

Policy Name	Complaints Policy - External
Applicability	All Employees
Responsible Person	CEO
Status	Approved
Date of Next Review	Nov 2018

LEVEL OF RESPONSIBILITY

Board/Management – Develop & implement

Coordinator/ Supervisor – Training and Supervision

Staff – Practice implemented procedures, report occurrences

PURPOSE

Multitask Human Resource Foundation is committed to receiving, hearing and resolving all complaints that are related to the organisations products and services. The organisation conducts a complaints system as an essential part of the provision of quality service.

SCOPE

This policy applies to all Multitask employees, volunteers, participants, families, Family Day Care Educators registered and approved by Multitask and relevant stakeholders. Should the grievance be formally referred to an external agency, e.g. if it is a criminal matter, the internal processes of Multitask may be suspended pending the outcome of the external review. The requirements of this Policy will not apply where there are other specific policies or procedures in place for dealing with the matter.

For a grievance *between* employees, participants or volunteers, please refer to the Internal Complaints Policy and Procedure.

REFERENCES

- National Quality Standards.
- Education and Care Services National Regulations.
- Department of Education, Employment and Workplace Relations.
- CCMS Child Care Services Handbook.
- Disability Service Standards.
- Community Services (Complaints, Reviews and Monitoring) Act 1993 (CS-CRAMA)
- Anti-Discrimination Act 2009 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Workplace Gender Equality Act 2012
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Work Health and Safety Act 2011
- Racial Discrimination Act 1975 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Protected Disclosures Act, 1994

PRINCIPLES

Complaint handling will be guided by the following principles.

Direct resolution In the first instance, all efforts will be made to resolve the complaint directly between parties in a low-key manner.

Complete confidentiality Only the people that are involved making or investigating a complaint will have knowledge of an allegation against someone. Every party involved in the investigation must maintain confidentiality about the matter and not disclose any details or discuss the matter with any person other than the staff member conducting the investigation. Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of the grievance may be subject to further action.

Impartiality The investigation will treat both parties equally with both being given an opportunity to provide explanation and detail without any assumptions being made until full details are available. Management will take all necessary steps to ensure no victimisation occurs against anyone who makes a complaint. Each person has the opportunity to nominate a staff member at the service or an advocate to be their key contact in regard to the complaint.

Timeliness All allegations or complaints will be dealt with as quickly as possible. The aim is to resolve **all** allegations within ten working days from when complaint is lodged with the staff member who will investigate. Acknowledgement of receipt of the allegation will be sent within two working days. Within two working days, where possible the complainant will be informed of how action is to be taken.

The person managing the process will notify the respondent by way of a face - to - face meeting or formal letter or email outlining the process and anticipated timeline, and present a copy of the grievance to the respondent within two business days of its receipt. If the complaint requires more information, a formal documented meeting may be arranged by the appropriate manager with the respondent to discuss the grievance and ask them to provide a written response.

For complaints within Children's services relating to medical or dental intervention a response will be made within 24 hours.

Sometimes, involvement with other agencies or statutory bodies such as FACS, WorkCover, Centrelink, Ombudsman or the police or a medical intervention directive will delay the process. In this case, the complainant will be informed.

Fairness Every allegation will be taken seriously and people involved will be treated fairly. All individuals concerned will have access to support and representation e.g. an advocate, during the course of the procedures should they choose this. Cultural and Linguistic Diversity (CALD) will be taken into account in the process. Multitask acknowledges each person has the right to determine how, when and where the complaint is made.

Multitask will inform each person of their right to complain and work with the person, Educators, families and stakeholders to try and resolve the issue. The substance of any grievance should be dealt with in a timely and appropriate manner in accordance with this policy. Multitask will provide a safe environment to make a complaint, e.g. offer a private meeting room. All stakeholders are encouraged to come forward with their grievances in the knowledge that the responsible staff will take prompt action to address complaints and there will be no negative consequences or retribution for any person who makes a complaint.

DEFINITIONS

Grievance: A grievance is a complaint or dispute about any type of work-related problem that is causing distress to anyone who is not an employee of Multitask. The grievance may arise from a decision, act or omission by any person or persons within the organisation, which is considered by the Complainant to be wrong, mistaken, unjust or discriminatory.

Complainant: The client, family member, relevant stakeholder or customer notifying a grievance.

Respondent: The staff member(s) or service against whom the complaint is made.

Manager: this may refer to the Respondents Coordinator or Supervisor as appropriate.

WHAT ARE LIKELY OUTCOMES?

The aim of the resolution should be to explain any misunderstanding, make people aware of the inappropriate nature of their behavior and to prevent the behavior occurring again. Action recommended should be practical and positive.

If an allegation has been investigated and proven substantiated, outcomes of the grievance process and resolution of the issue may include: a written apology; counselling; disciplinary action, dismissal, etc.

If the complaint is proven to not have occurred and is in a fact frivolous or reckless complaint similar outcomes may be pursued.

At any stage in the procedures, strategies used to resolve a grievance may include, but need not be limited to Individual or group interviews, mediation or referral to counselling services.

PROCEDURE

Step 1: Informal resolution

The following procedure applies for informal discussion:

As a first option, the Complainant should try to sort out any dispute directly with the person(s) involved. They should discuss the matter with the person and let them know how their behavior has affected them. The respondent should be given the opportunity to apologise and/or change their behavior.

In case the situation is not resolved by this type of approach, the complainant should also note the details of the occasion on which you spoke to them.

If the person is a staff member and the complainant feels that the issue is unresolved, they should initiate an informal discussion with the Manager of the staff member in which they raise the areas of concern and outline the grounds for the grievance. The Complainant should also express their desired outcomes.

The Manager should address the grievance expeditiously.

Step 2: Formal Complaint Handling

Step 2 May occur after informal discussions for resolution have failed or may be activated without informal discussion. The following procedures apply:

Making a complaint

The Complainant should provide written details of their concerns and the grounds for the grievance. This can be in a letter or using the form. If there is difficulty with written communication, Multitask can provide support on request.

A format to use for a letter could include

- The situation that led to the incident/complaint
- Dates and people involved.
- Names of witnesses
- Practical and realistic suggestions to resolve the issue

Please send the complaint to the relevant manager. If you do not know who the relevant Manager is, please address it to the Disability Services Coordinator or Children Services Coordinator, 296 Molesworth Street, Lismore, NSW 2480.

Complaint Management

Upon receipt of the documentation, the Manager will determine whether the complaint constitutes a genuine grievance and whether it should be dealt with in accordance with this policy or some other specific organisation procedure. For example, a Work Health and Safety Issue may be managed under the relevant WHS policy. If the grievance is not considered to be genuine, the Manager may choose not to proceed further with the matter and notify the parties accordingly. If the grievance is considered to be genuine, the Manager will investigate the grievance and seek to resolve it. The Manager may initiate an informal meeting with the Complainant to discuss the grievance and come to a full understanding of it. The Manager may request further information which the Complainant must provide.

Complaint resolution

The Manager should attempt to resolve the grievance within ten working days of receiving the grievance. If this is not possible, the manager will provide a timeline of response.

Any notes on the issue, together with the Complainant's and Respondent's written

submissions should be kept together. These records are to include details of the complaint, the action taken, outcome reached, method of resolution and feedback to the complainant. The Manager will document the results of their review of the grievance and if the grievance is resolved the documentation will be added to the Complaints Register.

The person who resolved the grievance should continue to monitor for some time the outcome in the work area in which the situation occurred to ensure that the people involved abide by the resolution determined. If the complaint cannot be proven but the complainant has perceived some type of harassment or mistreatment, counselling and discussion should be offered to allay that person's feelings. The manager should continue to monitor the situation for any further incidents. Any further issues should be addressed swiftly.

APPEALS PROCESS

If the grievance remains unresolved, the Complainant may ask for an appeal. The appeal should be lodged within five working days of the decision. Upon receipt of the request for an appeal from the Complainant, the Manager will forward a copy of all the documentation to the CEO.

The result of the CEO assessment (in conjunction with legal counsel where appropriate) will be conveyed, within ten working days to both parties. If the matter cannot be resolved satisfactorily, the grievance may be referred to any representative group whom the individuals may wish to consider.

All documentation related to the grievance is to be kept by the CEO and filed in a restricted access filing area.

Conflict of Interest

A person(s) may disqualify themselves from participating in these procedures should they consider that their involvement would create a conflict of interest.

Any participant who perceives a possible conflict of interest should report the matter to the investigating Manager who shall determine what action is appropriate, and may disqualify a person from participating.

Victimisation

Any victimisation of a complainant acting in good faith will be regarded seriously, and should be referred to the CEO for appropriate action, and may be dealt with as misconduct or serious misconduct.

Malicious or Frivolous Allegation

A person who makes an allegation, which they have reason to believe to be false, or a person who makes any frivolous allegation, may have their complaint dismissed.

External Bodies for Lodging Complaints

The following is a selection of external bodies who may be referred for assistance and information:

- Ability Inc. Advocacy Service
- Anti-Discrimination Board
- Community Services Commission NSW (Complaint line)
- Community Services Appeals Tribunal (CSAT)
- DAISI Disability Information Service
- Department of Education and Communities
- Disability Complaints Service NSW
- Disability Discrimination Legal Centre NSW
- Health & Care Complaints Commission NSW
- Local Police
- Sexual Assault Service
- Lifeline
- Complaints and Resolution Council (1800 880 052)