

POLICY ON MANAGING COMPLAINTS FROM CLIENTS OR STAKEHOLDERS

Amendment Log

Change	Section	Date	Responsible
Complaints concerning Cultural Safety	Procedure, section 5	13/06/2018	BP

POLICY STATEMENT

EDO NSW is committed to ensuring that any person or organisation using or seeking to use its services has the right to lodge a complaint about the organisation and to have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

The organisation will provide a complaints management procedure that:

- is simple and easy to use
- is effectively communicated and promoted to all clients and stakeholders
- ensures complaints or appeals are fairly assessed and responded to promptly
- is procedurally fair and follows principles of natural justice
- complies with legislative requirements.

PRINCIPLES

EDO NSW will:

- consider all complaints it receives
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- allow the complainant to have an advocate or other person to support them through the complaints process
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution
- resolve complaints, where possible, to the satisfaction of the complainant
- deal with all complaints in a timely manner
- keep parties to the complaint informed of progress of the complaint
- ensure that staff are given information about the complaints procedure as part of their induction and are aware of procedures for managing client feedback and complaints
- ensure all service users and stakeholders are aware of the complaints policy and procedures
- ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements.

WHO IS THIS POLICY FOR?

This policy outlines the procedures to be taken by staff managing a complaint from a client or stakeholder.

PROCEDURES

1. Information for clients and stakeholders

Information on how to make a complaint about EDO NSW is made available to clients and stakeholders through the website, the Annual Report, in letters of engagement and on request. All clients will be informed of their rights and responsibilities with regards to complaints at the earliest possible stage of their involvement with the organisation. The information provided will include:

- how to make a complaint
- contact person for lodging a complaint

EDO NSW Cost Agreements with clients contain detailed information on client's rights including external complaints processes consistent with the requirements of the *Legal Profession Uniform Law (NSW)*.

2. Making a complaint

A person wishing to make a complaint may do so in writing or verbally to:

- the staff member they were dealing with at the time
- the Principal Solicitor or manager of that staff member
- the Chief Executive Officer (CEO)
- the Board, or
- a relevant external body (depending on the nature of the complaint).

If the complaint is about:

- the work of EDO NSW, the complaint will be dealt with by the relevant manager
- a staff member, the complaint will normally be dealt with by the CEO or, if appropriate, delegated to the relevant manager
- a Principal Solicitor or manager, the complaint will normally be dealt with by CEO
- the CEO, the complaint will normally be dealt with by Chair of the Board.

Written complaints may be sent to Level 5, 263 Clarence Street, Sydney NSW 2000. The Operations Director will be responsible for receiving this correspondence, notifying the CEO or Board, and directing it to the appropriate person. Where the complaint relates to the Operations Director, the correspondence should be directed to the CEO.

3. Complaints by partners or stakeholders outside Australia

Complaints by partners or stakeholders outside Australia regarding can be made in writing or verbally to the CEO. Complaints involving the CEO will be managed by the Chair of the Board of EDO NSW.

Complaints can be emailed to EDO NSW's general enquiries email:
edonsw@edonsw.org.au.

Verbal complaints from outside Australia may be made using any reverse charge service (for example: 8000-reverse - for further information on this service see <http://www.1800reverse.com.au/8000-reverse>).

Information about how to make a complaint to EDO NSW can be found on EDO NSW's website. Further, EDO NSW enters into a memorandum of understanding with each partner organisation that it works with. This memorandum of understanding includes information about how to make a complaint.

4. Breach of ACFID Code

A complaint in relation to any alleged breach of the Australian Council for International Development Code of Conduct can be made to the ACFID Code of Conduct Committee. Further information in this regard can be found on the ACFID website:
<https://acfid.asn.au/content/complaints>.

Procedure for complaints management

The person managing the complaint will be responsible for:

1. Processing the complaint or appeal

- registering the complaint
- informing the complainant that their complaint has been received and providing them with information about the process and time frame
- assessing the seriousness of the complaint to determine if the matter should be referred externally because it alleges a breach of the law or professional duties, or it should be expedited.

2. Investigating the complaint or appeal

- examining the complaint within 7 days of the complaint being received
- investigating the complaint and deciding how to respond
- informing the complainant by letter within 7 days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution.

As far as possible, complaints will be investigated and resolved within 21 days of being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

3. Resolving the complaint

- making a decision or referring to the appropriate people for a decision within 21 days of the complaint being received
- informing the complainant of the outcome:
 - upheld (and if so what will be done to resolve it)
 - resolved (and how this has been achieved); or

- if no further action can be taken, the reasons for this
- Informing the complainant of any options for further action if required.

4. Reviewing the complaint

If the complainant is not satisfied with the investigation and proposed resolution of their complaint they can seek a further review of the matter by the CEO or, if the CEO dealt with the complaint initially, then by the Chair of the Board or their delegate.

5. Referral to external procedure

A formal external complaints procedure may follow Step 4 if the complainant is still not satisfied with the outcome. The complainant will be referred to a relevant external body if there is one e.g. Office of the Legal Services Commissioner, Law Society of NSW, Human Rights and Equal Opportunity Commission, Anti-Discrimination Board etc.

5. Complaints involving cultural safety

Complaints about or having a component of culturally unsafe practice or an incident in which a client or stakeholder felt culturally unsafe will be reviewed by EDO NSW's Aboriginal Advisory Council (AAC) in addition to being handled according to the organisational response outlined in this document. All attempts will be made to ensure this happens within a reasonable timeframe, dependent on the scheduling on the next AAC meeting. It will be at the discretion of the CEO to refer the matter to or seek advice from a representative of the AAC as part of the organisational response if there is not an upcoming meeting scheduled.

6. Complaints involving specific staff members or volunteers

Internal complaints, where a staff member or volunteer makes a complaint concerning another staff member or volunteer, will be dealt with in accordance with the EDO NSW Grievance, Complaints and Disputes Policy.

External complaints by clients or stakeholders made against a staff member or volunteer will be managed by the CEO who will:

- notify the staff member or volunteer of the complaint and its nature
- investigate the complaint and provide the staff member or volunteer with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party
- take any other action necessary to resolve the issue.

Any disciplinary action against a staff member arising from a complaint will be taken in accordance with the procedures contained in EDO NSW Staffing Agreement and SCHADS Award.

Complaints involving the CEO will be managed by Chair of the Board of EDO NSW.

7. Complaints involving organisation members or Board members

Complaints made against a member or Board member will be referred to the Chair. The Chair, or their delegate, will:

- notify the person about whom a complaint is being made of the complaint and its nature

- investigate the complaint and provide the member with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party.

Where the Chair is the subject of a complaint, the complaint should be referred to the Deputy Chair or other office bearer.

If the matter remains unresolved, the Chair or notified office bearer will raise the matter at the next Board meeting. Depending on the seriousness of the complaint, the Board may:

- deal with the matter at its meeting or
- refer the matter externally if appropriate.

8. Communication with Complainant

Communication with the complainant will be conducted in the manor specified by the complainant with all verbal communication documented in writing and a written request of confirmation of any decisions or agreements made verbally. If no other method is specified, communication will be conducted in writing via email or post.

The complainant will be notified of the progress of the complaint according to the timelines outlined above.

9. Record keeping

A register of complaints will be maintained by the Operations Director and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

The complaints register and files will be kept by the Operations Director in a locked cabinet and access is restricted to the Operations Director and the CEO. Specific files may be accessed by the person responsible for dealing with the complaint.

Information regarding complaints received is to be reported to the Management Team and the Board in a manner which maintains privacy and confidentiality. This information will be used to inform improvements in organisational practices and service delivery when appropriate.

Reviewing and approving this policy	
Policy Responsibility	Operations Director
Policy originally approved by:	Executive Director

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