

POLICY NAME	Complaints Management		
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APPROVED BY	Policy Review Committee		

What is a complaint?

An expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Guidelines for complaints management in organisations, Australian /New Zealand standard 10002:2014.

PURPOSE OF THE POLICY

William Campbell Foundation's (WCF) Complaints Policy details fair and transparent processes whereby parties are able to seek resolution to issues that concern them. All complaints come under WCF's Complaints Policy and may be raised by stakeholders who have a genuine interest in WCF's service provision, staff conduct or the handling of a complaint. These can include, but are not limited to:

- Authorised Carers
- Children or young people and their birth family;
- Other external parties with a relevant and legitimate interest in the quality of service provision by the Agency.

A grievance is enacted by the following:

- Staff

Staff should refer to the WCF Grievance Policy should they have a complaint relating to the Agency.

POLICY STATEMENT

WCF is committed to ensuring that clients and other stakeholders are provided with a fair and effective process, for the resolution of complaints that relate to service delivery. Anyone who deals with William Campbell Foundation can complain about any aspect of the Foundation's operation that he or she is not satisfied with, which may include (but not limited to) –

- Unprofessional behaviour by staff, management and volunteers;
- Treatment of children and young people;
- Quality of service;
- Decisions made by staff.

The Foundation takes all complaints seriously and manages complaints in a responsive, transparent and meaningful way.

Complaints should be handled by the simplest and most effective means, whilst seeking to ensure a just, fair and equitable outcome for both the complainant and the Agency. Where possible and appropriate, complaints are resolved through negotiation and discussion between parties involved and / or their representatives.

Rights and Responsibilities

Complainants have the right to:

- make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate to a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply;
- a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case;
- a timely response;
- be informed in at least general terms about the actions taken and outcome of their complaint;
- be given reasons that explain decisions affecting them;
- the right of review of a decision made by the Agency on the complaint;
- be treated with courtesy and respect;
- communicate valid concerns and views without fear of reprisal or other unreasonable response;
- allocate a representative to speak on their behalf, appropriate to their own circumstances.

Complainants are responsible for:

- treating staff of WCF with courtesy and respect;
- to the best of their ability, clearly identify the issues of complaint, or allocating a representative to speak on their behalf;
- to the best of their ability, providing all relevant information available to them at the time of making the complaint;
- being honest in all communications with the WCF
- informing WCF of any other action they have taken in relation to their complaint;
- co-operating with the staff who are assigned to assess / investigate / resolve / determine or otherwise deal with their complaint.

If complainants do not meet their responsibilities, WCF may consider placing limitations or conditions on their ability to communicate with staff or access certain services. (See Responding to and Managing Unreasonable Complainant Conduct in this policy - page 13).

WCF has a zero tolerance policy in relation to any harm, abuse or threats directed towards its staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the complainant. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Staff have the right to:

- determine whether, and if so how, a complaint will be dealt with;
- expect honesty, co-operation and reasonable assistance from complainants, from organisations and people within jurisdiction who are the subject of a complaint;
- be treated with courtesy and respect;
- a safe and healthy working environment
- modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a complainant (see Responding to and Managing Unreasonable Complainant Conduct in this policy - page 13);
- finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances.

Staff are responsible for:

- providing reasonable assistance to complainants who need help to make a complaint and, where appropriate, during the complaint process;
- dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly and impartially;
- giving complainants or their representatives a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant;
- giving people or organisations subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made;
- informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address keeping complainants informed of the actions taken and the outcome of their complaints;
- giving complainants reasons that are clear and appropriate to their circumstances and adequately explaining the basis of any decisions that affect them;
- treating complainants and any people the subject of complaint with courtesy and respect at all times and in all circumstances;
- taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint;
- giving adequate warning of the consequences of unacceptable behaviour.

Subjects of a complaint have the right to:

- a fair and impartial assessment and, where appropriate, investigation of the allegations made against them;
- be treated with courtesy and respect by staff of WCF;
- be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated;
- be informed about the substance of any proposed adverse comment or decision;
- be given a reasonable opportunity to put their case forward during the course of any investigation and before any final decision is made
- be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.

Subjects of a complaint are responsible for:

- cooperating with the staff of the WCF who are assigned to handle the complaint, particularly where they are exercising a lawful power in relation to a person or body within their jurisdiction;
- providing all relevant information in their possession to WCF or its authorised staff when required to do so by a properly authorised direction or notice;
- being honest in all communications with WCF and its staff;
- treating the staff of the WCF with courtesy and respect at all times and in all circumstances;
- refraining from taking any detrimental action against the complainant in reprisal for them making the complaint.

If subjects of a complaint fail to comply with these responsibilities, action may be taken under relevant laws and/or codes of conduct.

William Campbell Foundation is responsible for:

- having an appropriate and effective complaint handling system in place for receiving, assessing, handling, recording and reviewing complaints;
- decisions about how all complaints will be dealt with;
- ensuring that all complaints are dealt with professionally, fairly and impartially;
- ensuring that staff treat all parties to a complaint with courtesy and respect;
- ensuring that the assessment and any inquiry into the investigation of a complaint is based on sound reasoning and logically probative information and evidence;
- finalising complaints on the basis of outcomes that the organisation, or its responsible staff, consider to be satisfactory in the circumstances;
- implementing reasonable and appropriate policies / procedures / practices to ensure that complainants are not subjected to any detrimental action in reprisal for making a complaint, including maintaining separate complaint files and other operational files relating to the issues raised by individuals who make complaints;
- giving adequate consideration to any confidentiality, secrecy and/or privacy obligations or responsibilities that may arise in the handling of complaints and the conduct of investigations.

The outcomes of a formal complaint process may include, but are not limited to –

- no additional action being taken;
- a verbal or written apology;
- change/s in a policy or procedure or work practices;
- employee training;
- mediation or
- disciplinary action, which may include dismissal if a party is found to be in gross breach of Agency policy or code of conduct.

PROCEDURE

No	Informal COMPLAINT Procedure	Accountable	Due
1	A stakeholder wishing to make an informal complaint may do so by speaking directly with the Human Resources Manager. If the complaint can be addressed immediately to the satisfaction of the stakeholder and the Agency, no further action will be required.	HR Manager	Immediate
2	In the event the stakeholder is not satisfied with the outcome of making an informal complaint, the stakeholder has the right to make a formal complaint.	N/A	N/A
3	If a stakeholder wishes to utilise the option of making a formal complaint, they must be provided with the Complaints Form as soon as is practicable. This may also be accessed on WCF's website www.wcfoundation.org.au	HR Manager	ASAP
4	The stakeholder, or their representative, must complete the Complaints Form and return it to the HR Manager as soon as possible by email, post or hand delivery.	Complainant	ASAP
No	Formal COMPLAINT Procedure	Accountable	Due
1	The HR Manager will acknowledge receipt of the complaint.	HR Manager	Within 5 working days

			of receiving complaint
2	The HR Manager will record the details of the complaint and complainant on the COMPLAINTS REGISTER.	HR Manager	Within 5 working days of receiving complaint
3	The HR Manager will review the information received and determine the next step, after gathering other relevant information. For example: <ul style="list-style-type: none"> discussions with other parties within the Agency; review of agency case notes or other relevant documentation; discussion with other relevant external parties. 	HR Manager	Within 10 working days of receiving complaint
4	If the complaint relates to an employee, the employee will be advised and will be provided an opportunity to respond to the complaint. The employee may have a support person present during any formal discussions. Where the complaint involves misconduct the employee may be dealt by applying the EMPLOYEE DISCIPLINE POLICY.	HR Manager	When identified
5	Within 14 days of receiving the complaint the HR Manager will contact the complainant and attempt to resolve the complaint.	HR Manager	Within 14 days of receiving the complaint
6	If resolution is not met, either party may request a formal meeting for further discussion, to be held as soon as is mutually agreeable. Complainant is to be advised that they have the right to have a support person at the meeting.	HR Manager or Complainant	ASAP
7	The HR Manager will make a written record of all matters discussed and any agreed solutions and file these records accordingly.	HR Manager	Ongoing throughout process
8	As soon as practicable, the HR Manager will provide the complainant with a document detailing the decisions made by the Agency and the complainants right for review.	HR Manager	ASAP
9	The HR Manager will record all information on the Complaints Register and will store all records confidentially.	HR Manager	ASAP
No	Review of a decision relating to a complaint	Accountable	Due
1	Should a decision be requested to be reviewed, the matter will be forwarded to the CEO. The HR Manager will provide all information to the CEO, including a detailed account of the complaint, all information gathered and a rationale for the decision made.	HR Manager	Within 5 days of request for review
2	The CEO will make a determination based on the information provided and may request a further discussion with the complainant. Complainants are entitled to one review of a decision made in relation to a complaint to the Agency.	CEO	ASAP
3	Once the review is finalised by the CEO, they will write to the complainant advising them of the outcome. Additionally, the CEO will provide the final letter to the CEO. The CEO will advise the complainant of their right to make a further complaint to the NSW Ombudsman about service provision. This is only relevant where the complainant receives services from WCF and is dissatisfied with the complaint resolution and review.	CEO	On finalisation of review

	Complaints are made under the <i>Community Services (Complaints, Resolution & Monitoring) Act 1993</i> .		
No	COMPLAINTS – COMMUNITY SERVICES COMPLAINTS RESOLUTION AND MONITORING ACT 1993 (CS CRAMA)	Accountable	Due
1	Where a person who is receiving services provided by the Foundation is not satisfied with the Foundation’s resolution of a complaint, that person should be advised that they may appeal to the Ombudsman either orally or in writing under the <i>Community Services (Complaints, Resolution & Monitoring) Act 1993 (CS CRAMA)</i> .	Complainant	N/A
2	Under CS CRAMA a person may make a complaint to the Ombudsman about the conduct of a range of human service providers (also called community service providers) with respect to the provision, failure to provide, withdrawal, variation or administration of a community service in respect of a particular person or group of persons.	Ombudsman	N/A
3	The Ombudsman may – <ul style="list-style-type: none"> investigate the matter; refer the matter to a service provider to investigate; refer the matter to another person or body where it appears that the complaint raises issues that may require investigation by the other person or body; refer, if the opinion that it is appropriate to do so, the complaint (or part thereof) to the service provider for resolution, if possible; where the matter is referred to the service provider in question, that body must report to the Ombudsman on the outcome of that referral. 	Ombudsman	N/A
4	The NSW Ombudsman will notify the CEO of any investigation conducted under CS CRAMA.	Ombudsman	N/A
5	Where the Ombudsman conducts an investigation under CS CRAMA and the <i>Ombudsman Act 1974</i> , it must provide a report to the Foundation about the outcome of the investigation if it finds that the conduct, or any part of the conduct, is of any one or more of the following kinds: <ul style="list-style-type: none"> contrary to law; unreasonable, unjust, oppressive or improperly discriminatory; in accordance with any law or established practice but the law or practice is, or may be, unreasonable, unjust, oppressive or improperly discriminatory; based wholly or partly on improper motives, irrelevant grounds or irrelevant considerations; based wholly or partly on a mistake of law or fact; conduct for which reasons should be given but were not given, or was otherwise wrong. 	Ombudsman	N/A
6	At the conclusion of the investigation the Ombudsman may recommend: <ul style="list-style-type: none"> that the conduct be considered or reconsidered by WCF, or by any person in a position to supervise or otherwise direct the Foundation in relation to the conduct, or to review, rectify, mitigate or change the conduct or its consequences; 	Ombudsman	N/A

	<ul style="list-style-type: none"> that action be taken to rectify, mitigate or change the conduct or its consequences; give reasons for the conduct; that any law or practice relating to the conduct be changed; that compensation be paid to any person, or that any other step be taken. 		
7	<p>The CEO will review any recommendations made by the Ombudsman and respond accordingly, including reporting back to the Ombudsman where appropriate.</p> <p>The CEO will also forward the report provided to the Ombudsman to the CEO.</p>	CEO	Within timeframes set by the NSW Ombudsman
No	COMPLAINT RECORD KEEPING	Accountable	Due
1	Each complaint must be recorded in a COMPLAINT FORM.	Complainant or their representative	At time of complaint
2	A copy of the COMPLAINT FORM is to be placed on the COMPLAINTS FILE.	HR Manager	ASAP
3	At the completion of each complaint process, the HR Manager must complete the COMPLAINT REGISTER	HR Manager	At the conclusion of the matter
No	QUALITY ASSURANCE – ANNUAL REVIEW OF COMPLAINTS	Accountable	Due
1	Complaints provide a means for identifying and improving service provision. It is therefore important to annually review complaints received in the previous year to identify areas for improvement. Reviews will be conducted in November each year, with information provided to the CEO at the end of each calendar year.	HR Manager	Annually
2	<p>The HR Manager will:</p> <ul style="list-style-type: none"> examine the Complaints Register; examine the Complaints File; identify common complaints or issues requiring changes to Foundation policy, procedure or practice; provide a report where appropriate detailing identified issues, along with any identified recommendations for change. 	HR Manager	Annually
3	<p>The CEO will consider the delegated reviewer's report and whether to agree or disagree with recommendations made.</p> <p>Where he / she agrees with the recommendations, the CEO will implement relevant policy, procedure or practical changes in consultation with the HR Manager.</p>	CEO	Once the review is completed
4	Through the normal reporting process the CEO will take steps to ensure that the CEO and the Board are aware of complaints and their outcomes.	CEO	Monthly Board report

Unreasonable Complainant Conduct (UCC)

Most complainants who contact WCF act reasonably and responsibly in their interactions with the Agency, even when they are experiencing high levels of distress, frustration and anger about their complaint. However, in a very

small number of cases some complainants behave in ways that are inappropriate and unacceptable – despite the Agency’s best efforts to help them.

Unreasonable complainant conduct (UCC) is any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant himself / herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of cooperation;
- Unreasonable arguments;

Unreasonable Persistence:

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and / or resources. Some examples of unreasonably persistent behaviour include:

- an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with;
- persistently demanding a review of a decision made;
- pursuing and exhausting all available review options when it is not warranted and refusing to accept further action cannot or will not be taken on their complaints;
- reframing a complaint in an effort to get it taken up again;
- bombarding WCF staff or organisation with phone calls, visits, letters, emails (including cc’d correspondence) after repeatedly being asked not to do so;
- contacting different people within our organisation and / or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.

Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:

- issuing instructions and making demands about how the Agency have / should have handled a complaint, the priority it was / should be given, or the outcome that was / should be achieved;
- insisting on talking to a senior Manager or the (CEO, Board) personally when it is not appropriate or warranted;
- emotional blackmail and manipulation with the intention to guilt trip, intimidate, harass, shame, seduce or portray themselves as being victimised – when this is not the case;
- insisting on outcomes that are not possible or appropriate in the circumstances – eg for someone to be sacked or prosecuted, an apology and / or compensation when the Agency considers there to be no reasonable basis for expecting this outcome;
- demanding services that are of a nature or scale that the Agency cannot provide when this has been explained to them repeatedly.

Unreasonable Lack of Co-operation

Unreasonable lack of co-operation is an unwillingness and / or inability by a complainant to cooperate with the Agency, staff, or complaints system and processes that result in a disproportionate and unreasonable use of our services, time and / or resources. Some examples of unreasonable lack of cooperation include:

- sending a constant stream of comprehensive and / or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of sending this information;
- providing little or no detail with a complaint or presenting information in ‘drips and drabs’;
- refusing to follow or accept Agency instructions, suggestions, or advice without a clear or justifiable reason for doing so;
- arguing frequently and / or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations;
- displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.

Unreasonable Arguments

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or delirious and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and / or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence;
- are not supported by any evidence and / or are based on conspiracy theories;
- lead a complainant to reject all other valid and contrary arguments;
- are trivial when compared to the amount of time, resources and attention that the complainant demands;
- are false, inflammatory or defamatory.

Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a complainant is – because it unreasonably compromises the health, safety and security of Agency staff, other service users or the complainant himself / herself. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks;
- harassment, intimidation or physical violence;
- threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats;
- stalking (in person or online);
- emotional manipulation.

All complainants should note that William Campbell Foundation has a zero tolerance policy towards any harm, abuse or threats directed towards Agency staff. Any conduct of this kind will be dealt with under this policy, and in accordance with our duty of care and workplace health and safety responsibilities.

RESPONDING TO AND MANAGING UCC

UCC incidents will generally be managed by limiting or adapting the ways that the Agency interacts with and / or deliver services to complainants by restricting:

- **Who they have contact with** – eg limiting a complainant to a sole contact person / staff member in the organisation;
- **What they can raise with the Agency** – eg restricting the subject matter of communications that we will consider and respond to;
- **When they can have contact** – eg limiting a complainant’s contact with the organisation to a particular time, day, or length of time, or curbing the frequency of their contact with the Agency;

- **Where they can make contact** – eg limiting the locations where designated staff will conduct face-to-face interviews to secured facilities or areas of the office;
- **How they can make contact** – eg limiting or modifying the forms of contact that the complainant can have with our Agency. This can include modifying or limiting face-to-face interviews, telephone and written communications, prohibiting access to Agency premises, contact through a representative only, taking no further action or terminating WCF's services altogether.

When using the restrictions provided in this section WCF recognises that discretionary action will need to be used to adapt this discretionary action to suit a complainant's personal circumstances, level of competency, literacy skills, or similar. In this regard, WCF also recognises that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

When the CEO receives a concern relating to unreasonable complainant conduct from a staff member, they will contact the staff member to discuss the incident. They will discuss the:

- circumstances that gave rise to the UCC / incident;
- impact of the complainant's conduct on the organisation, relevant staff, Agency time, or similar resources;
- complainant's responsiveness to the staff member's warnings / requests to stop the behaviour;
- actions the staff member has taken to manage the complainant's conduct, if any;
- suggestions made by relevant staff on ways that the situation could be better managed.

Following a consultation with relevant staff, the CEO will review applicable information about the complainant's prior conduct and history with the Agency. They will also consider the following criteria:

- whether the conduct in question involved overt anger, aggression, violence or assault (which is unacceptable in all circumstances);
- whether the complainant's case has merit;
- the likelihood that the complainant will modify their unreasonable conduct if they are given a formal warning about their conduct;
- whether changing or restricting access to the Agency's services will be effective in managing the complainant's behaviour;
- whether changing or restricting access to the Agency's services will affect the complainant's ability to meet their obligations, such as reporting obligations;
- whether changing or restricting access to the Agency's services will have an undue impact on the complainant's welfare, livelihood or dependents;
- whether the complainant's personal circumstances have contributed to the behaviour. For example, the complainant is a vulnerable person who is under significant stress as a result of one or more of the following:
 - homelessness;
 - physical disability;
 - illiteracy or other language or communication barrier;
 - mental or other illness;
 - personal crises;
 - substance or alcohol abuse;
 - whether the complainant's response / conduct in the circumstances was moderately disproportionate, grossly disproportionate or not at all disproportionate;
 - whether there are any statutory provisions that would limit the types of restrictions that can be put on the complainant's contact / access to WCF's services.

Once the CEO has considered these factors they will decide on the appropriate course of action. They may suggest formal or informal options for dealing with the complainant's conduct.

In all cases, complainants will be notified of their restrictions or limitations put on their access to the agency via the following procedure

No.	Restricted Access Procedure	Accountable	Due
1	If a complainant's conduct meets the criteria above and be considered unreasonable, the staff member will notify the CEO.	Staff Member	At time of UCC
2	The CEO will make a determination based on the above information.	CEO	On receipt of above
3	If UCC is considered to be present, the complainant will be forwarded a warning letter outlining the conduct that the Agency considers unreasonable and the potential restrictions that may be placed on the complainants contact with the Agency.	CEO	At time of UCC
4	If the UCC persist, the complainant will be forwarded a final letter outlining restrictions of access to the Agency while the complaint is being considered.	CEO	As needed

All staff members are responsible for recording and reporting incidents of non-compliance by complainants. This should be recorded in a file note in and a copy forwarded to the CEO who will decide whether any action needs to be taken to modify or further restrict the complainant's access to the Agency's services.

Staff Wellbeing and Debriefing

Dealing with complainants who are demanding, abusive, aggressive or violent can be extremely stressful and at times distressing or even frightening for all Agency staff – both experienced and inexperienced. It is perfectly normal to become upset or experience stress when dealing with difficult situations.

As an organisation, WCF has a responsibility to support staff members who experience stress as a result of situations arising at work and the Agency will do its best to provide staff with debriefing and counselling opportunities, when needed. However, to do this WCF also needs help from all WCF staff to identify stressful incidents and situations. As a result, all staff have a responsibility to notify relevant Supervisors / senior Managers of UCC incidents and any stressful incidents where they believe require management involvement.

Debriefing also means talking things through following a difficult or stressful incident. It is an important way of 'off-loading' or dealing with stress. Many staff members do this naturally with colleagues after a difficult telephone call, but debriefing can also be done with a Supervisor, senior Manager or as a team debriefing following a significant incident. WCF encourages all staff to engage in an appropriate level of debriefing, when necessary.

Staff may also access an external professional service on a needs basis. All staff can access the Employee Assistance Program – a free, confidential counselling service. To make an appointment call: **1300 366 789**. Brochures about this service are available from the Work Health and Safety Officer.

FORMS ASSOCIATED WITH THIS POLICY

Form Name	Pathway
Complaints Form	HR → Forms

Policy History

Version	Date approved
1	February 2008
2	March 2011
3	June 2016
4	December 2018
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DUE FOR REVIEW	September 2022
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