complainant requires interpreter or translation services. • If the complainant requires an advocate or support person. 	Executive Director
Step 4	Within 7 days	A complaint resolution officer is to be appointed to deal with the complaint.	Executive Director
Step 5	Within 7 days	The respondent(s) to the complaint are to be notified in writing: <ul style="list-style-type: none"> • that a complaint has been received. • of the allegations, and the evidence, if any, put forward by the complainant in support of the allegations. • Of the name of the complaint resolution officer who will handle the complaint. 	Executive Director

Step 6	Within 14 days	The complainant and the respondents to the complaint are to be contacted to determine if they are willing to engage in an informal complaint resolution process, or if a formal process is required.	Complaint Resolution Officer
		A decision is to be taken about whether the complaint will be dealt with by informal or formal means.	The Executive Director in consultation with the Complaint Resolution Officer.

* Note that if the complaint involves the Executive Director, and the aggrieved person does not believe the Executive Director will deal with the matter fairly, the complaint will be referred to the President of PWD's Board of Directors to deal with in accordance with this policy procedure.

Stage 2A: Complaint Resolution – Informal Resolution Process

Option 1

Step	Timeframe	Procedure	Responsibility
Step 1	Within 21 days	<p>The complainant and respondent are to meet together for a structured discussion facilitated by the Complaint Resolution Officer.</p> <p>The complainant is invited to explain his or her complaint to the respondent, and what it would take to resolve the complaint, uninterrupted.</p> <p>The respondent is invited to reply to the complaint, and the proposal to resolve the complaint, uninterrupted.</p> <p>A facilitated discussion follows until the parties agree on how the matter is to be resolved.</p> <p>An action plan is to be developed if required.</p>	Complaint Resolution Officer
Step 2	Within 21 days	<p>If the parties cannot agree on how the matter is to be resolved within a reasonable period:</p> <ul style="list-style-type: none"> • The complainant is to be asked if he or she wants to proceed further with the complaint. • If so, each party is to be asked if he or she wishes to proceed with informal efforts to resolve the matter, or now wants to proceed with a formal approach to resolution of the matter. 	Complaint Resolution Officer

		<p>If the decision is to proceed with informal resolution efforts a further meeting is to be convened to discuss the outstanding issues.</p> <p>Each party is to be asked to develop a genuine proposal for resolving the complaint for presentation at the reconvened meeting.</p>	
Step 3	Within 28 days	<p>A second meeting is convened for the purpose of discussing the complainant's and respondent's complaint resolution proposals. Step 1 is repeated, but is focused on the following:</p> <p>The complaint resolution officer attempts:</p> <ul style="list-style-type: none"> • To identify areas of common ground, and to obtain the parties agreement on these matters. • To identify areas of difference and to progressively narrow these differences through discussion, or by proposing constructive alternatives. <p>If at the end of this second meeting there is no reasonable prospect of settling the matter, informal complaint resolution efforts are to be terminated.</p> <p>If the complainant wishes to proceed with the complaint, the matter is referred back to the Executive Director for formal complaint resolution.</p>	Complaint Resolution Officer
Step 4	Within 7 days of the resolution of the complaint or termination of the complaint resolution process	<p>A report to the Executive Director on the outcome of the complaint resolution process is to be developed, which outlines:</p> <ul style="list-style-type: none"> • The method used to resolve the complaint; • The outcome of the complaint resolution process • The action plan agreed between the parties, if any • Any further action required • Any systemic or other issues raised by the complaint that ought to be addressed 	Complaint Resolution Officer

Option 2

Step	Timeframe	Procedure	Responsibility
Step 1	Within 21 days	The respondent is requested to reply to the complaint either orally or in writing. If the response is oral, it is to be documented, and then signed by the respondent.	Complaint Resolution Officer
Step 2	Within 28 days	The respondent's reply is to be provided to the complainant. The complainant is to be asked if they	Complaint Resolution Officer

		<p>consider the matter resolved on the basis of the respondent's reply.</p> <p>If not, the complainant is to be asked:</p> <ul style="list-style-type: none"> • Why they consider the respondent's reply inadequate. This response may be given orally or in writing. If the response is made orally, it is to be documented and signed by the complainant. • If he or she wants any further action taken • If so, if he or she wishes to proceed with informal efforts to resolve the matter, or now wants to proceed with a formal approach to resolution of the matter. 	
Step 3	Within 35 days	<p>The respondent is then to be advised of the complainant's response to their reply and asked:</p> <ul style="list-style-type: none"> • (If relevant), if they would like to make any further reply. If so, the respondent is to be asked to make this reply either orally or in writing. If the further reply is made orally, it is to be documented, and signed by the respondent. • If he or she wishes to proceed with informal efforts to resolve the matter, or now want the matter to be dealt with formally. 	Complaint Resolution Officer
Step 4	Within 42 days	<p>The respondent's further reply to the complaint is to be provided to the complainant. The complainant is to be asked if they consider the matter resolved on the basis of the respondent's further reply.</p> <p>If not, either:</p> <ul style="list-style-type: none"> • Repeat steps 2 and 3 until the matter is resolved if there remains a reasonable prospect of resolving the complaint; or, • If there is no reasonable prospect of resolving the matter, terminate informal resolution efforts, and proceed to formal complaint resolution methods. 	Complaint Resolution Officer
Step 2 A; 3A; 4A		An action plan may be developed to resolve the complaint, if required.	Complaint Resolution Officer
Step 5	Within 7 days of the resolution of the complaint or termination of the complaint resolution process	<p>A report to the Executive Director on the outcome of the complaint resolution process is to be developed, which outlines:</p> <ul style="list-style-type: none"> • The method used to resolve the complaint; • The outcome of the complaint resolution process; • The action plan agreed between the parties, if any • Any further action required; • Any systemic or other issues raised by the complaint that ought to be addressed 	Complaint Resolution Officer

Stage 2B: Complaint Resolution – Formal Resolution Process

Step	Timeframe	Procedure	Responsibility
Step 1	Within 21 days	<p>The Complaint Resolution Officer is to meet with the complainant and finalise a written list of allegations on which the complaint is based, and to document any evidence the complainant is able to offer in support of these allegations.</p> <p>The complainant is to sign these allegations to certify their accuracy.</p> <p>The Complaint Resolution Officer is also to establish from the complainant the outcomes he or she seeks as a result of raising the complaint.</p>	Complaint Resolution Officer
Step 2	Within 28 days	<p>The Complaint Resolution Officer will then develop a complaint investigation plan setting out how he or she will handle the complaint.</p> <p>The complaint investigation plan is to provide for:</p> <ul style="list-style-type: none"> • A rigorous and transparent investigation of the matters raised in the complaint. • Identify all relevant sources of evidence to be examined. • Accord procedural fairness to the parties to the complaint. <p>The Complaint Resolution Officer is to refer the complaint investigation plan to the Executive Director for approval prior to the plan being implemented.</p>	Complaint Resolution Officer and Executive Director
Step 3	Within 35 days	<p>The Complaint Resolution Officer is to refer the complaint allegations, along with an outline of any evidence on which they are based to the respondent requesting a reply in writing.</p> <p>The Complaint Resolution Officer may meet with the respondent to obtain an oral response to the complaint. However, any oral response must be immediately documented and signed by the respondent.</p>	Complaint Resolution Officer
Step 4	Within 42 days	<p>The Complaint Resolution Officer may then seek any further information from the complainant and respondent, or any other person, that will assist him or her to come to a determination about the complaint.</p> <p>The Complaint Resolution Officer will also review any</p>	Complaint Resolution Officer

		<p>relevant documentary evidence, including any PWD policy and procedure that may be relevant to the issues raised in the complaint.</p> <p>If any new issues or evidence emerges in the course of these inquiries, the complainant and respondent are to be notified of this information, and invited to make any submissions they think fit.</p>	
Step 5	Within 49 days	<p>The Complaint Resolution Officer will then determine that the complaint is:</p> <ul style="list-style-type: none"> • Substantiated • Substantiated in part • Not substantiated <p>And provide written reasons for this decision to the complainant and the respondent.</p> <p>If a party to the complaint is aggrieved by the outcome of a complaint resolution process, he or she is to be advised of the internal review process. This information is to be included in the letter to the parties to the complaint advising of the outcome of the review of the complaint resolution process.</p>	Complaint Resolution Officer
Step 6	Within 56 days	<p>A report to the Executive Director on the outcome of the complaint resolution process is to be developed, which outlines:</p> <ul style="list-style-type: none"> • The method used to resolve the complaint; • The outcome of the complaint resolution process; • An action plan to address the outcomes of complaint investigation, if required; • Any systemic or other issues raised by the complaint that ought to be addressed. 	Complaint Resolution Officer

Stage 3 Internal Review of findings of a formal complaint resolution process

Step	Timeframe	Procedure	Responsibility
Step 1	Within 28 days	<p>A party seeking a review of the outcome of a formal complaint resolution process must apply to the Executive Director, or if the matter involves the Executive Director, to the PWD Board, in writing. The document requesting the review is to set out in detail:</p> <ul style="list-style-type: none"> • The reasons why the complaint resolution outcome is defective, and • Any evidence that supports these claims. <p>If the person is unable to document their request for</p>	Executive Director or PWD Board

		<p>review, the Executive Director or PWD Board may appoint a PWD officer to do so on their behalf. The document requesting the review is then to be signed by the person seeking the review.</p>	
Step 2	Within 28 days	<p>The Executive Director or PWD Board nominee(s) will then review the process and outcome of the complaint resolution process to determine:</p> <ul style="list-style-type: none"> • If the process has been fair and reasonable to each of the parties; • If the evidence supports the findings made; • If any recommendations for action are reasonably based on the findings of the complaint resolution process. <p>The Executive Director or PWD Board nominee(s) may determine that the outcome of the complaint resolution process is:</p> <ul style="list-style-type: none"> • Upheld • Upheld in part • Not upheld. <p>The Executive Director or PWD Board nominees must provide for this decision.</p> <p>The Executive Director or PWD Board may:</p> <ul style="list-style-type: none"> • Amend the outcome of the complaint resolution process • Direct that further investigation of the complaint takes place, and determine the scope and procedure for any further investigation, or • Substitute a correct or preferable decision. <p>The Executive Director or PWD Board's decision on the review shall be final.</p>	Executive Director or PWD Board
Step 3	Within 7 days	<p>The parties to the complaint are to be advised in writing of the outcome of the review of the complaint resolution process, and of the reasons for the decisions reach by the Executive Director or PWD Board.</p> <p>If a party to the complaint remains aggrieved by the outcome of a complaint resolution process following a review by the Executive Director or PWD Board, he or she is to be advised of external complaint agencies that may be able to assist them, if there are any. This information is to be included in the letter to the parties to the complaint advising of the outcome of the review of the complaint resolution process.</p>	Executive Director or PWD Board

Attachment 1: Complaint Form

Name:

Address:

Other Contact Information:

Home 'phone no.: Work 'phone no.:

Mobile 'phone no.: TTY phone no.:

Email: Facsimile no.:

Please tell us about your complaint (add more pages if required)

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Tell us if you have any information, such as documents or a witness, that might help us investigate your complaint? If possible, attach copies of any documents.

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Tell us what you think should happen to resolve your complaint?

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Your signature:

Date:

Attachment 2: Complaint Resolution Action Plan Form

Complaint Number:

Intake Date: **Date Finalised:**

Name of Complainant:

Name of Complaint Resolution Officer:

Action Plan

Action Required	Who Responsible	Completion Date
(add rows as required)		

Authorised by:
Executive Director/President

Date: