

The Paraplegic and Quadriplegic Association of SA Inc




Complaint/Concern Management Policy and Procedures (Workers)

STATEMENT OF INTENT

The Paraplegic and Quadriplegic Association of South Australia Incorporated (PQSA) is committed to delivering quality services that are responsive to the needs of our community. This includes building an organisational culture that recognises the benefits of effective complaint handling.

Complaints are a valuable source of feedback and an important tool for business and worker development. Diligent and prompt attention to complaints and workers' concerns can help us identify the needs of our clients and stakeholders, understand our business shortcomings, increase worker satisfaction and improve overall performance.

Approved by: 	Date: 23/2/2018
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The Paraplegic and Quadriplegic Association of SA Inc.(PQSA) is incorporated under The Association Incorporation Act 1985 (SA) and conducts its business through operating Divisions, namely Support Services and HomeCare+.

Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.

SCOPE

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of PQSA.

DEFINITIONS

An advocate is someone who:

- ◆ Acts on the worker's instructions
- ◆ Supports and encourages the worker

An advocate may be a relative, carer, friend, neighbour or someone from an Advocacy service

Clients – A person who receives services from any division of PQSA

Complaint – An expression of dissatisfaction about workers conduct, a service, procedure or practice that is NOT resolved at the point of service

Complainant – Is a worker who makes a complaint and includes a person on whose behalf a complaint is made

Concern – is something that is important to someone and is causing them to worry

Duty of Care - The obligation of a person not to be careless or negligent and to exercise reasonable care in the conduct of an activity

Equitable - Open to all without systemic, hidden or apparent bias on the grounds of gender, race, disability, sexuality, age, marital status, pregnancy, potential pregnancy, breastfeeding, religious beliefs, medical record, criminal record or trade union activity

Manager – A person who is charged with the management or direction of PQSA

Must – Indicates a mandatory action required by law, industrial instrument, or PQSA policy or procedure

Natural Justice – procedural fairness, the right to a fair hearing

Reasonable – The appropriate standard or quality of objective decision-making that must be brought to bear when making an administrative decision

Reporting – Is an account or statement given either verbally or in writing with the specific intention of relaying information or recounting certain events in an objective manner

Respondent – Is a worker or client against whom a complaint or grievance is made

Should – Indicates a recommended action that should be followed unless there are sound reasons for taking a different course of action

Supervisor – refers to worker who observes and directs the work of another worker (but who is not a Manager)

Vexatious Complaint – a complaint intended to harass, annoy, delay or cause detriment

Worker - is a person who carries out work in any capacity including work as an employee, contractor or subcontractor, an employee of a contractor or sub-contractor, an employee of a labour hire company, an outworker, apprentice or trainee, or a student gaining work experience, or a volunteer

RESPONSIBILITIES

The Board's and/or their nominated representative, the Chief Executive Officer's responsibilities:

1. Providing leadership in demonstrating a commitment to the resolution of complaints made to PQSA
2. Ensuring there is an effective, timely, impartial, and just system for dealing with complaints
3. Ensuring that service improvements are identified and acted on as a result of complaint process.

The Manager Human Resources' responsibilities:

1. Monitoring complaints handling within PQSA
2. Reporting all significant complaints, investigations and outcomes/ recommendations to The Board
3. Providing independent and impartial advice and assistance to Managers or Supervisors who have received and are handling a complaint
4. Identifying systematic issues arising from complaints and making recommendations to management
5. Training all Manager/Supervisors on Complaints Management Procedures.

Manager's responsibilities:

1. Providing independent, impartial and confidential information to complainants about the procedure for dealing with complaints, including listening to the issues and helping the person clarify the facts
2. Advising people of their right to make complaints
3. Providing advice and assisting workers to make a complaint or raise a concern
4. Managing and conducting internal reviews of complaints in both process and content
5. Implementing, monitoring and reviewing recommendations made to improve worker satisfaction and service provision.

Supervisor's responsibilities:

1. Exercising primary responsibility for receiving and resolving complaints and any conflict in their areas in a timely and fair manner
2. Advising workers of their rights to make complaints
3. Providing advice and assisting workers to make a complaint.

Complainant's responsibilities:

1. Providing a clear and honest account of their concerns and their expectations for the outcome of their complaint

2. Engaging openly in the complaint management process, including participation in discussion with other parties to resolve the concern
3. Respecting those individuals involved in the complaint handling process.

Respondent’s responsibilities:

1. Engaging openly in the complaint handling process, including participation in discussion with other parties to resolve the complaint/concern
2. Respecting those individuals involved in the complaint handling process

POLICY

All complaints or concerns will be handled in a sensitive, confidential and timely manner and discussed only with those workers and/or clients relevant to the case or who can provide specialist advice.

In the instance where a complaint or concern does arise, PQSA has a responsibility to provide workers with appropriate ways to resolve such complaints and concerns and to minimise the adverse impact on everyone within PQSA. PQSA will seek a positive outcome for all complaints and concerns.

Response	Measure
Prompt Action	Reports should be responded to quickly, reasonably and within established timelines. Relevant parties should be advised of how long it is likely to take to respond to the report and should be kept informed of the progress to provide reassurance that the report has not been forgotten or ignored.
Treat all matters seriously	All reports should be taken seriously and assessed on their merits and facts.
Maintain confidentiality	The privacy of all parties involved must be maintained. Details of the matter should only be known by those directly concerned.
Procedural Fairness	All respondents to a complaint must be treated as innocent unless the allegations are proven to be true. Allegations must be put to the worker/client they are made against and they must be given a chance to explain their version of events. The opportunity to have decisions reviewed should be explained to all parties.
Neutrality	Impartiality towards everyone involved is critical. This includes the way workers/clients are treated throughout the process. The worker responding to the report should not have been directly involved and they should also avoid personal or professional bias.
Support	Once a report has been made, the parties involved should be told what support is available (for example employee assistance programs) and allowed a support person to be present at interviews or meetings e.g. Advocate.

Response	Measure
No Victimisation / Discrimination	It is important to ensure anyone who makes a complaint is not victimised for doing so. A worker/client accused of a wrong doing and any witnesses should be protected from victimisation.
Communication – prompt and accurate	All parties should be informed of the process, how long it will take and what they can expect will happen during and at the end of the process. Should the process be delayed for any reason, all parties should be made aware of the delay and advised when the process is expected to resume. Finally, reasons for actions that have been taken and, in some circumstances, not taken should be explained to all parties and documented.
Documentation	<p>The following should be recorded:</p> <ul style="list-style-type: none"> • the worker who made the report • when the report was made • to whom the report was made • the details of the issue reported • action(s) taken to respond to the issue • any further action required – what, when and by whom. • outcomes and recommendations <p>Records should also be made of conversations, meetings and interviews detailing who was present and the agreed outcomes.</p>

Complaints

This Complaint/Concern Management Policy applies to complaints from workers across all divisions of PQSA. Complaints should be dealt with by the division concerned in a timely manner.

Privacy

PQSA is governed by the Privacy Act 1988. The Act sets out rules for the proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed.

If a complainant believes their personal information or the personal information of a third party, has not been managed in line with one or more of these principles they can lodge a complaint under this policy. All privacy complaints must be immediately referred to the Manager Human Resources.

Safety Complaints

Workers have the right to feel safe while at work. If a worker feels unsafe or threatened by the actions of another worker or client of PQSA they should immediately report these actions.

Complaints about unsafe work practices or equipment or breaches of the Work Health and Safety Act 2012 are not covered by this policy and should be immediately reported to the Manager Human Resources, using a Hazard or Incident/ Concern Report form.

Vexatious Complaints

A complaint may be considered vexatious when the purpose of the complaint is to harass, annoy, delay or cause detriment. A complainant may lack reasonable grounds for lodging the complaint or possess insufficient direct interest in the issue complained about.

If a complaint is considered vexatious, the Manager may choose to limit or cease correspondence with the complainant. Once this decision is made, it must be communicated to the complainant in writing. Managers should choose this course of action only after serious consideration and keep sufficient evidence to support their decision should the complainant choose to escalate their complaint.

Reporting

PQSA maintains a Worker Complaint register, which underpins reporting to management and the Board. The Manager, Human Resources will access the register to collate the complaints data and provide a report to The Board. Further information about the complaint register is available in the Complaint Management Standard Operating Procedures.

Workers are encouraged to raise and have resolved without fear of retribution, any complaints they may have regarding PQSA, other workers, clients or the services it provides.

PQSA will ensure that all complainants are treated:

- ◆ With dignity and respect
- ◆ Without discrimination.

All complainants will:

- ◆ Be encouraged to participate in the complaints process
- ◆ Have their privacy and confidentiality maintained without compromise.

All parties involved in a complaint will be afforded natural justice by means of:

- ◆ Communication - all parties to a complaint must have explained to them what to expect during the complaint handling process
- ◆ All parties being provided with equal opportunity to participate in the process
- ◆ A written response clearly explaining the investigations determinations.

Communicating Complaint/Concern Procedures

The complaint/concern management system will be open and transparent. Clients will be supported to make complaints. This Policy and its Procedures will be communicated through:

- ◆ The PQSA and HomeCare+ web page
- ◆ The Intranet
- ◆ Workers' Induction
- ◆ Review and circulation of this policy.

PROCEDURES

Lodging a complaint

Complaints can be made orally or in writing. Workers are encouraged to submit their complaints in writing. In instances where this is not possible, a record of complaint should be created by the person taking the complaint or through a worker advocate. Complaints can be received by any PQSA worker (written complaints using the PQSA Complaint Form will be forwarded to the Manager, Human Resources).

Complaint categories

Complexity

Frontline Resolution – commonly involves a single incident or concern, which does not require a detailed investigation and can be resolved to the worker's satisfaction by reviewing a worker's action or activity.

Serious Incident/Concerns – can involve one or multiple issues, workers or activities, which require a detailed investigation by a Manager to determine a satisfactory resolution.

Timeframes

The timeframes outlined in this policy are appropriate to incorporate the needs of individual divisions. PQSA encourages the prompt resolution of complaints and supports instances where satisfactory resolution occurs within maximum timeframes.

- ◆ All worker complaints must be receipted and acknowledged immediately
- ◆ Complaints that can be resolved with Frontline Resolution should be finalised as soon as reasonably practicable. Where they cannot be dealt with immediately, they must be acknowledged in writing within five (5) working days. This must detail what action will be taken, who the responsible officer will be, a contact number and the anticipated time for a response that should not exceed fourteen (14) working days
- ◆ Complaints that are serious should be finalised as soon as reasonably practicable. Where they cannot be dealt with immediately, they must be acknowledged in writing within five (5) working days. This must detail what action will be taken, who the responsible officer will be, a contact number and the anticipated time for a response that should not exceed thirty (30) working days
- ◆ Extensions beyond these times are to be negotiated with and approved by the CEO or their nominee. The worker is to be immediately informed verbally and in writing of the extended timeframe and the reason for the extension
- ◆ Regular progress reports, verbally or in writing, should be provided to the worker and the Manager, Human Resources during lengthy investigations.

Anonymous complaints must be recorded and assessed and action taken where necessary.

Rights of Workers Involved in the Complaint Management Process

PQSA workers are entitled to be treated with respect and courtesy during an investigation at all times. Where a person involved in a complaint behaves in a threatening, rude or

harassing manner toward a PQSA worker, the Divisional Manager will take appropriate action and may decline to further consider the complaint.

Documentation

Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint.

All records must be marked "confidential" and forwarded to the Manager, Human Resources; these records will be stored and kept strictly confidential for a period of seven (7) years.

Serious Misconduct

Unlawful misconduct or a serious concern of an unlawful nature e.g. rape, abuse, indecent assault or theft must be immediately referred to the SA Police on 000 or 131 444.

Any situation involving worker abuse by another worker and criminal actions committed by a worker must be immediately reported to the Department for Communities and Social Inclusion Feedback and Incident Review Team on 8207 0490.

Complaints of serious misconduct must then be referred to the Manager Human Resources, who will:

- ◆ Collate all relevant information, minutes of meetings with workers, workers, contractors and any other information as requested by SA Police.

Then in consultation with the Chief Executive Officer:

- ◆ Determine whether the worker will be suspended, removed from all shifts or if their employment will be immediately terminated. It is not the responsibility of the Manager, Human Resources to determine guilt. Refer Serious Misconduct and Termination Policy.

External Investigators

The Chief Executive Officer or their nominee has the discretion to appoint an external investigator if:

- ◆ The matter is outside PQSA's area of expertise or delegation
- ◆ The complainant requests it and it is reasonable to do so
- ◆ There could be a conflict of interest.

External investigators must have the necessary skills, knowledge, experience and training to undertake and investigate a complaint and there must be no conflict of interest.

Internal Complaints Review Process

If a worker does not feel that the complaint process has been handled appropriately, they have the right to ask for it to be reviewed. This will be handled by the Chief Executive Officer or the Manager Human Resources (the Reviewing Officer).

The Reviewing Officer has the ability to re-investigate the complaint or parts of the complaint. Time frames will be discussed with the worker.

External Review Process

If the worker is not satisfied with the outcome of the investigation, they have the right to refer their complaint to an external person or body for review.

The worker has the right to seek further assistance in relation to a complaint from:

The Fair Work Ombudsman

<https://www.fairwork.gov.au/>

SafeWork SA - <https://www.safework.sa.gov.au>

RELATED LEGISLATION

- ◆ South Australian Equal Opportunity Act 1984
- ◆ South Australian Work Health and Safety Act 2012
- ◆ South Australian Work Health and Safety Reg's 2012
- ◆ Privacy Act 1988 (Cth)
- ◆ Guidelines—Reporting Of Incidents to SA Police (SAPOL) by Non-Government Organisations (NGO's)

SUPPORTING PQSA DOCUMENTATION

- ◆ Complaints Management Process Flow Chart
- ◆ Incident/Concern Risk Assessment.
- ◆ Client Rights and Responsibilities
- ◆ Code of Ethical Behaviour
- ◆ Privacy – Private Information Management Policy and Procedures
- ◆ Risk Management Policy and Procedure
- ◆ Hazard and Incident Report Forms
- ◆ Serious Misconduct and Termination Policy

BREACHES OF THIS POLICY

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will PQSA accept such an argument.

DISTRIBUTION AND REVIEW

PQSA will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed periodically or when legislation or government policy determines.

