

Complaints Resolution and Feedback Procedure

Statement

Blue Mountains Aboriginal Culture and Resource organisation regularly seeks input and feedback from consumers, carers, the workforce and others and uses the input and feedback to inform continuous improvements for individual consumers and the whole organisation.

Limitations and Definitions

This procedure refers to complaints received by Aboriginal Culture & Resource Centre (ACRC) from users of the service. It may refer to services provided by ACRC staff, use of facilities and resources or matters concerning the Board of Governance. Where complaints, grievances or disputes arise that are initiated by staff or Board of Governance members or volunteers, this is dealt with separately in ACRC's Employment Procedure (see Grievance/ Conflict Mediation Procedure*).

Please note this procedure does not cover situations where a complaint involves abuse or is of a criminal nature. In these situations, the relevant authorities are to be notified immediately. The relevant authority is responsible for investigation and ACRC staff will follow directions as indicated by them.

Procedure

ACRC is committed to encouraging Aboriginal people to speak up when they have feedback, or a concern or complaint and respecting their right to make a complaint without fear of retribution. All complainants can expect to have their complaint dealt with by the service in a prompt, fair and equitable manner. Accordingly, when a complaint has been made, all efforts will be made to resolve the issue in a manner that:-

- Is timely, with it being dealt with at the time it arises, or as soon as possible thereafter. ACRC will aim to resolve complaints within a six week time frame, as far as possible, with review time frames included in any agreements reached,
- Is clear, so that complainants have access to and understand how the process works,
- Is flexible, with informal and formal, internal and external options of resolution offered,
- Is accessible. Some complainants may need support, such as advocacy, to help them assert their rights. They have the right to access this support,
- Acknowledges the rights of complainants to access external complaints' mechanisms. Complainants will be provided with information on the NSW Ombudsman and other relevant agencies,
- Ensures that the views of all involved are seen as having equal validity, unless proven otherwise,
- Ensures the process is non-discriminatory,

- Ensures the complainant feels comfortable to continue to access the service after making a complaint,
- Respects the confidentiality of the complainant and all involved parties, other members of staff, management and other relevant parties,
- Acknowledges that the outcome of resolving a complaint is the improvement of service systems, and relationships between people and thus an improvement in the service. Where re-occurring issues are identified through the complaints process, strategies can be developed to resolve them.

In order for the above to occur, ACRC will ensure relevant staff receive conflict resolution training and are provided with appropriate support in dealing with complaints effectively.

ACRC conducts surveys and yarning circles to gather input from community.

Feedback

The Chief Executive Officer reviews feedback, concerns or complaints and decides whether if the matter is handled by the Continuous Improvement process, or as a complaint outlined below. In all cases, the person giving feedback or the complainant, is advised of the process being followed.

Managing Complaints

1. Provision of information to clients about making a complaint

- 1.1 Clients are made aware of their right to make a complaint and how to do so by:-
- Clients are given information on the complaints process at the time of entry to the service or within two weeks of entry,
 - Written information is provided directly to clients and displayed on the ACRC website (see Complaints Resolution Flow Chart at Attachment 1),
 - Ongoing contact and reviews with clients includes encouragement of feedback about the service including complaints,
 - Clients are advised of their rights to have an advocate and that advocates can provide support to the client if they wish to make a complaint (see Client Advocacy Procedure*),
 - A hard copy of this procedure and attached flow chart is available to the client and any other interested party at any time.

2. Implementing the Complaints Resolution Procedure

Step 1 Informal procedure relating to facilities or resources - If the complaint relates to maintenance of facilities or resources, details of the complaint are taken by the staff member receiving it using the Complaints Resolution Check List (see Attachment 2), resolved immediately or referred to the Chief Executive Officer for follow-up action.

Step 2 Informal procedure for other easily resolvable matters - Where a complaint is seen to be able to be resolved quickly and informally by discussion between the client and relevant staff member, then this is to be done in the first instance. Where the complaint involves other parties, the staff member will arrange discussions with these people promptly (at the latest within one week of receiving the complaint). If there is no breach of duty of care or breaches of ACRC procedure, the staff member will explore options for resolution of the complaint with the client. This could involve provision of information, changes in service routines or procedures, mediation, or other options, depending on the nature of the complaint. Details of the complaint and its resolution are to be noted by the client and the staff member on the Complaints Resolution Check List (see Attachment 2) and filed in the ACRC Complaints File, with a copy placed in the client's file.

If the complaint involves a member of staff, the person concerned is to continue to work in their normal position, at the discretion of the Chief Executive Officer and depending on the nature of the complaint, whilst the resolution procedure is followed. Where a breach of duty of care is established directly involving staff, this is to be immediately referred to the Disciplinary Action Procedure* (complaints directly involving staff).

Step 3 Formal Procedure - If the complaint is not resolved to the satisfaction of all concerned in Step 1 or 2 or the complainant requests to go directly to making a formal complaint, the complainant will be encouraged to write down and sign the complaint. They will also be given a copy of this procedure and the Complaints Process Flow Chart, if this has not already been done.

The complainant will be advised they can either write a letter or use the Sample Complaints Record Form (see Attachment 3). They should be advised to seal the complaint in an envelope, mark it as confidential and address it to:-

The Chief Executive Officer,
Blue Mountains Aboriginal Culture and Resource Centre,
PO Box 334
Katoomba 2780

If it appears that the complainant will have difficulty in putting the complaint in writing, they shall be assisted to find an appropriate advocate (see Client Advocacy Procedure*). Complainants will also be informed that in any of the following procedures, they are entitled to access an advocate or other support person of their choice. They should also be advised of alternative external complaints services such as the NSW Ombudsman.

Step 4 All complaints in the first instance will be referred to the Chief Executive Officer (and/or Board of Governance if the complaint refers to the Chief Executive Officer). All complaints will be acknowledged in writing. On receiving the complaint, the Chief

Executive Officer (or delegated Board of Governance member if Chief Executive Officer is directly involved in complaint) will:-

- Clarify the complaint,
- Identify what the client wants,
- Investigate the information received,
- Interview and confidentially discuss the information with relevant staff,
- Develop strategies for action,
- Ensure regular communication is maintained with the client.

All agreements reached should be written down on, or attached to the Complaints Record Form. This should include a plan of action and review process with time frames. All parties are requested to sign the agreement, to acknowledge their participation and acceptance.

Step 5 If it does not appear that the complaint can be resolved through discussion between the Chief Executive Officer and people involved with the complaint, the matter should be referred to the Board of Governance.

The Board of Governance may establish a Complaints Sub-Committee which will convene a meeting within fourteen days with the complainant and/or their representative and all other parties involved in the complaint. All members must agree to confidentiality. A copy of the written complaint must be circulated to all parties at least twenty-four hours before the meeting.

Step 6 The Complaints Sub-Committee will work towards a mutually-acceptable resolution of the problem. The Sub-Committee may decide to:

- Schedule more than one meeting to resolve the matter,
- Employ a mediator to assist in the resolution of the matter,
- Refer the matter to the full Board of Governance Meeting for resolution,
- Seek legal advice if appropriate. The Board of Governance will be consulted before any legal action is taken.

All meetings of the Complaints Sub-Committee must be minuted and these minutes must be tabled at the following Board of Governance meeting. The minutes must list the names of all present, the purpose of the meeting and the outcome. All proceedings of the meeting must be kept confidential unless agreed otherwise by those attending the meeting.

Step 7 If a person on any ACRC Board of Governance and/or sub-committee puts in a formal complaint regarding ACRC, they will stand down from that committee until the complaint has been finalised.

Step 8 If no resolution to the satisfaction of all parties has been reached, the complainant will be provided with information on how to access external complaints mechanisms (see contact details of the NSW Ombudsman in the Complaints Resolution Flow Chart).

Step 9 All details of the complaint are to remain confidential, unless a breach of duty of care is involved. The complainant's permission should be obtained prior to any information being given to other parties, including those people whose involvement may be desirable in order to resolve the complaint.

Step 10 All documentation relating to the complaint (including the Complaints Record Form and minutes of any meetings) must be filed in a locked cabinet to ensure confidentiality is maintained. Copies of the documentation will also be held securely in the client's file.

Attachment 1: Complaints Resolution Flow Chart

Attachment 2: Complaints Resolution Checklist

Attachment 3: Sample Complaints Record Form

***Other Relevant Procedure & Documents**

- Client Advocacy
- Child Protection
- Investigating Child Protection Allegations Against an Employee and/or Board of Governance Member
- Grievance/Conflict Mediation
- Disciplinary Action

Review Date: March 2023