

Title

CLIENT COMPLAINT HANDLING POLICY

Document ID

COL 0530/18

Date of Issue

01/03/2010



Overview:

The right of a client to lodge a complaint/grievance about a service is a fundamental component of the overall strategy to promote the rights of clients (and employees) of Colbrow Care.

This policy provides the framework for complaints policy and procedures in our home and community care program and sets out Rights and Responsibilities.

Clients of Colbrow Care are encouraged to raise their complaint/grievance about any aspect of service delivery. This is regarded as a positive component of service evaluation and continuous improvement and believes that our response to client complaints/grievances is an important component in improving quality service.

Scope:

This policy applies to all Colbrow Care clients (and families), and any person who carries out work in any capacity for Colbrow Care, including all employees providing nursing and care services to support people with a disability, special needs and clients in the home and community care sector.

Definition of a Complaint:

Colbrow Care's definition of a complaint is considered to be;

- a) any expression of dissatisfaction or concern made to an organisation by, or on behalf of, an individual, client, or member of the public, related to Colbrow Care's services, or the complaints handling process itself
- b) a complaint may be made in person, by telephone, fax, email or in writing

Policy:

Colbrow Care strives to do the best it can for its clients, however, it is recognised that from time to time a client might be dissatisfied with a service they receive. When a client has a complaint/grievance, the issue will be dealt with promptly, fairly and in a non-threatening manner with regard to the client's rights.

Where a client or other interested party, for any reason, does not wish to raise a complaint with the staff member who provided their service, they may take the issue up directly with the Operations Manager or the General Manager.

Colbrow Care's preference is that complaints/grievances will be resolved through the procedures outlined, but it is understood that on occasions, a client might choose not to follow this practice. They might prefer to make a complaint/grievance through alternative avenues, and in these circumstances, Colbrow Care is committed to working with the client and whomever they nominate to be their representative.

Clients (and/or employees) are entitled to have complaints/grievances investigated objectively and without fear of retribution. In the disability/home and community care sector context, such a right of complaint is established in the Rights of service users. Our complaints management system aligns

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with the requirements of the National Disability Insurance Scheme Act 2013 (Act), National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 (the Rules), the Aged Care Act 1997, Aged Care User Rights Principles 2014 and the Charter of Aged Care Rights 2019.

The Client may wish to raise their complaint with the:

- NDIS Commission

<https://www.ndiscommission.gov.au/about/making-complaint>

- Aged Care Quality and Safety Commission

<https://www.agedcarequality.gov.au/making-complaint/complaints-process>

Principles:

- *Right to Complain*

Clients receiving home and community care support are entitled to;

- complain about the support services with which they are dissatisfied
- have complaints/grievances investigated objectively and without fear of retribution
- have complaints/grievances investigated in a timely and effective manner and be advised of the outcome

- *Right to a Negotiated Solution*

A complainant has the right to a negotiated solution that meets their needs and where appropriate advice of the outcome should be provided in writing to the complainant.

- *Right to the use of Advocates in the Complaints Process*

Every client has the right to involve an advocate of his or her choice in dealings with Colbrow Care. The role of the advocate is to speak and act on behalf of the client, not to mediate between the client and Colbrow Care.

Advocacy Services include:

- Disability Services Commission
- Disability Advocacy Resource Unit
- Office of the Public Advocate
- Advocacy Disability Ethnicity Community
- Older Persons Advocacy Network
- COTA

- *Right to External Appeals Mechanism*

Should a complaint not be resolved to the satisfaction of the client, the issue can be dealt with by other options, which may assist service providers and clients in resolving complaints or providing service, include the following organisation.

- Health Services Commission
- State Government Ombudsman
- Victorian Equal Opportunity and Human Rights Commission
- Office of the Public Advocate
- Complaints Resolution and Referral Service
- Regulatory Industry Boards (ie: AHPRA)

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Procedure:

- Colbrow Care will ensure that all clients, and where they are identified, their carers, are provided with information about the client and carer complaints policy when they first access the service, and that they are reminded of the policy and their rights to make a complaint without fear of affecting their service
- When a client makes a complaint about any aspect of their involvement with Colbrow Care, the first step will be for the staff member to whom the complaint is made to listen respectfully and non-judgementally to the complaint and attempt to work with the client to resolve it.
- If this first response does not resolve the complaint, the client will be advised of their rights to make a formal written complaint to Colbrow Care and to have a support person or advocate assist them. The client should be offered assistance to make the complaint.
- Colbrow Care has a formal Complaint Form, but it is not essential for the client to use this form if they do not want to.
- All formal complaints will be noted and recorded and filed for quality assurance purposes and retained as confidential documents, except that Management will be aware of the complaints made in relation to the program.
- Clients who make a formal complaint will:
 - immediately be informed on the complaints policy;
 - be advised of their right to independent advocacy or representation of their own choice and assisted to access that support if they wish to engage it;
 - have their complaint dealt with confidentially and quickly, in an atmosphere of understanding and trust
- When a formal complaint is made, the Operations Manager will meet with the client and their advocate if they have one, as soon as possible to review the complaint and endeavour to resolve the situation. The agreed resolution or reasons for non-resolution at this meeting are to be documented, and a copy provided to the parties involved.
- In the event that the matter is not resolved with the Operations Manager, it will be referred to the General Manager who will endeavour to resolve the situation and document the agreed resolution, and provide a copy to the parties involved. If the client remains dissatisfied they will be advised of other agencies they can use to assist them to achieve a resolution. If necessary, they will be assisted to access an external agency.
- The complaints register will be reviewed at least once every six (6) months to analyse complaints (if any) and identify opportunities for service improvement.

Open Disclosure

Colbrow Care adopts the Open Disclosure Principles and the principles from the Aged Care Quality and Safety Commission, in managing complaints.

If an open disclosure meeting is to be held (where an adverse event may have occurred with harm or potential harm to consumers is evident), the Manager will prepare and conduct the meeting/s with the consumer/representative with consideration to the above principles. This includes the following:

- Be open and timely

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- If things go wrong in the provision of care and services to a consumer (including adverse events or incidents) we communicate and provide timely information in a timely, open and honest manner. We provide ongoing information until the complaint or issue is resolved.

Apologies to Clients/Families:

In many instances it may be appropriate to apologise to a client (and/or their family) in response to a complaint that has been raised.

Employees are encouraged to offer sincere and genuine apologies to a client (and/or their family) where they have received poor service, been provided with wrong information or have not been consulted in relation to a change in service provision.

In certain circumstances, an apology may act as an admission of liability. In these instances, employees are required to consult with the General Manager and legal advice may be obtained for the company. Legal advice is sought in relation to the following:

- Any violent act committed with intent to cause injury or death (including sexual assault)
- Loss or injury arising from a motor vehicle accident
- Injury covered under the Workers Compensation Act
- Defamation

In certain circumstances, an apology may be required from a client (and/or family) to an employee for inappropriate behaviour. In such circumstances Management will liaise with individuals involved and determine the best mechanism for such apology to be exchanged – this may include a written apology from the client, a meeting with those involved, a verbal apology from client to management to employee.

INTERNAL USE ONLY: Related Documents/Tasks Checklist

Description	Detail
Colbrow Care Policies	
Colbrow Care Forms	
Flow Charts	
Related Staff Training	

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