

7. COMPLAINTS AND DISPUTES

POLICY 7.1 CLIENT AND FAMILY FEEDBACK

Policy

At any time, a client or their family/advocate is free to raise a concern, make a complaint, or provide feedback about any aspect of the service they receive. Issues raised will be treated confidentially, fairly, dealt with promptly and without retribution. Clients can seek the support of an advocate at any stage of the dispute resolution process.

All clients, and potential clients, will be informed of their rights including their right to complain without affecting access to services, and their right to have an advocate of their choice. All clients, and potential clients, will be encouraged to provide positive feedback, where appropriate, on the service provided.

In cases of reported suspected abuse, assault or neglect of a Client, management will follow the procedures outlined in the Preventing and Responding to Abuse or Neglect and Corrective Discipline policies and procedures.

Purpose

Multicap will encourage clients to provide both positive and critical feedback on services provided to ensure that clients receive the best possible service.

Scope

The following procedures apply to all clients including their families and advocates.

Definitions

Concern: A concern is an issue or occurrence that is raised and then is resolved at the first point of contact, when all parties reach agreement and are satisfied with the outcome. These are usually minor issues that can be rectified by staff members at the local level.

Complaint: A complaint is:

- An issue or occurrence that is not resolved at the first point of contact where the aggrieved person is dissatisfied with the outcome and has made a complaint to a higher level staff member.
- It can also be issue or occurrence that is raised for the first time with Multicap, and is deemed a complaint rather than a concern because of the serious nature of the issue. An investigation is required in these instances.

Procedure

All concerns and complaints, whether formal (written) or informal (verbal) must be raised as early as possible after the incident occurs.

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- 1 -

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7. COMPLAINTS AND DISPUTES

Raising a Concern:

Talk to the Team Leader/Keyworker

Clients and his/her family/advocate should, in the first instance, seek to resolve any issue or dispute with the staff member who would be in the best position to resolve the issue. Where the issue involves that person, the Client/family member should refer the matter to the Area Manager.

In the event of a concern between a client and their principal carer, Multicap encourages early identification and open discussion of potential difficulties at the assessment and program plan stages/reviews to alleviate any conflicts.

Documentation should be made of any concern whether informal or formal. The staff member who receives the concern verbally can interview the person and make a written record of their concern on a concern log, or where appropriate, can request that the person provides the concern in writing.

Clients and his/her family/advocate should be notified within 3 working days and provided with feedback on progress, actions taken and outcomes achieved. Multicap will endeavour to resolve all concerns in a timely manner. It is hoped that most issues of concern can be resolved to the client's/family's satisfaction in dialogue with the team leader/Key Worker/Coordinator.

If the client and his/her family/advocate and the team leader/Keyworker are unable to resolve the issue or dispute, then the matter becomes a formal complaint and shall be referred to the next level of management.

Recording and Filing of concerns:

Concern logs must be completed for all concerns raised by clients and his/her family/advocate. A copy of the concern log is to be forwarded to the relevant Coordinator and Area Manager within three (3) working days. Concern logs must be retained at the service in a separate folder stored in locked cupboards. Auditors will expect to sight the concerns log folder in their annual audits.

When the concern log is received by the Area Manager he/she will note possible trends, for example:

- Identify houses/sites where no concern logs are being generated to determine if clients/families are reluctant to raise, staff are not documenting concerns, clients and families are satisfied with service etc.;
- Identify houses/sites where many concern logs are being generated to determine if an underlying problem exists;
- Identify clients/families where many concern logs are being generated by them to determine if an underlying problem exists. etc.

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Raising a Complaint:

Talk to Coordinator/Area Manager

Upon receipt of a serious concern (e.g. suspected abuse, lost monies, a Client or family/advocate stating that they intend to raise a complaint to the Department of Communities etc.), the Team Leader will inform the Coordinator/Area Manager immediately. Within 24 hours from the receipt of the complaint, the Area Manager will inform the Disability Services General Manager, who in turn may seek legal advice. See Critical Incident Reporting policy and procedure.

Clients and his/her family/advocate can approach a Coordinator or Area Manager directly to raise a complaint in the first instance. He/she can also approach the coordinator or manager if the concern had not been resolved to their satisfaction by the team leader/Keyworker. It is therefore imperative that all concern logs have been previously forwarded to the Coordinator and Area Manager so that they are fully aware of any action taken by staff members to resolve the client's or his/her family/advocate's concern.

In any action taken, the coordinator/manager will ensure natural justice principles are followed and that appropriate file notes are recorded. The manager will attempt to resolve the complaint by conciliation and to arrive at an outcome that is satisfactory for the complainant. This could include the client/advocate having a better understanding of the issue and the organisational response.

Underpinning Principles

- The principle of natural justice refers to a process that displays fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of all allegations being made and be provided with an opportunity to respond to them.
- No person will be victimised because they raise a complaint or are associated with a complaint.
- The investigation and resolution processes will be undertaken in a fair and positive manner with confidentiality maintained throughout.
- Multicap recommends the use of an advocate, and is able to supply a staff member, or recommend a suitable mediator in an endeavour to resolve the situation.
- Clients and advocates will also be made aware of external avenues of dispute resolution such as the Department of Communities' Complaint Process.
- A complaint will be approached in a positive way, with the aim of resolving the complaint appropriately, and making any warranted improvement to procedures, service delivery and policy.
- Staff members will be offered appropriate support in the event of a complaint made against them.

Recording and Filing of complaints:

Complaints are recorded on the central Complaints Register and the process followed as per guidelines for using complaints register, attachment A.

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Version: 7	Authorised by

- 3 -



7. COMPLAINTS AND DISPUTES

STEP 3 - Talk to the CEO

The Client and his/her family/advocate can approach the CEO if the complaint has not been resolved to their satisfaction and seek a review of the complaint's handling process and outcomes. The CEO will request documentation from the Area Manager regarding the handling of the complaint to date. Any determination made by the CEO with regard to the grievance will be final save for the party's right to pursue the matter outside Multicap.

Continuous Improvement

Clients and their family/advocates are provided with a copy of this policy outlining Multicap's complaints procedure upon commencement with Multicap.

Staff are to document improvements made as a result of a concern or complaint on the Systems Improvement Form (SIF). A copy of this form is available to staff, clients and family/advocates and should be used to record improvements made or suggested. A copy of the completed SIF should be forwarded to the Quality Improvement Committee.

Positive Feedback

Clients, families, and members of the public are encouraged to provide feedback verbally and in writing through family consultation forums, on an individual basis with staff, and in writing at any time. Multicap appreciates when clients, families and members of the public take the time to compliment our staff and organisation generally. Staff should retain a compliments register on site and forward a copy of any compliments to their Area Manager. These compliments can be used as evidence for audits and can also be used to support funding submissions.

Relevant Legislation

Disability Services Act 2006

Whistleblowers Protection Act 1994

Anti-Discrimination Act 1991

Forms & File Path (forms are found in drive: j:\Central Common Use)

Attachment A

Guidelines for using complaints register

<..\..\Registers\Complaints registers\Guidelines\GUIDELINES FOR USING COMPLAINTS REGISTER.docx>

Concern Log

<..\..\Multicap Forms\HR Related\Concern Log.doc>

Suggestion/Improvement Form (SIF)

<..\..\Multicap Forms\Quality Forms\Suggestion Improvement Form SIF.doc>

Complaint management process form

<..\..\Registers\Complaints registers\Guidelines\COMPLAINT MANAGEMENT PROCESS.docx>

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- 4 -

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