

Chapter 7

Key elements to an effective person centred complaints management system

WE'VE BEEN FOLLOWING YOUR COMPLAINT VERY CLOSELY... FIRST THERE WAS YOUR COMPLAINT... THEN A COMPLAINT ABOUT THE COMPLAINT PROCESS ... & FINALLY A COMPLAINT ABOUT THE COMPLAINT OUTCOME... WE'RE VERY THOROUGH!



Chapter 7

Key elements to an effective person centred complaints management system

An effective complaints management system is one that is fully integrated into your quality management system. This includes policy and guidelines for receiving, recording, processing, responding to and reporting on complaints, as well as using the guidelines to improve services and decision-making. The system should provide clarity to staff on how to respond to complaints, as well as informing service users of the organisation's commitment to using complaints to continually improve the service.

Figure 2: Key elements of an effective person centred complaints management system and culture.



7.1. How to organise an effective complaints management system

This section will focus on the more structural elements of an effective complaints management system. However, it is important to remember that a good complaints system is equally reliant on having a strong culture which sees complaints as a positive and important part of service provision. In a sense, having a complaints system is acknowledging that, by the very nature of service provision, you will not always get it right. Having a sound complaints systems and culture ensures that your organisation is in a strong position to learn from those situations where users are not satisfied with the service they receive, and value you enough to tell you so.

7.2. Key principles that inform effective complaints handling systems

To ensure that you have an effective complaints system, check that your approach covers the five key principles mentioned previously (see About the Disability Services Commissioner), which are based on the Australian Standard of Complaint Handling. To assist this process the DSC principles have been restated below, with specific reference to disability service provider complaint systems. The self audit tool provided at the end of this guide has been organised under these various principles, and can assist you to identify what you currently have and what you may need to develop. This audit tool is also available online at www.odsc.vic.gov.au.



7.2.1. Accessible – People who use the service know how to make a complaint. There is easy to understand information in accessible formats on the complaints process, and different ways to make a complaint. People can get support to make a complaint if they need it.

This is about letting people know what complaint system you have and where they can access it, as well as ensuring that people are able to complain. For example:

- Are there posters, brochures and information in accessible formats on your website that explain how people can complain?
- Are all staff aware of the organisation's commitment to and processes for handling complaints?
- Are there flexible methods for making a complaint?
- Is the complaints handling process easy to use and understand?



7.2.2. Person centred – The process used to respond to complaints ensures the perspective of the person with a disability is heard and considered in how the matter is resolved. People are treated respectfully, courteously and sensitively. This includes treating information confidentially.

The complaints system is sufficiently flexible *to* respond to individual needs and consider what is important *to* the service user, as distinct from what is important *for* them.

- Is your organisation seen by staff and service users as being open to feedback, including complaints?
- Do you show commitment to resolving complaints through your actions?
- Are you sufficiently flexible in the way you respond to complaints?
- Is there a clear set of published values of the organisation and its role?
- Are the executive leadership group and staff actively seen to be implementing the values? i.e. 'walking the talk'.



7.2.3. Responsive – There is a clear process for ensuring that complaints are handled in a timely way and people are kept informed of the progress of their complaint. Part of being responsive is recognising this as an opportunity to maintain/improve the relationship between the provider and the person with a disability. A key part of being responsive is ensuring that staff are empowered to respond to complaints quickly and fairly.

This is about responding to the complaint in a timely, non judgemental and respectful way. For example:

- Is the receipt of each complaint acknowledged to the complainant immediately?
- Are challenging but realistic time frames set and clearly communicated to staff and service users for handling complaints?
- Are complainants kept informed of the progress of their complaint?



7.2.4. Accountable – Your process for resolving complaints is clearly outlined so people know what to expect. You approach each complaint reasonably, objectively and act in good faith. People are informed of the decision in relation to their complaint. There is a clear process of review and appeal in relation to complaint decisions. The principles of natural justice⁴ are applied to the investigation of complaints. The service provider has clear processes to ensure that people who complain are not adversely affected.

⁴ *Natural justice* means providing a person who may be affected by a decision about a complaint with a fair hearing before the decision is made. There are essentially three elements to natural justice: *The notice requirement* – any person likely to be affected by a decision should be given notice of the issues and relevant information. *The fair hearing rule* – the person should be given a reasonable opportunity to respond to the issues/ information, and the decision maker needs to be able to show that they have given genuine consideration to the affected person's submission. *The lack of bias rule* – the person making the decision must act impartially (without bias) in considering the complaint. Bias could arise if the decision maker has some financial or other personal interest in the outcome or has given the impression that they have prejudged the decision ahead of time. (Queensland Ombudsman, 2008: 12)

This is about the process you use being objective, fair and consistent. For example:

- Is equal weight given to the views of all?
- Are all complaints considered on their merits?
- Is the emphasis on resolving the issue and not assigning blame?
- Where necessary, is it dealt with by a person not connected to the complaint?
- Are there reporting systems on complaints and improvement initiatives?
- Where systemic problems are identified do the relevant people report back on the implementation of corrective remedial action?
- Is personally identifiable information concerning the complainant only available for the purpose of addressing the complaint within the organisation and actively protected from disclosure?



7.2.5. Excellence – The complaints management system is part of a quality culture which sees complaints as an opportunity for improvement. Information is collected from complaints and provided to those who can take operational and policy decisions on improving the service.

This is about seeking to continually improve the quality of the service through effective complaints management systems. For example:

- Do you regularly review the system and complaints data?
- Do you explore, identify and apply best practice in complaints handling?
- Do you foster a focus on the service user within the organisation?
- Do you encourage/reward innovation in complaints-handling behaviour?
- Do you seek feedback from complainants on their experience with your complaint system?

(Slater, 2008)



Improving service delivery story

As a result of its complaints management system, Disability Services Queensland (DSQ) became aware that a significant number of complaints across the state were related to a specific program. An analysis of those complaints indicated that families were unclear about the program's intent, its application according to individual need, the role of staff and the accountability and approval processes within DSQ. Also, families perceived a lack of information about staff changes and funding, and inadequacies in record keeping that required the retelling of distressing family histories.

Business improvement strategies devised to address these issues included:

- promoting the need for two way transparent and effective written, verbal and visual communication
- developing and implementing training to enhance listening and communication skills
- development of material clarifying the role of key staff members
- advising clients of staffing changes in writing, and
- improving client files and careful handover to new staff.

As a result of these strategies the number of complaints have since declined and this program is no longer DSQ's largest source of complaints.

(Queensland Ombudsman, 2008)

Today's problems cannot be solved if we still think the way we did when we created them.

Albert Einstein

7.3. Importance of a three tiered complaints management system

Experience from organisations which have effective complaint management systems suggest that a three tiered approach to complaints management is the most effective (NSW Ombudsman, 2007). In reviewing the complaints system your service currently uses it is useful to consider the extent to which the system operates on the following three tiers:

Tier 1: Frontline complaints management

At this level the staff are empowered with clear delegations to resolve complaints wherever possible at first contact and log complaints into the system for later analysis. The aim should be to resolve most complaints at this level, as the potential for a growing level of dissatisfaction with the service steadily increases at each point of escalation. To achieve this a number of strategies need to be in place:

- an easily understood procedure for people to provide feedback to the organisation

- clear delegations to staff that define their responsibility for dealing with complaints and their ability to remedy problems
- staff who are skilled, motivated and empowered to be sensitive to and welcome complaints feedback
- training for staff about the system and the skills of listening, problem solving and conflict resolution
- procedures for resolving and investigating complaints
- performance standards for complaint management such as turn around times, progress reports to people making the complaint
- control systems to make sure complaints are dealt with
- database for capturing complaints feedback data to assist trend analysis and service improvement planning.

Tier 2: Internal review or investigation

Where complaints cannot be resolved at the first tier more senior staff then review/investigate unresolved complaints. It is important that the principles of natural justice are adhered to in this process.

Tier 3: External review

If the complaints are still unresolved they can then be referred externally for any of the following:

- alternative dispute resolution
- complaint referred to Disability Services Commissioner
- complainant informed of other complaint options including legal remedy.

The *Disability Act 2006* and the Australian Standard on Complaint Handling highlight the importance of seeking to resolve complaints at the lowest possible level/tier.

Whilst a complaint management system should have these tiers it cannot be a requirement that complaints that are not resolved must go through all levels. Indeed, it is the right of service users to seek the most appropriate resolution to the issue. Consequently, if for whatever reason they do feel they are not being heard, they may choose to seek external review earlier or indeed skip the front line tier and go to the internal review tier. This will be prompted by such considerations as level of risk and degree of trust in the relationship at that level.



7.3.1. Shared staff responsibility

If you wonder what getting and keeping the right employees has to do with getting and keeping the right customers, the answer is everything.

Frederick Reichheld (2006)

Internally, staff at various levels in the organisation will have responsibilities associated with complaints management. These could include:

- an executive advocate who leads by modelling or walking the talk
- responsible staff who practise what is preached at the policy/procedures level; encourage positive attitude/ reinforce benefits of proactive complaints mindset, as distinct from being driven by compliance alone
- other staff who practise what is preached at the policy/procedure level and:
 - are receptive to complaints
 - welcome feedback on the organisations service delivery
 - are skilled listeners
 - have sound interpersonal skills
 - are problem solvers and adept at conflict resolution.

(Queensland Ombudsman, 2008: 45)



Tips

- Train staff to view complaints positively.
- Invent new ways for service users to give feedback.
- Randomly ask for feedback.
- Ask for value ratings when seeking feedback on forms .e.g. OK, easy, good.
- Mix with the people you provide a service to so as to provide informal opportunities to receive this feedback.
- Create a staff feedback form to capture staff feedback on the complaints process.

7.3.2. Indicators of a good complaints culture

- All staff are aware of the importance of complaints and care about the service people receive
- All staff are aware of the policy and procedure because they were involved in its development
- Service users know that they have the right to complain, are supported to complain and know how to complain because they were involved in the development and ongoing review of the complaints management system
- Procedures are routinely followed by staff
- Organisation leadership receives and acts on complaints data
- Service users complain.

(Queensland Ombudsman, 2008:39)



Tips

Always ask the complainant what they want done, what they want to happen, or what they believe should have happened. This clarifies the reason for the complaint and helps to determine an appropriate response.

Resolution can involve giving more information, providing an explanation, suggesting a course of action and sincere apology, expressing empathy and understanding.

If the organisation knows what service users expect then they are more than halfway there to producing a positive outcome.

Organisations may have complaints about things that cannot be changed due to inadequate resources or government policy, but it is still valuable to give feedback to complainants and collecting this feedback may be a catalyst for change.

7.3.3. Use of a risk management approach

Risk management is one way of identifying priority areas that an organisation is most likely to receive complaints about. From an understanding of the purpose of the organisation risks can be identified and analysed in order to determine:

1. what complaints have and could arise
2. what has been or could be the consequences of such complaints
3. what has been done and could be done to prevent these complaints?

(AS4608–2004:11)

This approach can be useful in deciding which complaints your organisation would prefer managers to respond to based on the level of risk to service users, or indeed the reputation of the organisation, if not handled well.



Thought

Everyone needs to look at complaints as feedback and that it is positive that people are stopping to tell you how your service works or doesn't work for them. Complaints and feedback create an opportunity to review your processes and staff development and to continually learn and re-evaluate.



7.4. Indicators of an effective complaints management system

An effective complaints management system will then pass three key tests:

1. It will listen to people and understand why they are unhappy with the service
2. It will help resolve service users' dissatisfaction about the service they receive
3. Data will be collected and analysed to assist the organisation to identify problems and change procedures to prevent similar dissatisfactions and complaints in the future.

In order to pass these key tests your complaints management system would have the following qualities:

1. Your complaint management system should complement and reflect your service's vision, mission, principles and values. It should show how you relate to your service users, and should be integral to your operations rather than a 'nice to have add on'. This philosophy should be clearly communicated to all staff and service users.
 - a. Policies and procedures must be developed with involvement of staff and service users and be easy to understand, regularly reviewed and widely known.
2. The executive leadership group of the organisation should be receptive to feedback passed up the line.
3. The process for lodging complaints should be widely known and easy to use:
 - a. complaints can be lodged in person, by phone, email or in writing
 - b. appropriate support and formats to enable people with a disability to lodge complaints
 - c. easy to understand process for handling complaints.
4. Direct support staff should be empowered to handle complaints:
 - a. Staff need to have clear delegation to resolve complaints. This may specify the nature of the complaints they can seek to resolve.

- b. A key staff member at direct worker level within the organisation should have responsibility for providing information and education to other workers on approaching complaints.
 - c. Staff should receive appropriate and ongoing training and support to be clear on how to approach complaints and to reinforce the message that complaints will not reflect badly on them but rather may identify areas for additional resourcing or training. Such training should use real life examples and offer clarity on the complaints management system used by the organisation.
 - d. Complaints are discussed in groups in a de-identified way to enable staff to learn from each other. The outcomes of complaints, particularly where this has led to service improvements, should be made known to staff as a way of reinforcing their value to the organisation.
 - e. The process for referring complaints that cannot be resolved at this level needs to be clearly understood.
 - f. Managers should be actively involved in coaching staff in complaint handling.
5. Managers must have overall responsibility for seeking to resolve complaints in their area and encourage staff to come to them with any complaints they have been unable to resolve or that raise systemic issues for the organisation. (AS 4608-2004: 9)
 6. There should be a sound approach to complaint handling in which:
 - a. the person handling the complaint is clear about the outcome the complainant is seeking as a result of bringing a complaint
 - b. resolution occurs within agreed timeframes as much as practicable
 - c. complainants are kept informed of the progress of their complaint
 - d. responses are consistent and appropriate.
 7. There should be a means of recording data about complaints and the time taken to resolve them, and identifying any trends and reporting these regularly to the executive leadership group as a basis for potential service improvement. **This is one of the most common areas where complaint systems fail.**
 8. No targets should be set to reduce the number of complaints.



Thought

Is your complaint system working?

- *Are the users of your service satisfied with the management of their complaints?*
- *Do staff feel confident in responding to complaints?*
- *Does it provide accurate, useful and/or necessary factual reporting and business improvement information for the service?*
- *Have service improvements resulted from the handling of complaints?*
- *Is managing complaints efficiently projecting a good image for your organisation?*



7.5. Complaints policy and procedures

The complaints management system should be supported by written policies and procedures. It should be noted that whilst clear policy and procedures are important foundations, a positive attitude that views complaints as opportunities for improvement is also required.

7.5.1. Developing a policy statement

In approaching complaints it is important to acknowledge their significance through a brief statement of policy which recognises the importance of this feedback to your organisation. The statement should state clearly and simply the organisation's commitment to receiving and responding to complaints as part of a commitment to continuously improving the service (AS 4608–2004: 9). This statement should be written in a way that instils staff commitment and the confidence of service users. This can be helped by the use of active language wherever possible and by the involvement of staff and service users in the development of the statement so that there is a shared ownership (Queensland Ombudsman, 2008: 11).

A complaints policy statement would acknowledge the importance of feedback/complaints to your organisation and include:

- a statement of principle
- recognition of the capacity to fail
- what you are going to do
- how you are going to do it
- why you think it is important.

It should be signed by the Chief Executive Officer.

Most importantly, you need to mean what you say.



Tips

Listed below are some examples of policy statements from a number of different organisations:

- *All management and staff at ... are committed to providing an organisation and workplace where people feel free to speak about any problems or concerns that they may have.*
- *We recognise we provide a personal service. In the event service expectations are not met, we will conduct a prompt investigation to resolve the issues and maintain communication with you. Feedback allows us to constantly improve our service to you.*
- *We believe all feedback is great feedback. We are obsessed with delivering outstanding service and acknowledge we are not always perfect (yet!). One of our team members will call you within 24 hours, because without you, we have no business.*
- *At ... we are committed to providing our service users with a better level of service. If we make a mistake, or our service doesn't meet your expectations, we want to know. Most likely we'll be able to solve the problem on the spot. If it can't be resolved in 48 hours, our specialist complaints team, at our Service User Response Centre, will take responsibility for the matter. We'll send you a letter to acknowledge your complaint and let you know how long we expect it will take to resolve. We aim to resolve all service user complaints within ten working days.*
- *This organisation is committed to ensuring simple, flexible and accessible arrangements for people who use this service to complain. All staff can respond to complaints and service users will be given regular updates on the progress of their complaint.*

7.5.2. Developing a complaints policy

Having developed a clear policy statement you then need to provide a more detailed explanation of why complaints are important to your organisation. This is distinct from your procedures, which provide the how or the specific steps your organisation will take to give effect to the policy.

A complaints policy should contain:

- reason for the policy (including benefits to service users and staff)
- aims and objectives of the system
- definition of a complaint (refer Australian Standard ISO 10002: 2006, MOD)
- guiding principles (these could include the principles mentioned previously), such as:
 - service user focus – service users are valuable and the heart of our business
 - complaints are an opportunity, not a nuisance
 - service users will be helped and supported to make complaints
 - resolution will be provided wherever possible
 - principles of natural justice
- confidentiality of complaint information
- safeguards against retribution
- reporting and review obligations.

Concepts you may wish to include in your policy

(a) Privacy

Privacy applies to personal information and requires that reasonable steps are taken to protect this information from loss, unauthorised access, use, unauthorised disclosure or any other misuse during a complaints process.

(b) Confidentiality

While there is some similarity between privacy and confidentiality they are not the same. Confidentiality is imposed to protect information, and the information does not have to be of a personal nature. A person given an assurance of confidentiality is being told that the organisation will put controls around how and when certain information will be used within the organisation and/or disclosed to an outside agency or person.

(c) Natural justice

Natural justice means providing a person who may be affected by a decision about a complaint with a fair hearing before the decision is made. There are essentially three elements to natural justice:

The notice requirement – any person likely to be affected by a decision should be given notice of the issues and relevant information.

The fair hearing rule – the person should be given a reasonable opportunity to respond to the issues/ information, and the decision maker needs to be able to show that they have given genuine consideration to the affected person's submission.

The lack of bias rule – the person making the decision must act impartially (without bias) in considering the complaint. Bias could arise if the decision maker has some financial or other personal interest in the outcome or has given the impression that they have prejudged the decision ahead of time.

(Queensland Ombudsman, 2008: 12)

(d) Staff awareness

There is little value in having a complaints management system if staff are not aware of it or are unsure of how to use it. Your policy should therefore reflect that staff are thoroughly trained in the application of your complaints policy and relevant procedures.



Tip

In writing your policy try to choose active language wherever possible so that it helps to instil staff commitment and public confidence.

(e) Delays

Obviously complaints need to be dealt with quickly, effectively and appropriately, and the time frames should reflect this. However it is also acknowledged that complaints may range in seriousness and complexity, which can cause delays.

(f) Audience

You should consider such things as complexity of language, writing style, content and formatting as well as being sufficiently succinct for your audience.



Tip

Avoid getting bogged down in the detail. Remember that your policy is only one component of your overall complaints management system, and its purpose is unique.

7.5.3. Developing a complaints handling procedure

Your procedures should identify the steps needed to handle complaints – the ‘how’ of managing the system. The procedures should explain how the principles contained in the policy statement and how the policy will be put into practice.

Complaint procedures should contain:

- how complaints can be made (verbal, written, email, anonymous etc)
- how service user feedback will be sought
- who is responsible for taking, recording, resolving and analysing complaints
- how complaints and outcomes will be recorded
- time frames for resolution, and guidance on what happens if these are not met (you may need different turn around times and priorities for urgent and complex complaints)
- forms of redress, including delegation levels
- procedure for closure of files – closure process should include seeking feedback from complainant on their experience of the process
- process for dealing with serious issues raised by complaint, e.g. criminal charge, risk to health etc.
- review mechanisms if the complainant is not satisfied
- internal reporting and review mechanisms.