

## **COMPLAINTS MANAGEMENT POLICY**

### **1. Introduction**

#### **1.1 Purpose:**

This policy is intended to ensure that HRA handles complaints fairly, efficiently and effectively. Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way;
- boost public confidence in HRA and its processes; and
- provide information that can be used by us to deliver quality improvements in our advocacy, programs, policies, systems, governance and complaints handling. This policy provides guidance to the HRA Board and people who wish to make a complaint on the key principles and concepts of our complaint management system.

#### **1.2 Scope:**

This policy applies to all HRA Board members receiving or managing complaints from the public made to or about us, regarding our advocacy, programs, policies, systems, practices, conduct of Board members and complaints handling. As HRA does not have any staff employed on an ongoing basis at this time, the organisation does not have a separate staff grievance procedure for managing internal staff grievances and complaints however, such policies and procedures will be developed as required.

#### **1.3 Organisational Commitment:**

HRA expects all Board members to be committed to fair, effective and efficient complaint handling. As an organisation, HRA is committed to taking all reasonable action within its means and in accordance with established law and regulations to ensure the safe, timely and effective resolution of all complaints received.

### **2. Terms and Definitions**

#### **2.1 Complaint:**

Expression of dissatisfaction made to or about HRA, our advocacy, programs, policies, Board members or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Policy can be distinguished from:

- staff grievances (see above);
- responses to requests for feedback (see the definition of 'feedback' below);
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response (see definition of 'feedback');
- service requests (see definition of 'service request' below); and
- requests for information (see our access to information policy).

#### *Complaint Management System:*

All policies, procedures, practices, Board members, hardware and software used by us in the management of complaints.

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### *Dispute:*

An unresolved complaint escalated either within or outside of our organisation.

### *Feedback:*

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about HRA, about our advocacy, programs, policies, practices, governance or complaints handling where a response is not explicitly or implicitly expected or legally required.

### *Service Request:*

The definition of a service request will vary depending on HRA's core business at any time. However, it is likely to include:

- requests for approval;
- requests for action;
- routine inquiries about the organisation's business;
- requests for the provision of advice, expertise, participation, programs and assistance;
- reports of failure to comply with laws regulated by the organisation;
- requests for explanation of policies, procedures and decisions.

### *Grievance:*

A clear, formal written statement by an individual staff member about another staff member or a work-related problem (see above re: HRA and staffing at this time).

### *Policy:*

A statement of instruction that sets out how we should fulfil our vision, mission and goals.

### *Procedure:*

A statement or instruction that sets out how our policies will be implemented and by whom.

## **3. Guiding Principles**

**Step 1: Facilitate complaints**

**Step 2: Respond to complaints**

**Step 3: Manage the parties to a complaint**

### **3.1 Facilitate Complaints:**

#### *People focus:*

We are committed to seeking and receiving feedback and complaints as an organisation and any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process;

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- provided with multiple and accessible ways to make complaints;
- listened to, treated with respect by HRA Board members and actively involved in the complaint process where possible and appropriate; and
- provided with reasons for our decision/s and any options for redress or review.

### *No detriment to people making complaints:*

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

### *Anonymous complaints:*

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

### *Accessibility:*

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance. If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

## **3.2 Respond to complaints:**

### *Early resolution:*

Where possible, complaints will be resolved at first contact with HRA.

### *Responsiveness:*

We will promptly acknowledge receipt of complaints. We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately. We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process;
- the expected time frames for our actions;
- the progress of the complaint and reasons for any delay;
- their likely involvement in the process; and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate). We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

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### *Objectivity, fairness and conflicts of interest:*

We will address each complaint with integrity and in an equitable, objective and unbiased manner. Conflicts of interests, whether actual or perceived, will be managed responsibly. Specifically, if a complaint is about one or more Board members, those Board members will not be involved in the investigation or handling of the complaint(s) other than the right to respond to the complaint. Further, if an internal review of how a complaint was managed is required, this review will be conducted by a person other than the original decision maker.

### *Responding flexibly:*

HRA Board members are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to problem solving to enhance accessibility for people making complaints and/or their representatives. We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

### *Confidentiality:*

We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by the HRA as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

### **3.3 Manage the parties to a complaint:**

#### *Complaints involving multiple organisations/agencies:*

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint. Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services/programs are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of the HRA Board but also the actions of service providers.

#### *Complaints involving multiple parties:*

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

#### *Empowerment of Board members:*

All HRA Board members managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

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### *Managing unreasonable conduct by people making complaints:*

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible;
- the health, safety and security of our Board members, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our Board members to do the same in accordance with this policy. For further information on managing unreasonable conduct by complainants please see (the Ombudsman's Managing Unreasonable Complainant Conduct Model Policy 2012) as this will guide HRA's actions in such cases.

## **4. Complaint Management System**

### **4.1 Introduction:**

When responding to complaints, Board members should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Board members should also consider any relevant legislation and/or regulations when responding to complaints and feedback. The five key stages in our complaint management system are set out below.

### **4.2 Receipt of Complaints:**

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file. The record of the complaint will document:

- the contact information of the person making a complaint;
- issues raised by the person making a complaint and the outcome/s they want;
- any other relevant information; and
- any additional support the person making a complaint requires.

### **4.3 Acknowledgement of Complaints:**

We will acknowledge receipt of each complaint promptly, and preferably within 14 working days (due to the unfunded status of HRA and the lack of any funded staff positions). Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

### **4.4 Initial Assessment and Addressing Complaints:**

#### *Initial assessment:*

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s

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sought by the person/s making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed. When determining how a complaint will be managed, we will consider:

- how serious, complicated or urgent the complaint is;
- whether the complaint raises concerns about people's health and safety;
- how the person making the complaint is being affected;
- the risks involved if resolution of the complaint is delayed; and
- whether a resolution requires the involvement of other organisations.

### *Addressing complaints:*

After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- give the person information or an explanation;
- gather information from the person or area that the complaint is about; or
- investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

### **4.5 Providing Reasons for Decisions:**

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took;
- the reason/s for our decision;
- the remedy or resolution/s that we have proposed or put in place; and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

### **4.6 Closing the Complaint, Record Keeping, Redress and Review:**

We will keep comprehensive records about:

- how we managed the complaint;
- the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations; and
- any outstanding actions that need to be followed up.

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These records will be kept in a manner and for the period required by the relevant statutory requirements. We will also ensure that outcomes are properly implemented, monitored and reported to the HRA Board.

### **4.7 Alternative Avenues for Dealing with Complaints:**

We will inform people who make complaints to or about us about any internal or external review options available to them (including any relevant Ombudsman or oversight bodies). If mediation is considered appropriate for the specific circumstances, HRA will recommend contacting the Australian Disputes Centre based in Sydney for advice and recommendations on suitable and qualified mediators.

### **4.8 Three Levels of Complaint Handling:**

#### *Level 1:*

We aim to resolve complaints at the first level, the frontline.

#### *Level 2:*

Where this is not possible, we may decide to undertake a second level of complaint handling which will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or;
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

#### *Level 3:*

Where a person making a complaint is dissatisfied with the outcome of HRA's review of their complaint, they may seek an external review of our decision (by the Ombudsman or another mediation or complaints resolution body such as the Australian Disputes Centre based in Sydney or another similar body).

## **5. Accountability and Learning**

### **5.1 Analysis and Evaluation of Complaints**

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

### **5.2 Monitoring of the Complaint Management System**

We will continually monitor our complaint management system to:

- ensure effectiveness in responding to and resolving complaints; and
- identify and correct deficiencies in the operation of the system.

### **5.3 Continuous Improvement**

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints;

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- implement best practices in complaint handling;
- regularly review the complaints management system and implement appropriate system changes arising out of our continual monitoring of the system.

**See also: *Investigation of Complaints Fact Sheet – Procedure – NSW Ombudsman 2012* (PDF) which provides further detail on the procedure that will be followed by HRA when investigating complaints in accordance with this policy. This fact sheet is available, along with a copy of this policy, on the HRA website.**