

Everything you wanted to know about complaints...

Tips for service providers on successfully resolving complaints and seeing the opportunities for improvement.

Revised Edition 2017



The Disability Services Commissioner would like to acknowledge and extend our appreciation to the individuals and organisations who contributed to the development of this booklet.

Published by the Victorian Government Disability Services Commissioner
Melbourne, Victoria, Australia. First published June 2013. Revised 2016, 2017.

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Foreword

As Victoria's first Disability Services Commissioner, I have pleasure in presenting this revised booklet on successfully resolving complaints.

As the National Disability Insurance Scheme (NDIS) rolls out, we continue to work with disability services to promote a culture where **people feel able to speak up** about the supports they receive and which embraces complaints as an opportunity to improve the quality of services. This booklet provides advice and tips for use by service providers in preparing for, resolving and reviewing the handling of complaints about their services.

This booklet complements the other resources produced by my office and I invite you to visit our website at www.odsc.vic.gov.au to familiarise yourself with the range of information and resources we have available.

I commend '*Everything you wanted to know about complaints...*' to you as a useful reference to help your organisation to further refine and enhance your approach to handling complaints and ensuring an environment exists where people feel that **'It's OK to complain!'**



Laurie Harkin AM

Introduction

Under the Victorian *Disability Act 2006* (the Act), your organisation must have an effective complaints management system. You also have to ensure that people who use your services know how to make a complaint and that they know no-one will be adversely affected as a result of a complaint being made by them or on their behalf.

Whilst you are required to comply with the Act, this is not the most important reason for promoting a culture where people feel **'It's OK to complain!'** Organisations wanting to deliver high quality person centred disability supports that promote choice and control, will know how important it is that people feel empowered to speak up about what's working and not working with their supports. This goes to the very heart of people feeling valued and respected as equal citizens in their community.

An organisational culture that embraces customer feedback is one of the most effective ways of enhancing individual outcomes and improving your services, policies and procedures.

The people who use your services, their families, carers and friends, don't expect perfection. What they do expect is that if you make a mistake, or if something isn't as good as expected, you will acknowledge the issue and use the feedback they have provided to improve things.

This booklet consists of three sections to assist you to enhance how your organisation responds to complaints:

1. **Being complaint ready**

focuses on developing an organisational culture that embraces and learns from complaints.

2. **So you've received a complaint...**

provides an overview of the key factors to consider when dealing with a complaint.

3. **After a complaint**

looks at the importance of reviewing your policies, procedures and practices following a complaint.

What is a complaint?

In line with the Act and the Australian Standard for complaints handling, the Disability Services Commissioner (DSC) defines a complaint as:

An expression of dissatisfaction made to or about a disability service provider, relating to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Beyond the formal definitions, a complaint is someone letting you know that your service is not 'hitting the mark'. Regardless of whether it is a big or small issue, if you treat it seriously it will be an opportunity to let the person know you value their input and improve your services at the same time.

It's important that you don't narrow or restrict the definition of a complaint. This may reduce the valuable feedback you could receive from people using your services.

Being complaint ready

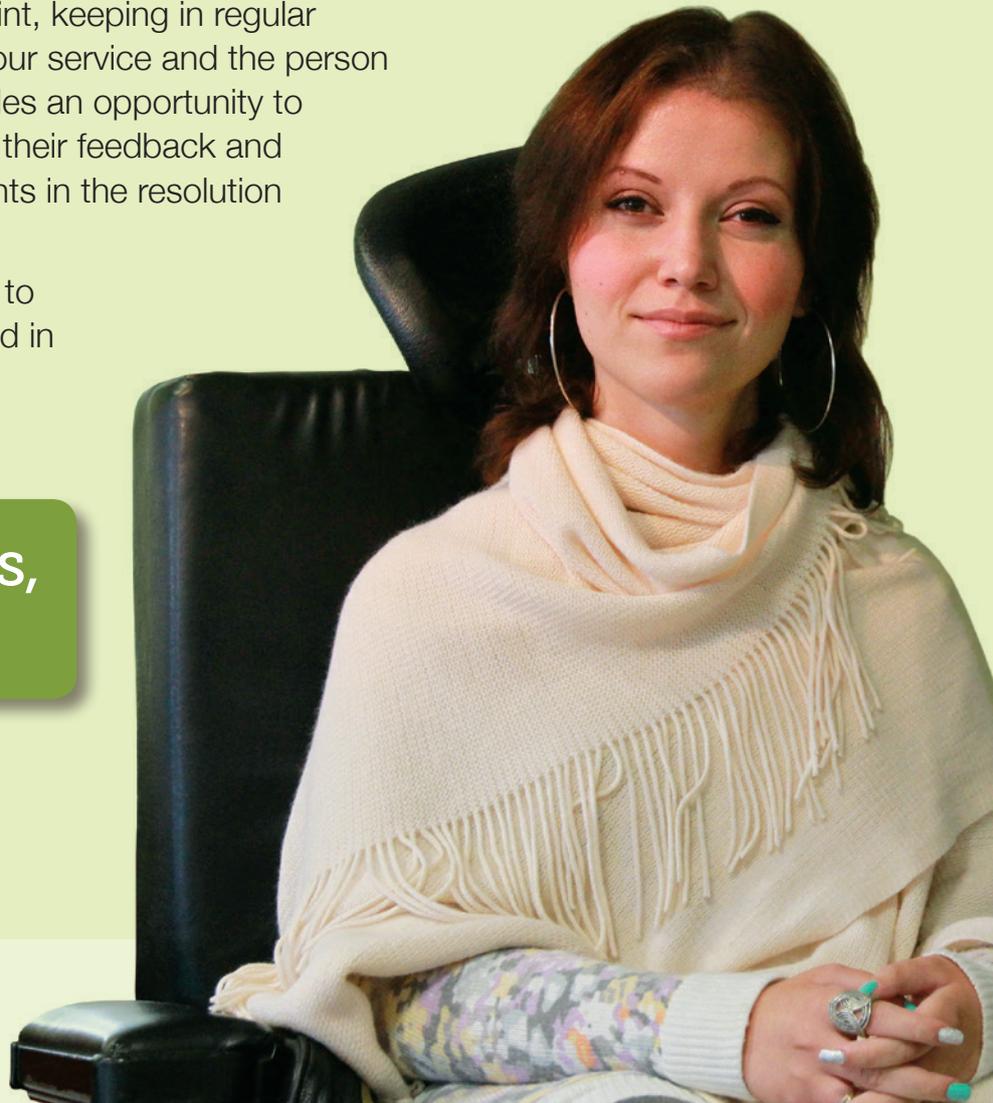
Ensuring an effective complaints policy and procedure

Your approach to complaints needs to start with people's rights under the United Nations Convention on the Rights of Persons with Disabilities, the Victorian Charter of Human Rights and Responsibilities, the *Disability Act 2006* and other relevant laws and standards.

During the handling of a complaint, keeping in regular contact with the person using your service and the person who made the complaint, provides an opportunity to reinforce the value you place on their feedback and include them as active participants in the resolution of the issues raised.

Bottom line, people have a right to have a say about and be involved in decisions affecting their lives.

Nothing about us,
without us.



Key principles for managing complaints

To ensure you have an effective complaints system, check that your approach covers the following values and principles, which are drawn from DSC experience and the Australian Standard for complaints handling.

1. **Rights**

People have a fundamental right to speak up about the supports they receive.

2. **Respect**

People are treated with respect and dignity throughout the process. This includes respecting their privacy and maintaining the confidentiality of their information.

3. **Fairness**

People are treated fairly and their concerns are dealt with in an unbiased and objective manner.

4. **Accessible**

Information should be provided in ways that enable people who use the service to know how to make a complaint.

5. **Person centred**

The complaints system is flexible enough to respond to individual needs and to consider what is both important **to** and important **for** people receiving supports.

6. **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.

7. **Natural justice**

People involved in a complaint need to be given a fair opportunity to respond to issues raised and to present their views.

8. **Accountable**

Your process for resolving complaints is clearly outlined so people know what to expect.

9. **Excellence**

The complaints management system is part of a quality culture that sees the complaint as an opportunity for improvement.

Being complaint ready

Useful tips for an effective complaints policy and procedure

Your complaints policy and procedure should outline your commitment to resolving complaints in a way that is underpinned by natural justice principles and is consistent with the principles of the Act.

The policy and procedure should:

- List the organisational values that will underpin how complaints are viewed and how the organisation will respond to complaints.
- Reinforce your commitment to quality service delivery and to anyone being able to speak up about what's working and not working with the supports being provided.
- Clearly state that no-one will be adversely affected as a result of making a complaint or a complaint being made on their behalf.
- Include an acknowledgement that the supports provided may not always meet people's expectations and/or that mistakes do happen and that you value people letting you know when this occurs so you can improve the supports you offer.
- Explain how you will support people to complain if they require assistance (or will refer them to someone who can assist them).
- Ensure that people are clearly informed of their right to seek advice or assistance from DSC at any point in the process.

- Reassure people they can make complaints without being identified. Whilst not ideal, this should be an option in order to encourage people to speak up.
- Clearly outline how the process will be handled and the anticipated timeframes involved (including keeping the person updated if the timeframes are not met).
- Include a process and timeline for reviewing the outcomes of the complaint and what learning or service improvements occurred as a result.
- Include contacting the person who made the complaint after it has been finalised to seek feedback on their experience of the process.



These tips can be found as a checklist on the DSC website at:
www.odsc.vic.gov.au/resources/education-materials/Checklist_10_tips_for_complaints

More extensive resources can be found on our website in the *Good practice guide and self audit tool* and/or the *Complaints Systems and Practice Self Audit Tool*.

Being complaint ready

Making it happen

While getting your policies and procedures right is important, their effectiveness is diminished if your staff don't know how to implement them and people using your service, their families, carers and friends don't know what they are.

People who use services, their families and staff should be supported with information sessions about their right to complain and what to expect from staff and the organisation if they do. This may need to include sessions for people using services focusing on their right to speak up and the types of things that they might want to complain about.

How ready is everyone in your organisation to handle complaints effectively? How open are staff to not only resolving a complaint, but learning from complaints as well?

Complaints may be raised at any level of an organisation, so it is important all staff are skilled in dealing with at least the initial response to a complaint. This may be as simple as staff being able to respectfully acknowledge the person's views and knowing who to refer the matter on to.

Staff who are likely to be responsible for co-ordinating the response to a complaint will require a more detailed understanding of complaints resolution approaches and may require specific training in how to handle complaints effectively.

“I found it useful to know how to respond to a complaint appropriately as we are the “grass roots” workers who... receive the complaint.”

Staff member who attended DSC training on “Responding Effectively to Complaints”

Your organisation's complaints data is a valuable source of information about where problems may be occurring. More than this, to make the most of any feedback you receive, all staff need to be open to receiving feedback as an important way of improving their ability to deliver high quality supports.

Is there a direct link between your organisation's complaints data and quality plan?

How do you know if the people you support are happy with the service they are receiving?

Research shows that only about four per cent of people dissatisfied with a service actually make a complaint (so for every complaint you receive there are probably another 24 people who haven't told you about their concerns!)

Sai Global and Neill Buck, 2008



So you've received a complaint ...

DON'T PANIC!!

Don't take it personally **Take a breath**

Every organisation that deals with customers should always be open to feedback on how it might further improve the quality of the services or products being delivered. If you think about it, we all expect to be able to let people know when we're not happy with a service or product we've received.

A complaint is just one way this feedback might be given.

Two things that can help with your initial reaction are:

- 1. to put yourself in the person's shoes, and**
- 2. to remember to respond to the person rather than react to the complaint.**

Perhaps it's best summed up as a case of empowering people to speak up, paying attention to what they are saying and learning from their feedback without getting too alarmed that you received a complaint in the first place.



Respecting the relationship

In recognition of the relationship you have with the person who has made the complaint, it is important to understand that how you respond to the complaint is just as important as whether or not the complaint is resolved.

Even if you can't fully resolve the complaint, it is critical that the person who made the complaint feels that they've been listened to; that their opinion was valued and that you did everything you could to address their concerns. In this case, the process really is as important as the outcome.



So you've received a complaint...

How do I respond to a complaint?

The Four A's of successful complaint resolution: Acknowledgement, Answer, Action, Apology

Keep in mind that people who make a complaint are generally seeking one (or several) of these four outcomes:

1. Acknowledgement

In many respects this first step is the most important of the Four A's as it often sets the tone for the rest of the process. Having stepped out of their comfort zone to make a complaint, people want to feel that you've understood their concern and how the situation has affected them.

There is no perfect way to give a positive and respectful acknowledgement in all situations but some basic steps that can help include the five step 'LEARN' process:

Listen. Genuinely listen to the concerns of the person without interruption. Look for the positive intention behind the person's issue and behaviour.

Empathise. Use your body language and/or voice to create an environment where the person can feel comfortable talking with you. Be conscious of whether you are feeling defensive and how this can be perceived.

Acknowledge. Acknowledge how the situation has affected the person who made the complaint. Where relevant, acknowledge where the service response could have been better.

Rectify. Ask the person who made the complaint what would rectify the complaint for them. What would a good outcome look like for them?

Notify. Notify the person promptly and regularly of the steps you will take in response to their complaint but don't commit to things you can't do.

“A good acknowledgement delivered with respect, the right body language and tone will indicate to the person that you are not about to oppose them and that you see their feelings as legitimate. Acknowledgement is about validating emotions.”

G. Furlong. The Conflict Resolution Toolbox

So you've received a complaint ...

2. Answers

People typically want to know why something has or has not happened or why a decision was made. This is important to their ability to understand and process what has happened and to move on to resolving their concern.

Answers should include a clear explanation of the event /decision relevant to the concern raised.

3. Actions

People want you to fix or at least take steps to address their concerns.

Sometimes you may not be able to fix the concern raised but may be able to initiate actions that will assist in preventing it occurring again. This can be just as important to the person as it validates their concern.

It's a good idea to agree to an action plan with the person who raised the complaint. The plan should include things like:

- What will be done?
- Who will do it and when?
- How will we communicate our progress?
- How will we check that things are on track?

It's a good idea to then follow up with the person who made the complaint to make sure they are satisfied with what action you have taken. This can also be a good opportunity to seek feedback on their experience of the process you used to respond to their complaint.

Actions often cannot fix the past, but they can show that the concern raised was taken seriously and offer reassurance that the issue is less likely to happen again.

4. Apology

An apology can either be part or the whole of the outcome people seek when they make a complaint.

Care should be taken about who might give the apology and what form it should take. Apologies don't have to be particularly fancy or over the top but they do need to be genuine. Whilst a genuine apology can be an important step in resolving a complaint, a poorly given apology can actually make the situation worse.

Some of the key elements of a 'good' apology are:

- Timeliness
- Sincerity
- Being specific and to the point
- Accepting responsibility for what occurred and the impacts caused
- Explaining the circumstances and causes (without making excuses)
- Summarising key actions agreed to as a result of the complaint.

A genuine and timely apology is a powerful healing force and a way to separate the past from the future, to put things to rest and get on with any new arrangements agreed to.

After a complaint

Responding to the complaint is only part of the process. It's important that you have systems in place that enable you to stop and reflect on:

- What was the experience for the person who made the complaint? Was it resolved for them?
- What was the complaint about? What service, policy or procedure did it call into question?
- What information did the complaint provide that will allow you to identify and improve those services, policies and procedures and your organisation as a whole?
- How effectively did you communicate with the person who made the complaint, affected staff and other stakeholders?
- Does anything need to change in your complaints handling system or approach to dealing with complaints?
- Did staff's handling of the complaint reflect your stated values and expectations in relation to valuing and handling complaints? Do staff require further training?
- Do people using your services, their families, carers and friends require more or improved information about their rights and the complaints process?



Answering these questions should be a standard part of every complaint. They can be found as a checklist on the DSC website at:

www.odsc.vic.gov.au/resources/education-materials/Checklist_After_a_complaint

Conclusion

It is all too easy to look at complaints as a hassle and a bother, as something that gets in the way of you providing your services.

In fact, complaints can be a sign that people are exercising their fundamental right to express their views about what is and what is not working with their disability supports.

A well handled complaint says to the person that their opinion is important and valued and that their feedback is taken seriously. A well handled complaint can actually improve the relationship.

In addition to being central to the delivery of person centred supports that promote choice and control, a complaint is also one of the best ways of identifying problems and areas for improvement. Fostering an organisational culture that values and learns from complaints is one of the most important and valuable ways you have of meeting people's needs and continuously improving your services.

**Complaints
can lead to
improved
services!**

“Communication between all stakeholders is extremely important on an ongoing basis, not just when a complaint is raised. Dialogue amongst all stakeholders should be encouraged, including areas for improvement and positive achievements.”

Service provider



The Disability Services Commissioner is here to help you improve your approach to dealing with and responding to complaints and to provide information and education opportunities for people with a disability, their families and carers, staff and other stakeholders.

Please visit our website www.odsc.vic.gov.au or call on 1300 728 187 to find out more about how we can help.

Disability Services Commissioner

Enquiries and complaints: 1800 677 342 (*free call from landlines*)

General office enquiries: 1300 728 187 (*local call*)

Email: contact@odsc.vic.gov.au

TTY: 1300 726 563

National Relay Service: www.relayservice.gov.au and then 1800 677 342

Fax: (03) 8608 5765

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