

# Chapter 5

What you need to consider in having an effective complaints resolution process



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## What you need to consider in having an effective process for resolving complaints

### 5.1. Charter of Human Rights and Responsibilities

In addition to the *Disability Act 2006*, the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) also has relevance for receiving and responding to complaints from people with a disability.

The Charter is based on the rights contained in the International Covenant of Civil and Political Rights 1966.

All 'public authorities' as defined in section 4 (2) of the Charter (*National Disability Services, 2008a: 2*), have a duty to act in a way that is compatible with the Charter and give proper consideration to human rights when making decisions. Many non-government providers fall within the definition of a 'public authority' and the public service certainly does. The public service is also required to promote the Charter in the course of their work under the revised Public Sector Code of Conduct 2007.

When your service reviews its complaints resolution policies, procedures and processes it is important to ensure that these are consistent with the Charter.

In managing complaints, the Disability Services Commissioner considers whether any human rights have been breached as part of a complaint. We also consider how human rights are being upheld throughout the complaint resolution process.

Your organisation needs to be aware of the rights covered by the Charter so that you can ensure that the decisions made in relation to resolving complaints do not breach the Charter.



Tip

#### *Assessing the human rights impact of resolving complaints*

*The checklist below offers a guide to key considerations your organisation should consider when seeking to resolve complaints:*

- 1. What is the resolution seeking to achieve?*
- 2. Does the proposed resolution raise any human rights issues?*
- 3. Are any human rights limited by the proposed resolution?*
- 4. What is the nature of the rights being limited?*
- 5. How are rights likely to be limited and to what degree?*
- 6. How important is it to limit rights to achieve the resolution?*
- 7. Does limiting human rights achieve the resolution?*
- 8. Are there any other less restrictive ways to achieve the resolution?*

*(Department of Human Services, Process for analysing policies and practice, 2007c)*

### 5.2. International and Australian standards of complaint handling

Australian and International standards have been developed which provide useful guidance on the development and implementation of an effective and efficient complaints handling process. These standards recognise that effective complaints handling can result in service improvements, as well as improving the reputation of an organisation.

The International standard highlights the following key elements, which are also reflected in the Australian standard:

- enhancing the satisfaction of people using your service by creating a person centred environment that is open to feedback, resolving any complaints received, and enhancing the organisation's ability to improve its service.

- executive leadership group involvement and commitment through adequate acquisition and use of resources, including staff training
- recognising and responding to the needs and expectations of people using services
- providing people using services with an open, effective and easy to use complaints process
- analysing and evaluating complaints in order to improve the service quality
- auditing the complaints handling process
- reviewing the effectiveness and efficiency of the complaints handling process.

In summary, an effective and efficient complaints resolution process is critical to having a high quality service. What this translates into for people using services and service providers can be summed up as follows.

#### **What people using your services want**

- a process where it is easy to make a complaint
- a service that is responsive to their needs
- to be heard
- to be understood
- to be respected
- an explanation
- an apology
- action as soon as possible
- a user friendly complaints system.

#### **An organisation needs**

- a user friendly system for receiving feedback from people using services that is easy for staff to use as well
- clear delegations and procedures for staff to deal with complaints and provide remedies
- clear internal and external referral procedures if the complaint is not resolved at the front line
- a recording system to capture complaint feedback/data
- performance standards including timeframes for response and quality of response
- systematic review of complaint data to identify problem areas and analyse trends
- action to improve service delivery in identified areas.

*(Adapted from NSW Ombudsman, 2007)*