Complaint handling toolkit for community service organisations

Policy | Procedure | Brochures
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Message from the Ombudsman

All organisations, particularly those providing a community service, should view complaints as a positive. They provide an opportunity to learn, to develop the way your organisation operates, and hopefully improve the level of service provided to the community.

This toolkit is designed to provide initial guidance on what policies need to be in place, as well as some of the best methods of implementing those policies. These are only the first steps, and if you or your organisation would like additional assistance, please do not hesitate to contact our office.

For many, making a complaint can be particularly daunting. Putting in place effective and appropriate policies and procedures and ensuring they are followed will remove some of the difficulties encountered by those wanting to come forward with a complaint.

Remember, handling complaints can and should be a positive experience which benefits both your organisation and the members of the community to whom you are providing a service.

Bruce Barbour
NSW Ombudsman
Getting the most out of these guidelines

This information kit was developed to assist community service organisations in developing and improving their systems for handling complaints from service users.

There are some essential elements that should always be included in a Complaints Management system while also considering the role, structure and needs of the individual agency.

The information provided in this guide is aligned with the requirements of the Community Services (Complaints Reviews and Monitoring) Act 1993, (CS-CRAMA) and the Australian Standard for customer satisfaction – Guidelines for complaints handling in organisations (AS ISO 10002–2006).

This kit specifically covers information relating to a broad range of consumer complaints.

Please note that allegations against staff of a child protection nature should be covered by a separate policy and procedure within your service. Employment related child protection fact sheets are available from our office and at www.ombo.nsw.gov.au.

What is CS-CRAMA?

CS-CRAMA requires community services to develop good complaint handling systems and deal with complaints fairly, objectively and as quickly as possible. The Act requires community service organisations to comply with the following principles:

• foster an atmosphere in which complaints and independent monitoring are viewed positively

• encourage the resolution of complaints at a local level through alternative dispute resolution (ADR)

• provide independent and accessible mechanisms for resolving complaints and reviewing complaints procedures

• encourage compliance with the principles and provisions of other community welfare legislation and standards eg. the Disability Standards, the Out of Home Care Standards.
A most important principle underlying the legislation is that ‘the paramount consideration in providing a service for a person must be the best interests of the person’.

CS-CRAMA also says:

• A person receiving a service (or eligible to receive one) is to:
  – receive an adequate explanation of it
  – be heard in relation to it, and
  – may question decisions or actions that affect them.

• A service provider is to respect the legal and human rights of consumers.

• A service provider is to provide information about the service that enables the consumer to make an appropriate decision.

• A complaint about providing a service is to be dealt with even if it is made by someone else on behalf of the client.

Complaints policy and procedure – What is the difference?

A policy includes statements about the commitment of the agency to handling complaints fairly and resolving them quickly. It usually includes statements about the importance of complaints to an agency and how complaints can be used to improve services and systems.

A procedure provides guidance for staff and managers on the steps to be taken in implementing a policy.

The important questions to answer in developing your complaint handling systems are:

• Does it incorporate all the important principles required by CS-CRAMA and other relevant legislation, standards and funding/service agreements?

• Is it easy for everyone to understand, including service users with special needs?

• Is it effective and efficient and does it ensure fairness in complaint handling?

• Can complaints information be analysed, reported and used in making systemic service improvements?
• Are there outcome measures that make it possible for complaint handling performance to be reviewed and continuously improved?

The importance of service culture
An effective complaint handling system requires a service culture that respects and values the views of the service’s consumers, staff and other key stakeholders. Policy needs to be translated into practice so complaints are welcomed and resolved and relationships strengthened and services improved.

Senior managers should promote the policy, demonstrate commitment and ensure that the complaint handling system is reviewed on a regular basis.

More information about complaints handling and the training available in this area can be found on our website at www.ombo.nsw.gov.au
The complaint handling policy

Key elements of a complaints policy

Commitment

Make a strong statement about the commitment of the service to the efficient and fair resolution of complaints. Complaints are to be encouraged and seen by everyone in the organisation as an opportunity to improve services.

A definition

A commonly used definition of a complaint is, ‘any expression of dissatisfaction, either written or verbal, made by or on behalf of a service user’. A verbal complaint should be treated just as seriously as a written complaint. If the definition is not clear some complaints may be seen as ‘feedback’ and not recorded.

An explanation of the types of complaints that can be dealt with under the policy. These might include complaints about the quality of service, the failure to provide a service, the conduct of staff or managers, or the administration of a service.

Reasons for the policy

Complaints are important. They provide valuable feedback that should be used to improve services and systems. The service is accountable and wants to ensure that the services provided are of the highest standard possible.

Who can complain?

The Community Services (Complaints Review and Monitoring) Act 1993 (CS-CRAMA) enables any person with a genuine interest to complain, including a service receiver, relative, friend or a service provider.

How can consumers complain?

Complaints should be accepted in person, in writing, by email, by fax and in any format that suits the needs of service receivers.
The three tiered complaint handling system

1. Frontline complaint handling – Staff should have clear delegations to resolve simple complaints as quickly as possible and to take remedial action to address issues.

2. Serious complaints should be referred to a manager or more senior staff member. They will decide who will handle the complaint and how it will be handled, including by alternative dispute resolution (ADR) or investigation. The manager also reviews complaints not resolved in the first stage within a specified time frame.

3. If the complaint is still not resolved it is referred to the senior manager or executive officer and/or an external body such as the NSW Ombudsman.

All complaints, at each level, should be recorded.

Avenues of review

Complainants have a right to approach a more senior person in the organisation for review of their complaint. They may also approach an external agency, such as the NSW Ombudsman or the funding body, at any stage if they are not satisfied with the complaint process or outcome.

Communication requirements

Explain what service users can expect when a complaint is made. Importantly, they should be told who is handling the complaint and provided with time lines for actions and progress reports. Written complaints will be acknowledged in writing and reasons for decisions made by services will be provided in writing on request (Part 7, Section 45, CS-CRAMA).

Fairness and equity requirements

Include a commitment that complaints will be handled equitably, objectively and in an unbiased manner.

Protection from retribution

Service users are often concerned about possible consequences if they make a complaint. Make a statement that complainants will not lose services or be disadvantaged in any way because they
have complained and this is something the agency takes very seriously. State that CS-CRAMA (Section 47) provides for penalties where there is retribution as a result of making a complaint.

**Privacy and confidentiality**

Make it clear that confidentiality will be respected and information about complaints will only be shared on a need-to-know basis, both within the agency and externally.

**Provision of assistance**

Include information about the kinds of assistance that can be provided. For example: meetings at a convenient location, assistance to put a complaint in writing, interpreters, or referrals to advocacy services. Complainants should also be offered the opportunity to have a support person such as a friend, a family member or someone from another agency.

**Staff training**

Staff should be given training in the policy and access to skill based training relevant to complaint handling eg. conflict resolution. Training should be ongoing.

**Tips:**

- Use plain language and keep it simple.
- A separate procedures document should detail how staff handle complaints.
- Staff grievances and allegations of a child protection nature against staff under child protection legislation should be handled under a separate policy.
- Involve staff and, where appropriate, service users in the development and review of the policy.
- The policy should be accessible to services users, advocates and staff.
The three tiered system of complaint handling

Tier 1
Frontline complaint handling – Quick resolution of complaints

Tier 2
• Alternate dispute resolution of serious or complex complaints
• Investigation
• Internal Review

Tier 3
External review
Procedure
The complaint handling procedure for staff and managers

Reasons for the procedure
Explain the commitment of your service to the complaint handling system and outline the reasons for the procedures. Reference the Complaint Handling Policy and reiterate the service’s commitment to view complaints positively and the objectives of the Community Services (Complaints Reviews and Monitoring) Act 1993 (CS-CRAMA) – see Introduction.

Some of the following issues could be mentioned:

- the written policy and procedures help to ensure consistency and fairness in complaint handling
- the procedure identifies the roles and responsibilities of staff at each stage of the complaint handling process
- the service’s legal obligations, including provision of reasons for decisions and protection from retribution as a result of complaining.

Access to support and supervision for staff and managers
Provide information to staff about the support and supervision available to assist their complaint handling.

Essential elements in the complaint handling procedure

Visibility and access
Allocate responsibility for:

- development and distribution of brochures and display of posters. Consider providing brochures and an explanation of the complaints policy to all new service users
- reviewing and updating written materials and information on the service website
• making sure that the resources available are relevant to the needs of the service’s consumers, including complaint brochures, DVDs, posters and information on the website.

Delegations
Provide guidance about handling different types of complaints and specify what action and decisions can be made by staff who operate at different levels in the service. Simple complaints can be resolved by staff and serious complaints should be reported to the manager immediately.

The latter might include complaints about the safety of a service user or staff member, an allegation of misconduct or criminal behaviour or a complaint that could damage the reputation of the service.

Communication
Allocate responsibility for:
• acknowledging complaints and informing the complainant about the name and contact details of the person managing their complaint
• meeting with the complainant to discuss the complaint and their preferred complaint outcome and to attempt to resolve it quickly and, if not possible, to refer the complaint to the relevant manger for action
• providing the complainant with regular progress reports on the service’s complaint action
• providing advice about the complaint outcome and the reasons for any decisions
• follow up with complainants to ensure that they are satisfied with outcomes.

The complaint handling process
Provide information about the operation of the complaint handling system using the three tiered system:

1. Frontline complaint handling.
2. Serious complaints should be referred to a manager or more senior staff member.
3. If the complaint is still not resolved it may be referred to the senior manager or the NSW Ombudsman, the funding body or other relevant body.
Timeframes
Include timeframes for complaint action. For example, ‘If the complaint is not resolved by a front line staff member it will be referred to the manager within (insert the relevant timeframe)’. Specific time frames enable a service to evaluate performance by monitoring the handling of individual complaints.

Services could monitor:
• acknowledgement of the receipt of the complaint
• the time taken to resolve a complaint or investigate a serious complaint
• the responsiveness to the complainant and information about a complaint’s progress
• the outcome of complaints.

Support for complainants
All complainants should be offered support and any practical assistance required to make their complaints. This could be assistance with preparing written documents when service users have problems with literacy. Consideration should be given to the special needs of children and young people, the elderly and people with a disability.

Provide staff with a list of local resources, including specialist advocacy services, interpreters, translation services and legal aid services.

Recording complaints
• Oral complaints should be recorded and treated just as seriously as written complaints.
• Complaints should be recorded in a secure, central location so that they are available for review by senior managers.
• Develop a complaint recording form to make the process simpler.
• Develop a complaints register so that progress can be tracked.
Protection from retribution

Retribution can take many forms and it can be subtle. Include a statement about the agency stance on retribution. Refer to the provisions of Section 47, CS-CRAMA, about protection from retribution and the penalties that may apply.

Confidentiality

- Information about complaints should only be available to people on a need-to-know basis. Confidentiality requirements apply within the service and externally. You should research your specific confidentiality obligations under State and Federal Privacy law and other relevant legislation.
- Complaints should not be recorded in telephone log books or in other shared locations. This can be a breach of confidentiality for staff as well as the complainant.
- Include a requirement that identifying information is removed when individual complaints are reported at board meetings or in reports.

Service improvement

Senior managers should regularly review complaints to identify and rectify any systemic or recurring service issue.

Monitoring effectiveness

The complaint handling system should include performance criteria including time frames, communication requirements, outcomes, complainant satisfaction and reporting requirements:

- allocate responsibility for reviewing complaints against these criteria and reporting to senior management or management committees about outcomes
- allocate responsibility for completing a regular review of the complaint handling system
- consider including a report about complaint handling performance in the annual report.
Tips:

- Try not to react by becoming defensive or reactive.
- Listen to the complainant and give them the opportunity to explain the issues and express feelings. People appreciate the opportunity to be heard.
- Do not offer solutions before the complainant has had an opportunity to finish what they have to say and explain what they want. Use active listening techniques.
- Service users are often vulnerable and they may need support and encouragement to speak out.
- Offer the opportunity to have an advocate or support person present at meetings.
- Find out what outcome the service user would like at the beginning of the process. This can lead to faster resolution and better management of expectations. The complainant may want an apology, a specific action or simply to have their views heard and acknowledged.
- Consider if there is any aspect of the complaint that warrants an apology earlier rather than later. A sincere and timely apology can effectively de-escalate a situation.
Brochures
Complaint handling toolkit for community service organisations

Complaint brochures for consumers

Consumer complaint brochures should provide clear, easy to read information tailored to meet the needs of your service. It incorporates the key principles of your complaint handling policy and tells consumers how to make a complaint.

This guide should be read in conjunction with ‘Developing Complaint Handling Policies’ and ‘Developing Complaint Handling Procedures for Staff and Managers’. These fact sheets can all be obtained by contacting the NSW Ombudsman’s office, or downloading from the website.

In developing this guide we have incorporated key requirements of the Community Services (Complaints Reviews and Monitoring) Act 1993 (CS-CRAMA). We have also consulted the Australian Standards on Customer satisfaction – Guidelines for complaint handling in organisations (AS ISO 1002).

Commitment to receiving complaints and handling them fairly

Here are some suggestions about statements you may want to include:

• Our service welcomes all feedback from clients, including complaints.

• We want to know about what we are doing well and what we need to improve.

• Complaints can help us to provide a better service for you and also for other families. Your views are very important to us.

• Please let us know if you are not happy about any part of our service. We want to provide good services. We can learn from mistakes if you tell us about them.

• Complaints can give us information about what we need to do when we are thinking about changing our services or when we plan new services.

• We will handle your complaint fairly and as quickly as possible.
• You will not be disadvantaged in any way because you have made a complaint and you will not lose access to services. You have a right to complain and this is something we take very seriously.

Telling consumers how to make a complaint and what will happen

Information for service users could include statements such as:

• You can make the complaint yourself or family members, friends or someone else can make the complaint on your behalf.

• Some complaints can be sorted out very quickly but others take more time. We will let you know what we are doing about your complaint and how long it will take. We will give you the name and contact number for the person who is managing your complaint.

• Complaints can be made about anything you are not happy with, including – services you did not receive, services that were not helpful, safety issues, or concerns about the behaviour of our staff or managers. (Include contact information for all types of complaints, for example if they want to make a complaint that concerns the manager they can contact a committee member or senior manager).

• Complaints do not have to be made in writing. They can be made in person, on the phone, by email, fax or in a letter. You should try talking to your worker first. Sometimes this may not be suitable and you can go to the manager or a committee member. If the complaint is about the manager or a committee member you can complain to the funding body or the NSW Ombudsman.

• You can get help from a staff member or the manager to make a complaint. Let us know what you need. We can help you find an interpreter, advocate or a support person. We can help with paper work or writing letters.
• Official Community Visitors may be able to help you resolve your concerns. Official Community Visitors visit young people and people with a disability who live in full-time residential care to monitor the care that is provided. Official Community Visitors can be contacted via the service or the Ombudsman’s office.

Provide information about consumer rights
Suggested statements include:
• We will keep information confidential as far as possible and will only discuss the complaint with people who need to know about it. Some serious complaints might have to be discussed with another service, for example the police or another government organisation.
• You can have an advocate to manage the complaint for you and speak on your behalf. If you do not know anyone suitable, we can help you find someone that you are comfortable with.
• You can also have a support person and this can be a friend, a family member or someone from another service. They can attend meetings with you.
• If you are not happy with the way your complaint is being handled you can go to a senior manager or to the funding body or the NSW Ombudsman at any time. (Include contact details). We can help you contact the right person.
• You can ask to have the reasons for any decisions that are made to be explained to you or your advocate in person and in writing.
• If you are not happy with the outcome of your complaint you can ask for the decision to be reviewed by senior managers or the committee.
Provide all contact details

The brochure should include contact details for the service, the manager and the committee or senior manager. Consider providing email addresses when possible.

Contact details should also be provided for the NSW Ombudsman and the funding body.

In some cases consumers may be entitled to ask for the Administrative Review Tribunal to review decisions. If this is relevant to your service you should include information about how to proceed.
Contact us for more information

Level 24, 580 George Street
Sydney NSW 2000

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

Our business hours are:
Monday to Friday, 9am–5pm
(Inquiries section closes at 4pm)

Telephone Interpreter Service (TIS): 131 450
We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.

General inquiries: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au

This brochure is available on audio.

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