



# Feedback & complaint handling

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## Principles & guidelines

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*Date: May 2005*

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*Prepared by: Co-ordinator Client Relations, Public Accountability Branch*

## DOCUMENT APPROVAL

This document - ***Feedback and complaint handling: Principles and Guidelines*** - has been endorsed and approved by the DADHC Management Board on 24 May 2005.

Membership of the DADHC Management Board is:

- ▶ Director-General
- ▶ Deputy Directors General
- ▶ Executive Director, Business Improvement
- ▶ Regional Directors

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## English

This document contains Important Information from the Department of Ageing, Disability and Home Care (DADHC). If you require help to translate this information, please call the Translating and Interpreting Service on 13 14 50.

## Arabic

هذا المستند يحتوي على معلومات هامة من إدارة كبار السن والإعاقة والرعاية المنزلية (دي-أيه-أتش-دي-سي). إذا كنت تحتاج لمساعدة في ترجمة تلك المعلومات فبرجاء الاتصال بخدمة الترجمة والترجمة الفورية على رقم 13 14 50.

## Simplified Chinese

此文件包含老年、残疾及家居照顾部的重要资讯 (DADHC)。假如你需要帮助翻译此资讯，请致电联络翻译和口译服务中心13 14 50。

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此文件包含老年、殘疾及家居照顧部的重要資訊 (DADHC)。假如你需要幫助翻譯此資訊，請致電聯絡翻譯和口譯服務中心13 14 50。

## Japanese

この資料には老齢、廃疾、在宅介護省 (DADHC) による重要な情報が記載されています。この情報の翻訳の要請は、翻訳・通訳サービス、電話番号131 450 までお問い合わせください。

## Korean

본 문서는 DADHC (the Department of Ageing, Disability and Home Care), 노화, 장애 및 자택 치료 부서)의 주요 정보를 포함합니다. 본 정보를 번역하는데 도움이 필요할 경우 13 14 50의 번역 및 통역 서비스로 전화하여 주십시오.

## Persian

این سند حاوی اطلاعات مهمی از طرف اداره سالمندی، معلولیت و مراقبت خانگی (DADHC) می باشد. اگر برای ترجمه این اطلاعات به کمک نیاز دارید، لطفاً با سرویس ترجمه کتبی و شفاهی به شماره تلفن 13 14 50 تماس بگیرید.

## Thai

เอกสารฉบับนี้ มีข้อมูลที่สำคัญของกรมผู้สูงอายุ คนพิการ และสถานรับเลี้ยง (DADHC) หากท่านต้องการความช่วยเหลือในการแปลข้อมูลเหล่านี้ กรุณาติดต่อฝ่ายการแปลและล่ามที่หมายเลขโทรศัพท์ 13 14 50

## Turkish

Bu belge Yaşlılık, Sakatlık ve Evde Sağlık Bakımı Bakanlığı'ndan (DADHC) önemli bilgi içerir. Bu bilgilerin çevrilmesinde yardıma ihtiyacınız varsa lütfen Çeviri ve Tercüme Bürosu'nu 13 14 50 numaradan arayınız.

## Vietnamese

Tài liệu này gồm có những thông tin quan trọng của Cơ quan về Người cao tuổi, người Tàn tật và Chăm sóc tại nhà (DADHC). Nếu bạn cần sự giúp đỡ để dịch thông tin này, hãy gọi cho Dịch vụ Phiên và thông dịch viên tại 131450.

## Khmer

ឯកសារនេះមានព័ត៌មានសំខាន់ពីក្រសួងថែរក្សាមនុស្សចាស់ ពិការភាព និងទីលំនៅ (DADHC)។ ប្រសិនបើលោកអ្នកត្រូវការជំនួយគេហមរដើម្បីបកប្រែព័ត៌មាននេះ សូមទូរស័ព្ទទៅកិច្ចបម្រើបកប្រែអត្ថបទ និងភាសាខ្មែរ លេខ 13 14 50។

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## Position statement

DADHC accepts complaints and other feedback about all aspects of its business.

DADHC is committed to handling complaints in a fair and professional manner.

DADHC will make every effort to resolve complaints received to the satisfaction of all parties, and to reach mutually agreed outcomes where possible.

DADHC will make every effort to resolve complaints received at the local level.

DADHC will ensure that its management of complaints complies with relevant legislation, standards and guidelines.

DADHC will monitor and review the receipt and management of complaints to ensure that issues identified through the complaints process inform service delivery and policy development.

## Purpose

The purpose of this policy is to outline the principles DADHC uses in the handling of complaints and to provide guidelines to assist DADHC employees to respond to complaints received.

All DADHC employees – as well as contractors and volunteers - are required to respond to complaints according to the principles and guidelines outlined in this policy.

The Public Accountability Branch in the Office of the Director-General has the role of monitoring and reporting on the Department's performance in complaint handling. Advice about the implementation of this policy is available from the Public Accountability Branch.

## Legislation, standards & guidelines

DADHC and those services provided, funded or licensed by DADHC are required to meet legislative requirements for receiving and responding to complaints. NSW Government policies and practice, and industry standards and guidelines also determine DADHC's performance in the area of complaints management.

The primary related legislation, standards and guidelines are:

- *NSW Disability Services Act 1993;*
- *Home and Community Care Act 1985;*
- *Home and Community Care Amending Agreement 1999;*
- *Home Care Service Act 1988;*
- *Youth and Community Services Act;*
- *Community Services (Complaints, Review and Monitoring) Act 1993*
- *NSW Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998;*
- *Protected Disclosures Act 1994;*
- *Commonwealth State and Territory Disability Agreement 2002-07; and*
- *New South Wales Government Disability Policy Framework.*

## What is a complaint?

### Definition

A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or employee conduct.

### Types of complaints

For the purposes of this policy the business of DADHC is described in four broad categories. Examples of each type of complaint are provided at [Appendix A](#).

#### 1. Service delivery

##### 1.1 Direct service provided by DADHC

This refers to service provided in DADHC operated accommodation, respite and day program services, the Home Care Service of NSW, case management and delivery of other professional services. [Example 1.1](#)

##### 1.2 Provision of direct service by funded services

This refers to organisations receiving a funding grant from DADHC to operate a service.

DADHC has a responsibility to ensure that the organisation is complying with the funding agreement, including meeting all the necessary legislation and guidelines for complaint handling. This may include monitoring a service to ensure relevant policy and procedures are in place and being implemented, making enquiry about how an individual complaint has been handled, or referring a complaint to the funded organisation to investigate.

DADHC does not investigate individual complaints about funded services. The NSW Ombudsman has this function.<sup>1</sup> [Example 1.2](#)

##### 1.3 Provision of direct service by licensed services

This refers to facilities that are licensed by DADHC (known as Licensed Residential Centres or 'boarding houses').

DADHC has a responsibility to ensure that these services are complying with licensing agreements. DADHC will investigate complaints that indicate licensing conditions have been breached.

The NSW Ombudsman can also investigate complaints about licensed services. [Example 1.3](#)

#### 2. Service access

##### 2.1 Existing services (DADHC and/or funded and licensed services)

This refers to the manner in which an eligibility or intake process may have been managed. That is, where service has been refused without a reason based on clear criteria and reference to the relevant process. [Example 2.1](#)

This does not refer to situations where a client or their representative disagrees with a decision reached by DADHC about eligibility to receive a service or where an appeal process exists. Program-specific appeals and processes can be found on the DADHC website (refer also to information on page 9).

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<sup>1</sup> Further information about the role of the NSW Ombudsman can be found at Appendix I.

## 2.2 Lack of service

This refers to insufficient access to a service type or absence of service availability in a particular area or for a particular client demographic. [Example 2.2](#)

## 3. Policy

This refers to the content of DADHC policies – both those relating to DADHC operated services and sector/industry initiatives. That is, the manner in which DADHC expects both its own services, and funded and licensed services, will perform and conduct their activities. [Example 3](#)

## 4. Staff issues

This refers to the behaviour of DADHC employees - including contractors and volunteers. This includes instances where staff have demonstrated inappropriate attitude or behaviour, and breaches of the DADHC *Code of Conduct and Ethics* by staff. [Example 4](#)

### **Other feedback**

All feedback received about DADHC is important in improving service delivery, policy development and customer service. Not all feedback received is negative or takes the form of a complaint.

#### Compliments

This refers to comments that provide positive feedback about a DADHC employee, service or policy or that of a DADHC funded or licensed service.

Compliments should be responded to, thanking the person for their feedback, and be passed to the person/s directly involved in the matter and their manager.

#### Suggestions

There are many forums where discussion of DADHC's business can occur. These can lead to constructive suggestions for improvement or development of service delivery and policies. Suggestions for improvement or innovation in service delivery, policy development and DADHC business generally should be documented and forwarded to regional and policy development areas as appropriate.

### **What is not a complaint for this policy?**

Some complaints have specific processes for handling. These may include appeals to administrative decisions, allegations of criminal activity and staff grievances.

#### Staff grievances and concerns about a client's welfare

If staff employed by DADHC wish to raise concerns or make a complaint about a work related problem, this should be managed as a staff grievance.

For further information about DADHC's staff grievance resolution policy, refer to DADHC central office Human Resources.

Important: DADHC staff who have concerns about a client's welfare should raise these with their immediate manager. If staff do not consider an adequate response is made, the matter should be escalated to the next appropriate management level.

The concern about the client's welfare should be handled as a complaint and investigated as outlined in this policy.

The issue of management not responding should be handled according to DADHC staff grievance procedures.

## Appeals

If a client or their representative disagrees with the decision reached by DADHC about eligibility to receive a service they can appeal that decision. Program-specific appeals processes can be found on the DADHC website. Complaints about DADHC administrative processes should be managed according to related appeals mechanisms, which should be documented in relevant legislation, standards, program guidelines or procedures.

**Example:** Service provider is unsuccessful in a tender process and considers the decision unfair.

The outcome of an appeals process may lead to a complaint about the way in which the process was administered, the conduct of a DADHC employee during the process or related service delivery or policy issues. In that case this policy comes into effect.

## Contracts with funded and licensed providers

This policy does not apply in those instances where a funded or licensed service provider or contracted business is making a complaint about a matter in regard to its contractual arrangements with DADHC or an administrative decision.

Complaints relating to contractual obligations should be managed according to the funding agreement or licensing arrangements.

**Example:** A non government agency receiving funding to run a meals on wheels service is dissatisfied with the outcomes of a monitoring visit conducted by DADHC staff.

## Protected disclosures

The [\*Protected Disclosures Act 1994\*](#) provides a means by which public sector officials can disclose instances of corrupt conduct, maladministration and serious and substantial waste in the public sector. Under the [\*Protected Disclosures Act 1994\*](#), it is an offence to take detrimental action against a person who makes a protected disclosure. Any public official who voluntarily discloses information about wrongdoing is protected under the Act.

For further information on how to make a protected disclosure, or how to respond to a protected disclosure, refer to DADHC's *Protected Disclosure Policy 2004* on the DADHC Intranet.

## Requests for service/information

Requests for service and/or information should be responded to immediately or redirected to the most appropriate source of assistance. Inquiries about access to particular types of services are an important factor in planning processes, and can assist in measuring unmet need. This information should be documented and forwarded to regional operations and relevant policy development areas. Advice about policy areas in DADHC is available from the Public Accountability Branch.

## Making a complaint

DADHC accepts complaints from any person or agency and is committed to responding to all concerns and issues raised. Complaints may be received from people who are not in direct receipt of a service from DADHC or a DADHC funded or licensed service provider.

Complaints may also be received from DADHC funded and licensed service providers and contracted businesses when acting as an advocate for a person receiving a service or when making a complaint about a DADHC employee's conduct.

An information sheet about making a complaint is at [Appendix B](#).

### How can a complaint be made?

#### General

Complaints may be received in any format – written and verbal; via correspondence, email, over the phone or in person. The manner by which the complaint is received should in no way influence the priority afforded to, or quality of, the response provided.

A complaint form is at [Appendix C](#). It is not necessary to use this form to make a complaint.

Complaints may be made to any DADHC staff member. DADHC encourages complainants to discuss arising issues with local staff in the first instance, such as a case manager or the person delivering the service, or a manager in a regional or central office.

Additional information specific to making a complaint about Home Care is at [Appendix D](#).

DADHC will support complainants who require assistance in making a complaint including assisting them to access an interpreter or advocate if needed. For further advice refer to the *Good practice in complaint handling: Accessibility* section below.

#### Ministerial and Director-General correspondence

Complaints received via the Minister or Director-General's office will be referred in the first instance to the Regional or Branch Director, or to a Deputy Director-General when appropriate. In instances when a written response is required, it should be forwarded to the Public Accountability Branch within the timeframe indicated on the allocation sheet, as per the current process for all Ministerial and Director-General correspondence.

The complaint may not be resolved at this time. In such cases, the response should include an update to the complaint handling process and contact details of the DADHC officer looking into the complaint.

The timeframe for handling the actual complaint should be followed as set out in the *Good practice in complaint handling: Timeliness* section below.

#### Anonymous complaints

DADHC will accept anonymous complaints and investigate these as far as possible. Anonymous complaints will be treated with the same priority as other complaints.

### When can a complaint be made?

Complaints may be made at any time, directly to staff delivering services. DADHC central and regional offices are open during business hours, Monday to Friday.

### Who are the 'parties' to a complaint?

The parties to a complaint include:

- the 'complainant' the person making the complaint (can be more than one person);
- the 'respondent' the person or agency about whom the complaint is being made;
- the 'advocate' the person supporting the complainant; possibly from an advocacy agency, a legal representative or an informal support.

## Good practice in complaint handling

The principles and guidelines for good practice in handling complaints are key to achieving the best possible outcomes for DADHC clients. A process map outlining key guidelines for management of a complaint is at [Appendix E](#).

### Privacy and confidentiality

Complaints received by DADHC will be handled in a manner that protects the privacy and dignity of complainants and clients and ensures that information is handled by the minimum number of people required to manage the complaint. Consent to provide information to a third party or to proceed with an enquiry into a complaint should always be obtained.

However, there are some instances where DADHC is required to report certain complaints to a third party, even without the complainant's consent. These are when the complaint includes allegations of criminal behaviour – in which case DADHC must report this to the police; when the complaint includes allegations of abuse against a child – in which case DADHC must report this to the police and the Department of Community Services, and in some instances the NSW Ombudsman; or when the complaint includes allegations of other reportable behaviour as defined by the *Independent Commission Against Corruption Act* – in which case DADHC must report this to the Independent Commission Against Corruption.

This complies with the principles of the *Privacy and Personal Information Protection Act 1998* and other relevant legislation. For further information refer to DADHC Legal Services.

### Natural justice

DADHC is committed to managing complaints, consistent with the principles of 'natural justice'. This means:

- ensuring that all parties to a complaint know what to expect during the complaint handling process;
- carrying out the complaint handling process in a transparent manner;
- providing all parties with equal opportunity to participate in the process;
- treating all parties in a respectful manner;
- providing reasons for all decisions made.

### Retribution

All parties to a complaint should have the opportunity to have his or her say, without fear of a negative reaction or victimisation. This means that a person should not be reprimanded in any way for making a complaint. Nor should usual service or communication with the complainant be altered in any way as a result of the complaint, unless this is an agreed outcome or has been specifically requested by the complainant.

A person who takes or threatens to take detrimental action against another person because a complaint has been made may be found guilty of a criminal offence, as outlined in the *Community Services (Complaints, Review and Monitoring) Act 1993* (s.47).

## Dealing with difficult complainants

DADHC staff are entitled to be treated with respect and courtesy when handling complaints. DADHC staff will respond to all complainants in a respectful and courteous manner, in accordance with the DADHC Code of Conduct.

Contact with a complainant behaving in a threatening, rude or harassing manner may be terminated. A complainant's emotional state and/or communication skills should be considered when deciding to end contact.

Some complainants may find it difficult to accept explanations or resolutions that are presented to them during the complaint handling process or may be unwilling to accept the outcome of a complaint handling process. Some complainants may have unreasonable expectations as to the nature or quantity of service or advice DADHC can provide. Some complainants may repeatedly raise the same concerns.

Complainant's that are difficult to communicate with should be encouraged to put their concerns in writing, with referral to appropriate resources to assist them to do this as appropriate.

DADHC staff should always ensure that concerns about the safety and well being of a client or staff member are looked into, regardless of the manner in which they are expressed.

Before DADHC will consider declining or ceasing to deal with a complaint the following steps must be taken:

- all relevant evidence and/or issues presented by the complainant must be appropriately responded to;
- an internal review of the complaint handling process must be undertaken; and
- referral of the complainant to an external review agency should occur, if appropriate.

Once the above steps have been taken DADHC may then consider further action to limit the complainant's access to staff and/or services. The process for doing this is as follows:

- Forward a letter to the complainant under the relevant regional or central branch Director's signature that clearly sets out:
  - > the background to the complaint;
  - > the resolutions attempted to date;
  - > outcomes of the internal review of the complaint handling; and
  - > restates the Department's final position.
- At this point, depending on the contentious nature of the complaint, advice may be sought from the Public Accountability Branch (PAB) and/or Legal Services.
- If the complainant continues to pursue the matter a briefing note should be forwarded to the relevant Deputy Director-General. The briefing note should include:
  - > background information to the complaint;
  - > details of all action taken by DADHC in response to the complaint;
  - > a copy of the final letter to the complainant;
  - > a clear reason as to why DADHC staff wish to decline or cease to deal with the complaint; and
  - > a proposed letter to the complainant for Deputy Director-General's signature.
- A copy of the briefing note should be forwarded to the Co-ordinator Client Relations in PAB, for endorsement by the relevant Deputy Director-General.

**Only the Minister, the Director-General or Deputy Directors-General can make a decision to limit access to DADHC staff or services.**

## **Accessibility**

All actions and decisions in relation to complaints will be made having regard to the age, culture, disability, language, religion, gender and sexuality of older people, people with a disability, their carers and advocates.

DADHC staff may wish to consult specialist resources when handling complaints from Aboriginal people or people from culturally and linguistically diverse backgrounds. Relevant DADHC policy areas or culturally specific advocacy groups may be useful resource points to approach for advice. Interpreters can be sourced through the NSW Government Translation and Interpreter Service (TIS).

Any person making a complaint to DADHC has the right to involve an advocate to assist them. In particular, where the complaint is of a complex or controversial nature, DADHC staff should advise the complainants that they have the right to this support, and make all efforts to assist in identifying an appropriate advocate if requested.

When a child or young person makes a complaint DADHC staff should offer to identify a support person to assist the complainant during the complaint handling process.

DADHC staff should assist complainants to access local advocacy services whenever requested. A list of DADHC funded advocacy services is available on the DADHC website – [www.dadhc.nsw.gov.au/people\\_with\\_a\\_disability/services/advocacy\\_and\\_information](http://www.dadhc.nsw.gov.au/people_with_a_disability/services/advocacy_and_information).

DADHC staff should seek a complainant's consent before referring them for assistance to an interpreter or advocate.

Information about this policy is available to the public on the DADHC Internet. A complaint form including information about the policy is also available from regional offices and central office.

## **Outcome driven**

DADHC will ensure that the complainant's desired outcome is clearly articulated at the beginning of the complaint handling process. While the outcome may not always be agreed upon or reached it is important that the complaint handling process is entered into with all parties understanding the desired end goal. This may include such things as a change to service provision, a referral to a more appropriate service or agency, or an apology.

DADHC staff should advise complainants if the desired outcome is not realistic, in consideration of policy frameworks and program guidelines and try to negotiate an alternate resolution to the complaint.

At the end of a complaint handling process the agreed outcome/s or resolution should be confirmed with all parties to the complaint.

At times it may not be possible for a complaint to be resolved to the satisfaction of all parties. In such instances, it is important to document the reasons why resolution could not be achieved, what efforts have been made to reach an alternate resolution and details of communication of the result to all parties.

It is advisable to confirm the outcome in writing for complex and contentious complaints.

## **Local resolution**

DADHC will endeavour to resolve all complaints at the most local level to where the issue has arisen. If the complaint is about a specific DADHC officer, that person will not handle the enquiry or investigation into the complaint. Where complaints involve a number of staff at different levels within a specific region/policy area, it may be necessary to seek assistance to investigate the complaint from another point in DADHC – such as another region or unit - or an external body.

Additional information specific to resolution of Home Care complaints is at [Appendix D](#).

### Initial response

At first contact DADHC staff will document details of the complaint and advise the complainant of the steps involved in the complaint handling process and what they can expect to happen next. An information sheet detailing the steps in the DADHC complaint handling process is at [Appendix F](#).

The complainant should be referred to the most appropriate officer to discuss the complaint in detail. In most cases this will be the officer (or their immediate supervisor or manager) directly involved with the service delivery or the process or policy about which the complaint has been made. Complaints of a more serious nature should be referred to a management level in the first instance. Examples of when this would be appropriate are complaints that include allegations of abuse or criminal conduct, or complaints that indicate media involvement.

Early resolution of a complaint may be possible simply by clarifying misunderstandings in expectations of service delivery or policy implementation, showing empathy for the complainant's situation or offering an apology if appropriate. Consent should be gained to make enquiries into the complaint.

### Further enquiry

If further information needs to be gathered DADHC staff will seek consent from the complainant to continue the process. At this stage, DADHC staff handling the complaint will advise their direct supervisor/manager that the complaint will be looked into further.

Handling of a complaint should proceed with a plan of action agreed between the complainant and DADHC. It may be useful to provide the complainant with a written copy of the agreed plan of action. A suggested format for a complaint handling action plan is at [Appendix G](#).

While DADHC will encourage discussion of concerns at a local level, a complainant has the right to speak to more senior staff or staff from another area of the Department at any time during the complaint handling process. In the first instance, the complainant should be referred to the next most senior staff person in the relevant DADHC area. In the second instance, DADHC staff should advise the complainant that an alternative person will need to be identified in order to progress the complaint handling process. This may require negotiation with an officer in another unit/business stream/region to handle the complaint.

### Internal review

A complainant may not be satisfied with the initial response provided to a complaint. In such instances DADHC will review the complaint handling process followed in the initial response and may further investigate matters and/or reconsider the original decision when appropriate. An internal review should be carried out by staff who were not involved in the initial complaint investigation.

DADHC staff involved in the internal review of a complaint handling process should follow similar guidelines as outlined for initial response to a complaint. The complainant needs to be involved and agree to the proposed review process.

### External review

Wherever possible DADHC will attempt to resolve a complaint within a DADHC region or business unit. However, a complainant may choose to access an external complaint agency at any point in the complaint handling process.

There are a number of external mechanisms for complaints resolution such as the NSW Ombudsman, the National Disability Abuse and Neglect Hotline or the Independent Commission Against Corruption. Details of these and other relevant organisations are available at [Appendix H](#).

### **Timeliness**

Complaints received by DADHC will be responded to in a timely manner, taking into account factors that may influence the response timeframe, such as potential risks posed to a person or agency.

Acknowledgement of a complaint should be made as soon as possible following receipt. Acknowledgement should include advising the complainant of the DADHC staff who will be handling the complaint and an anticipated time when that person will make further contact. Acknowledgement may be made in person, by phone, email or in writing.

Timeframe: within 1 week of receipt<sup>1</sup>

Response to a complaint should commence as soon as practicable, within two weeks of receipt. For complex and contentious complaints it may be necessary to investigate the matter or seek information from external parties. When a matter is going to take a longer period of time to resolve the complainant should be kept informed of progress at regular intervals, at least every two weeks or as agreed with the complainant.

Timeframe: within 2 weeks of receipt

Finalisation of a complaint will be dependent on the response required. Straightforward complaints should aim to have an outcome within two weeks of the commencement of investigation. Complaints of a complex and contentious nature may take a longer period to finalise, dependent on results of any investigation or enquiries made. The complainant should be contacted at the end of the complaint handling process to communicate the resolution achieved, any agreed outcomes and to discuss any ongoing issues that may remain.

Timeframe: simple - within 4 weeks of receipt

Timeframe: complex - within 8 weeks of receipt

Follow up of a complaint resolution or outcome is desirable in instances where DADHC has an ongoing relationship with the complainant, to ensure that the resolution/outcome agreed upon has resulted in maintaining or improving a client's service. This should occur within four weeks of the finalisation of a complaint investigation.

Timeframe: within 4 weeks of finalisation

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<sup>1</sup> "1 week" refers to 5 working days.

## Record-keeping and monitoring

All complaints received will be recorded to ensure that issues arising are monitored and reviewed. This will ensure that complaints received about any aspect of DADHC's performance inform improvements to service delivery and the review and development of existing and future policy.

Regional and policy areas are responsible for developing local systems to ensure all relevant information about a complaint is recorded. Senior staff should regularly collate and analyse complaints received to inform areas of improvement required in service delivery and in the implementation and development of policy.

The Public Accountability Branch in the Office of the Director-General has a lead role in monitoring the performance of DADHC in handling complaints. This includes providing advice about good practice in complaint handling, facilitating access to the necessary tools to assist staff in handling complaints and reporting on complaints outcomes. The Public Accountability Branch will do this through the central collation and analysis of complaints data, and through monitoring the quality of complaint handling and adherence to these principles and guidelines through random monitoring of individual matters.

Additional information specific to reporting of Home Care complaints is at [Appendix D](#).

Business rules - and recording and reporting formats - are attached at [Appendix I](#). These outline:

- the process for data collation at a regional/central unit level;
- the process for central collation and analysis of data; and
- the process for how the complaint handling process will be monitored.

## References

*The Complaint Handler's Tool Kit 2004*

- New South Wales Ombudsman

*A Good Practice Guide for Effective Complaint Handling*

- Commonwealth Ombudsman 1997

Standards in Action Manual

- Ageing and Disability Department, 1998

The Home and Community Care National Standards

- Commonwealth Department of Health and Family Services

*"No Trouble": Aboriginal and Torres Strait Islander: Managing Complaints*

- Commonwealth Department of Human Services and Health, 1996

Administrative Decisions Tribunal

- website information [[www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)]

Anti Discrimination Board

- website information [[www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)]

People with Disabilities: National Disability Abuse and Neglect Hotline

- website information [[www.disabilityhotline.org](http://www.disabilityhotline.org)]

## APPENDICES

### Appendix A: Examples of complaint types

Examples provided to assist staff in determining the complaint type for record keeping.

Complaint Type		Reference	Example
Service delivery	Direct service provided by DADHC employees	Example 1.1 (page 6)	<p>I) The brother of a man with a disability living in a DADHC operated group home makes a complaint to the Network Manager about a co-resident's aggressive behaviour towards his brother and the management of these incidents by staff.</p> <p>II) A woman with a disability receives services from Home Care. She makes a complaint to DADHC about a worker who verbally abused her while providing a service in her home.</p>
	Provision of direct service by funded services	Example 1.2 (page 6)	<p>I) An elderly man receives meals-on-wheels from a DADHC funded organisation. He makes a complaint to DADHC that the delivery time for meals were changed but the funded organisation did not advise of the change.</p> <p>II) The neighbour to a DADHC funded day program makes a complaint to DADHC about the number of cars parked in the street during the day.</p>
	Provision of direct service by licensed services	Example 1.3 (page 6)	A Community Visitor to a boarding house makes a complaint to DADHC that the manager of the service regularly shouts at the residents.
Service access	Existing services	Example 2.1 (page 6)	A request for additional support from DADHC to supplement current service provision is made on behalf of a woman with a disability. The Public Guardian makes a complaint to DADHC because other than an initial acknowledgement letter, no further contact has occurred or additional service been received.
	Lack of service	Example 2.2 (page 7)	The parent of a child with a disability, who is unable to access a physiotherapy service makes a complaint to the Regional Manager, about the lack of therapists in the area.
Policy	DADHC Policy	Example 3 (page 7)	An advocate makes a complaint that the DADHC complaint handling policy is discriminatory to people from a CALD background.
Staff issues	DADHC employees	Example 4 (page 7)	A member of the public makes a complaint about the behaviour of DADHC staff at a public forum.

## Appendix B: Information Sheet 1: Making a complaint

### DADHC's commitment

If you make a complaint to DADHC you can expect that DADHC will:

- treat you with respect;
- tell you what to expect while your complaint is being looked into;
- carry out the complaint handling process in a fair and open way;
- provide reasons for decisions made; and
- protect your privacy, as much as the law will allow.

Every effort will be made to resolve the complaint to everyone's satisfaction.

You should not be made to feel that you cannot make a complaint, nor should making a complaint have any effect on the services you are receiving from DADHC, such as changes to your service or less communication with you.

The DADHC *Feedback and Complaint Handling: Principles and Guidelines* are available at [www.dadhc.nsw.gov.au](http://www.dadhc.nsw.gov.au). You can ask DADHC staff to print you a copy.

### How do I make a complaint?

You can make a complaint verbally or in writing. You can also use a DADHC complaint form if you prefer, or email [service@dadhc.nsw.gov.au](mailto:service@dadhc.nsw.gov.au).

If you need assistance (eg interpreter or advocate) to make a complaint DADHC will help you get this. You can also seek advice and assistance from the NSW Ombudsman on (02) 9286 1000 or 1800 451 524 (rural/regional callers only).

### Who do I make a complaint to?

You can make a complaint to any DADHC staff member, such as your case manager, the person delivering your service or a regional or central office service manager.

You are encouraged to discuss your complaint with the DADHC staff you know or you may prefer to speak with that person's supervisor or manager.

If your complaint is about your Home Care service you may prefer to contact the Home Care Client Relations Co-ordinator on 1800 044 043.

### What can I complain about?

#### DADHC services, policies and staff

You can make a complaint to DADHC about any aspect of its business:

- direct services (eg group homes, respite, case management, Home Care)
- access to services
- policies
- staff conduct

#### DADHC funded services

DADHC funds organisations to provide services. These include:

- non-government disability organisations, such as those who run group homes, respite and day programs, case management; and
- organisations providing services under the Home and Community Care (HACC) program such as Meals-on-Wheels, Home Modification and Maintenance services, case management.

DADHC does not have the authority to directly investigate complaints about these organisations. DADHC recommends that you discuss the complaint with the organisation first. If you make a complaint to DADHC about one of these organisations DADHC can refer the complaint to the organisation to look into, ask them how the complaint was resolved and make sure that the organisation has a complaint handling policy.

#### DADHC licensed services

DADHC licenses organisations or individuals operating boarding houses.

DADHC can investigate complaints about possible breaches of licensing conditions.

You can also make a complaint about DADHC operated, funded or licensed services to the NSW Ombudsman on (02) 9286 1000 or 1800 451 524 (rural/regional callers only).

See *Information Sheet 2: Complaint process* for details about what happens after you have made a complaint.

## Appendix C: Feedback and complaint form

Please note, if you do not wish to provide your name or other details, DADHC will investigate your complaint to the best of its ability with the information provided.

### Person making the complaint (complainant)

First name	
Family name	

### DADHC client (where applicable)

First name	
Family name	

Relationship to client (eg. self/family/advocate/  
carer/service provider)

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### Preferred method of contact (you can indicate more than one)

Home phone		Postal address	
Work phone			
Mobile phone		Email address	

Do you have any special communication needs (eg interpreter)? Please provide details:

--

### What is your complaint about?

If your complaint is about a service please provide the name and address or at least the suburb. Provide details of your complaint below. Attach another page if necessary.

--

### What would you like us to do about your complaint?

--

Have you already raised this complaint with a DADHC officer?  
If so, provide their name and position (if known) and when:

--

### Send your complaint to:

#### Regional office

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#### OR Central office

Attention: Co-ordinator Client Relations  
DADHC - Public Accountability Branch  
Level 5  
83 Clarence Street  
SYDNEY NSW 2000

## **Appendix D: Home Care complaint handling**

Additional instructions are provided for staff in the Home Care business stream to clarify the function of the Home Care Client Relations Unit.

### **Making a complaint**

Clients who wish to complain about Home Care can choose to contact either their local branch or the Home Care Client Relations Unit via the 1800 number as the first point of contact. Home Care general client information will contain the 1800 number. Service agreements and locally produced client communications should contain the local branch contact number as well as the 1800 number.

Clients are likely to contact their care worker or service coordinator with basic complaints about service delivery or staff matters. However, they may choose to contact the Home Care Client Relations Unit initially. Generally, complaints about inability to access services or about Home Care policies could be raised with the Home Care Client Relations Unit.

### **Complaint handling process**

#### Local resolution

In cases where the client calls the 1800 number as the first point of contact, the Home Care Client Relations Unit will acknowledge the complaint and give an initial response if possible, or refer the matter to the relevant branch manager for “further enquiry”. The Home Care Client Relations Unit and the branch will coordinate to develop a resolution. The Home Care Client Relations Unit will advise the client of the outcome and finalise the complaint record.

Where a client initially raises a complaint at the local level but the complaint is not resolved to their satisfaction, or they are not happy with the complaint investigation process, the branch officer can give the client the option of contacting either the Regional Manager or the Home Care Client Relations Unit for “internal review” of the complaint. The Home Care Client Relations Unit will investigate the complaint handling process and outcome with the relevant Branch and/or Regional Manager. The Home Care Client Relations Unit will advise the client of the outcome and finalise the complaint record.

If the client is still not satisfied with the outcome they can be advised of the option to seek external review through the Ombudsman or other relevant external organisation.

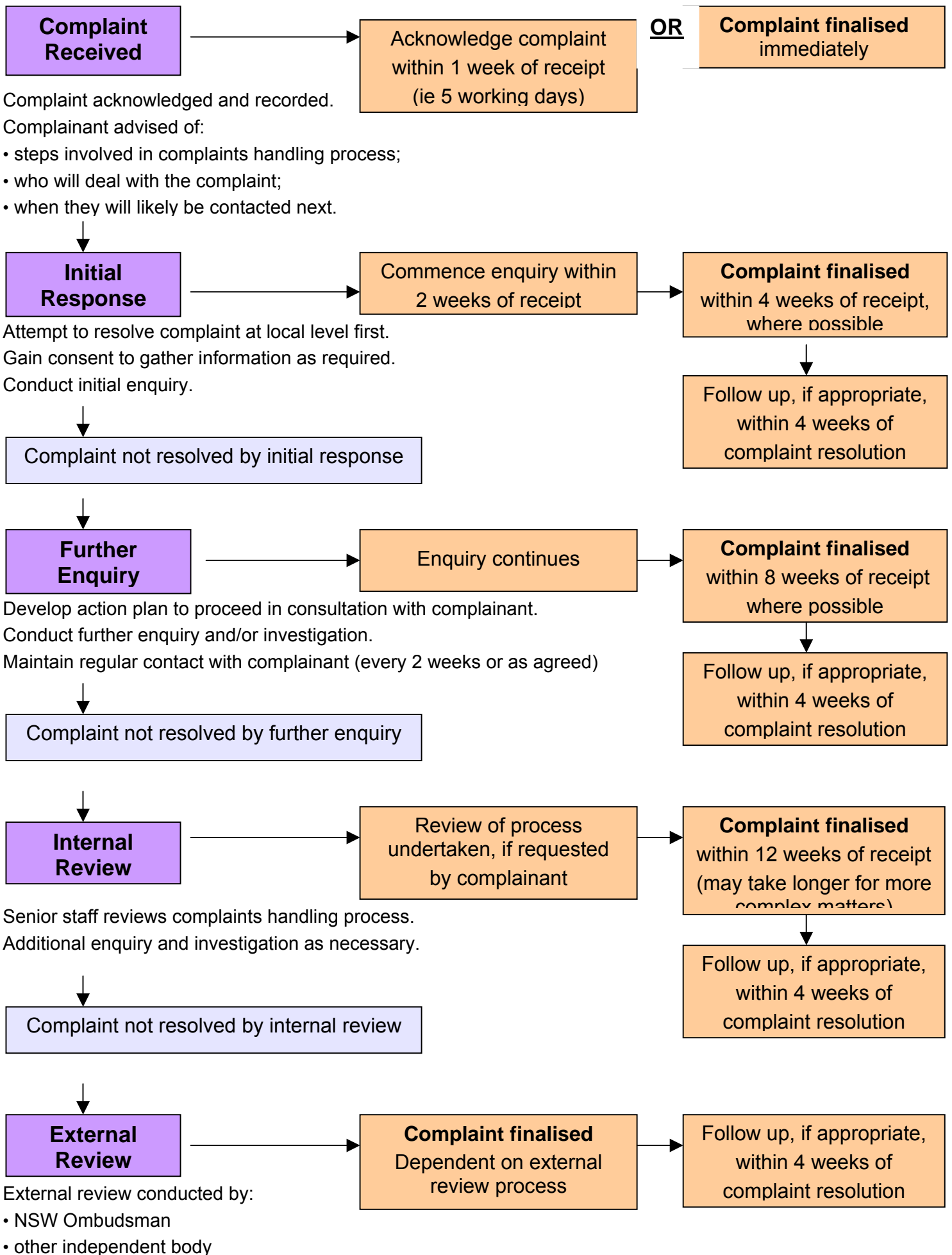
#### Record keeping and monitoring

Regional reports will be sent to the Public Accountability Branch, as per the business rules in the DADHC *Feedback and Complaint Handling: Principles and Guidelines*. There is no longer a requirement for Regional/Area Managers to report monthly complaints to the Home Care Client Relations Unit.

Regional Managers should use local complaint records for service improvement by identifying and managing systematic issues. These issues should be raised in business stream meetings or with Home Care Branch where they indicate a program-wide issue.

The Home Care Client Relations Unit will send reports to the Public Accountability Branch in line with DADHC guidelines. The Home Care Client Relations Unit will also identify systemic issues raised within its own complaints caseload and report these to the Director, Home Care and Regional/Area Managers.

## Appendix E: Complaint handling process map



## Appendix F: Information sheet 2: Complaint process

### What happens once I make a complaint?

Once you have made a complaint it will be allocated to the most appropriate person to look into.

In most cases this will be the DADHC officer or their manager who is involved with the service or policy area your complaint is about.

If your complaint is about a specific DADHC staff member, that person will not deal with it. If the complaint is about a particular area or group of staff in DADHC then another area of DADHC may handle the complaint.

Your complaint should be acknowledged - verbally or in writing - within five working days of DADHC receiving it.

If your complaint is simple then it may be resolved immediately.

If more information is needed it may take longer to resolve. You should hear from someone to discuss your complaint further within 10 working days of DADHC receiving the complaint.

DADHC staff will:

- explain what will happen while the complaint is being dealt with;
- tell you who will deal with the complaint;
- ask your consent to make further enquiries, as necessary; and
- help you get assistance – such as an advocate or interpreter – if required.

If your complaint needs to be investigated further DADHC staff will keep in regular contact to update you on how things are progressing, at least every 10 working days or as agreed with you.

Once the complaint is resolved as far as possible, you will be informed of the outcome. You may wish to raise any ongoing problems or concerns at this time.

Sometimes it may not be possible for a complaint to be resolved completely. If this is the case DADHC staff will work with you to look at other options to address your issues.

### What if I'm not happy with the outcome of the complaint?

If you are not happy with the outcome of the complaint then you can ask DADHC staff to review how the complaint was dealt with.

You can do this in a letter, email, over the phone or in person. A more senior staff member may undertake the review.

DADHC staff may gather additional information to review the decision. This may or may not lead to changes to the original decision. If you have asked DADHC to review how the complaint was dealt with, and you are still unhappy with the outcome of a complaint, then there are outside agencies that may be able to help, such as:

- NSW Ombudsman  
(02) 9286 1000 or  
1800 451 524 (rural/regional callers)  
[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- Independent Commission Against Crime  
(02) 8281 5999.  
[www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)
- Administrative Decisions Tribunal  
1800 060 410  
[www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)
- Anti Discrimination Board  
(02) 9268 5555 or  
1800 670 812 (rural/regional NSW)  
[www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)

You can contact an external agency for advice or assistance at any point during the complaint handling process.

### Further information

The DADHC *Feedback and Complaint Handling* policy outlines the principles for management of complaints and provides guidelines to help DADHC employees in responding to complaints received. A copy is available at [www.dadhc.nsw.gov.au](http://www.dadhc.nsw.gov.au).

You can also ask staff at regional DADHC offices for a copy of the document. Contact details for DADHC regional offices are on the website (see address above) or you can call central office on (02) 8270 2000.

## Appendix G: Action plan

<b>DADHC officer</b>		<b>Contact details</b>	
<b>Complainant</b>		<b>Preferred contact</b>	
<b>Client name</b>		<b>Client address</b> (if relevant)	
<b>Date received</b>		<b>Acknowledgement sent</b>	
<b>Details of complaint</b>			

<b>Action</b>	<b>Timeframe</b>	<b>Person Responsible</b>

<b>Date finalised</b>	
<b>Outcome</b>	
<b>Follow up</b> (if appropriate)	

## Appendix H: External Review Contacts

The NSW Ombudsman can deal with written and oral complaints about the conduct of a community service provider or an employee of such a service and inquire into major issues affecting clients and services.<sup>1</sup> Further information about the NSW ombudsman can be found at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) or by calling 1800 451 524.

The National Disability Abuse & Neglect Hotline is an Australia-wide telephone hotline for reporting abuse and neglect of people with disabilities using government funded services. Allegations are referred to the appropriate authority for enquiry and/or investigation. The National Disability Abuse and Neglect Hotline is fully funded by the Australian Government through the Department of Family and Community Services. Further information about the National Disability Abuse and Neglect Hotline can be found at [www.disabilityhotline.org](http://www.disabilityhotline.org) or by calling 1800 880 052.

The Independent Commission Against Corruption (ICAC) accepts complaints about serious misconduct and allegations against public servants. Further information about ICAC can be found at <http://www.icac.nsw.gov.au> or by calling 02 8281 5999.

The Administrative Decisions Tribunal (ADT) reviews administrative decisions of New South Wales government agencies. The ADT is also responsible for conducting hearings into a range of other matters such as reviewing certain decisions regarding community and disability services. For example, funding of disability services or the refusal of a community service provider to implement a recommendation of the NSW Ombudsman. Further information can be found at <http://www.lawlink.nsw.gov.au/adt.nsf/pages/index> or by calling 1800 060 410.

The Anti Discrimination Board (ADB) investigates and conciliates complaints of discrimination, harassment and vilification. Further information can be found at <http://www.lawlink.nsw.gov.au/adb> or by calling 02 9268 5555 or 1800 670 812 (rural and regional NSW only).

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<sup>1</sup> NSW Ombudsman: Community Services Division fact sheet No 1, December 2002

## Appendix I: Reporting and monitoring business rules

The Public Accountability Branch (PAB) in the Office of the Director-General has a lead role in monitoring DADHC's performance in managing complaints. This includes reporting on the outcomes of complaints, through the central collation and analysis of complaints data.

### Reporting

After it is implemented in September 2005, the Client Information System (CIS) will have a complaints function for the recording of information relating to the handling of complaints. Each region and central office branches will be responsible for entering data as complaints are received. Detailed reports will be accessible to the region/branch and PAB as required.

In the meantime, a manual interim procedure will be used. The data collected during this period will be less than CIS will capture. Regions are responsible for developing local systems to ensure all relevant information about a complaint is recorded. A suggested format for the manual recording of complaints, outlining the minimum data to be collected, is attached (Appendix I: Attachment 1).

First quarter reporting is required is 1 July to 30 September 2005

Regions and units are required to submit a consolidated report of all complaints received and a summary report (see Appendix I: Attachment 2). This should be emailed to the PAB Inbox ([PAB@DADHC.nsw.gov.au](mailto:PAB@DADHC.nsw.gov.au)) by Monday 10 October 2005.

This system will be reviewed following the implementation of CIS.

### Monitoring

The complaints policy also referred to monitoring complaint handling and adherence to the principles and guidelines through the random monitoring of individual matters by PAB. The monitoring process is to assist PAB in identifying skill gaps for DADHC staff, and ensures the complaint handling principles and guidelines are meeting the needs of DADHC clients and staff. The process by which this will occur is as follows:

- A complaint will be selected for monitoring at the point it is received and identified by the Office of the Director-General.
- PAB will advise the Region that the matter will be monitored when the complaint is first allocated.
- Regions should ensure that all relevant information is recorded for this matter as for any other.
- At the finalisation of the complaint handling process PAB will provide feedback to the region.

## Appendix I: Attachment 1 – complaint recording format

This is a suggested format for recording complaints, outlining the minimum data required for the interim manual reporting period.

Client	Complainant	Complaint type (primary)	Complaint type (secondary)	Received		Acknowledged	Action	Outcome	Follow-up
				How	When				
Name  Date of birth (if known)	Name  Relationship to client	EG Service delivery Service access Policy Staff issues  See page 7 “What is a complaint?”		EG letter phone corro person	Date	Date	Dates of key contact  see page 21 “Appendix E: Complaint Handling process map”	Date & detail of result  EG Apology extra service no resolution, referral to external agency	Date & further action taken, if any
<i>Example</i>									
<i>Joe B 02-06-73</i>	<i>Mary B Mother</i>	<i>Service delivery (DADHC respite)</i>	<i>Staff issue</i>	<i>phone</i>	<i>01/01/05</i>	<i>04/01/05</i>	<i>10/01/05 initial response 13/01/05 action plan agreed to resolve complaint</i>	<i>18/01/05 Service details clarified</i>	<i>02/02/05 Complainant contacted – service progressing as agreed. Complaint closed.</i>

## Appendix I: Attachment 2 – summary report format

### Regional summary report

		NUMBER OF EACH COMPLAINT TYPE				
BUSINESS STREAM		Service delivery	Service access	Policy	Staff	TOTAL
	Accommodation & Respite					
	Home Care					
	Service Development & Planning					
	Community Access					

### Central summary report

		NUMBER OF EACH COMPLAINT TYPE				
BUSINESS STREAM		Service delivery	Service access	Policy	Staff	TOTAL
	Accommodation & Respite					
	Home Care					
	Aboriginal Services					
	Community Access					
	Service Development & Planning					
	Office for Ageing					
	Resource Management					
	Business Improvement					
	Corporate Communications					