



<b>Policy Name:</b>	<b>Feedback &amp; Complaints</b>	<b>Policy Number:</b>	<b>FCO-010</b>
Date Approved:	3 November 2017	Approved By:	Board of Management
Date Issued:	3 November 2017	Review Date:	November 2020
Version 1.6	This version of the policy was approved 3 November 2017 and replaces the version 9 September 2016		

## 1. Aim

Firstchance encourages a culture of continuous improvement and sees feedback and complaints as important opportunities to improve practices, find solutions and make improvements.

Parents/carers and other external stakeholders are encouraged to provide feedback or make a complaint if dissatisfied or where they see opportunities for Firstchance to improve.

This policy provides a framework for people to provide feedback or make a complaint and for Firstchance staff members to work within to resolve complaints promptly and effectively.

## 2. Scope

This policy applies to all clients and their families, carers or friends, visitors and all other community members who wish to provide feedback or make a complaint related to any aspect of Firstchance activities.

Staff members would normally express their concern(s) through the grievance procedure.

## 3. Policy

### 3.1 Principles

Firstchance will:

- Take all complaints seriously
- Provide a user friendly process which is applied positively, consistently and fairly
- Ensure that parent/carers and other stakeholders are aware of the Feedback and Complaints process and are encouraged to provide feedback or make complaints
- Provide people with opportunities to tell their story
- Provide people with appropriate support and assistance to work their way through this process
- Not make fun of or treat people unfairly/negatively for providing feedback or making a complaint<sup>1</sup>

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<sup>1</sup> S.47 of the Community Services (Complaints, Reviews and Monitoring) Act 1993 makes retribution a criminal act

- Attempt to understand the person's expectations regarding this process
- Address feedback and complaints as quickly as possible while ensuring the process is thorough
- Assess complaints for their seriousness and ensure that the appropriate level of management is delegated to address and resolve complaints appropriately
- Resolve issues in a prompt, impartial and just manner
- Communicate with all stakeholders through and at the completion of the process. Where a formal complaint has been raised then the final notification will be in writing, including reasons for the decisions
- Protect individual's privacy and keep information confidential
- Not make assumptions or conclusions until all information has been carefully collected and considered
- Train staff how to effectively manage complaints
- Document the process of receiving, investigating and resolving complaints and periodically review the system to assess its effectiveness
- Log all feedback and complaints received on the ADHC Feedback and Complaints Management Log (FCML). The FCML can be accessed by the General Manager and Program Manager.
- Incorporate any actions for quality improvement to systems or procedures into the Firstchance Continuous Improvement Quality Register.
- Acknowledge and celebrate positive feedback

### **3.2 Providing Feedback**

Feedback may be provided where someone can see a way to improve processes or systems or to acknowledge and celebrate something being done well.

A Feedback Form should be filled in where possible when feedback is provided by parents/carers, young people receiving a service or external stakeholders. Where positive feedback is received the relevant Manager is responsible for acknowledging the feedback and appropriately recognising the staff involved.

If the feedback is about the General Manager, the Feedback Form can be referred directly to the Chairperson of the Firstchance Board.

Feedback which is recorded on a Feedback Form will be logged on both the Firstchance Feedback and Complaints Register and the ADHC Feedback and Complaints Management Log by the General Manager.

### **3.3 Making a Complaint**

Complaints can be made if someone;

- is unhappy about how Firstchance services and activities are provided (or not provided)
- is dissatisfied with the behaviour of Firstchance staff members

- believes that Firstchance services, activities, policies and procedures are inconsistent with its stated philosophy, vision, values and code of conduct or are illegal, unfair, unreasonable, unjust or discriminatory

Firstchance uses a three tiered approach to complaints resolution:

**3.3.1 Tier 1 – Service Level Complaints Resolution** - Ideally, all complaints should be dealt with at this level, unless the issue is of a “serious” nature (see definition of serious complaint). At this level, staff are empowered to resolve complaints wherever possible at first contact from the person making the complaint. The aim is to resolve most complaints at this level as to avoid ongoing, unaddressed dissatisfaction.

**3.3.2 Tier 2 – Management Level Complaints Resolution** – if the complaint could not be resolved at tier 1 and for “serious complaints”. These complaints are forwarded directly to the Program Manager (for Program related complaints) or the General Manager (for admin, finance or general organisational/media related complaints) for investigation and resolution.

**3.3.3 Tier 3 – External Complaints Resolution** – if the complaint could not be resolved at either tier 1 or 2 or where the person making the complaint is not satisfied with the process followed for managing the complaint.

A Complaints Form should be filled in where possible when a complaint is made. If the issue is resolved at the local level, the form should be completed and filed on the confidential Feedback and Complaints Register kept in the General Manager’s locked filing cabinet.

If necessary, staff members will offer assistance to the person providing feedback or making the complaint to document and clarify the issue (refer to section 3.6).

However, if

- the person wants to raise a formal complaint,
- the feedback or complaint is about the staff member themselves,
- the issue is not appropriate to be addressed at the service level or
- the issue is categorised as a ‘serious complaint’ (See definitions)

then the Feedback and Complaints Form needs to be promptly referred to the Program Manager/General Manager for investigation and resolution.

If the person wishing to make a complaint does not feel comfortable raising the concern with local staff, where the issue is about management or the person feels their issue has been ignored by local staff members, then they may:

- Provide feedback or make a complaint to the Program Manager/General Manager by mail, email, over the telephone or in person
- Complete a Complaints Form from the Firstchance website “Contact” page.

Where a complaint has been received by someone other than the staff responsible for that activity or service, the Complaints Form shall be promptly forwarded to the relevant Firstchance Manager.

If the complaint is about the General Manager, the person making the complaint may raise the issue directly with the General Manager. If they are unable to do this, or the matter is unresolved, they can take their concern directly to the Chairperson of the Firstchance Board.

### **3.4 Managing Complaints**

All complaints will be managed in line with the Complaint Resolution Guidelines and Procedures and this policy. Privacy and Confidentiality in relation to the complaint will be maintained during the complaints resolution process.

Where the issue of concern is covered by legislative or funding body requirements then those requirements take precedence over Firstchance procedures.

#### **3.4.1 Serious Complaints**

The Program Manager or General Manager will decide on the appropriate person/s to investigate the complaint, establish an investigation plan and timeframe for completion and agree on communications protocols.

The investigator(s) will complete a Complaint Resolution Form including a summary of the investigation and their findings. The Complaint Resolution Form ensures we contact any external legislative bodies, capture the action plan for resolution, reflect on what we have learned from the complaint and ensure we respond to the complaint in a timely manner and send written confirmation to the person making the complaint during the process.

The Program Manager or General Manager may consult with relevant parties including but not limited to the person making the complaint, investigator(s), relevant staff, supervisors, funding body and the Chairperson prior to determining the outcome, action plans and communications processes.

The Complaint Resolution Form detailing the investigation outcomes, the decisions and action plans shall be submitted to the General Manager in a timely manner within 7-14 days of the complaint being made.

Action plans and outcomes shall be implemented and monitored by the General Manager as appropriate.

#### **3.4.2 Complaints (not defined as serious)**

The responsible Supervisor will develop an action plan to

- address the issue with the stakeholder
- investigate the issue
- develop and implement action plans
- review staff development needs and
- communicate the outcomes with the stakeholder

A Complaint Form should still be completed (either by the person making the complaint, or the supervisor) and a Complaint Resolution Form completed and submitted to the Program Manager or General Manager within 7 days. The Program Manager or General Manager may call upon internal and external resources (within their delegations) to fully investigate and resolve the issue.

### **3.5 Communication with the Stakeholder / Person making the complaint**

The Program Manager/General Manager will ensure that the person making the complaint is provided with information regarding the progress and, where appropriate, the outcome(s) of the feedback / complaint. Where a formal complaint has been raised then the final notification will be in writing, including reasons for the decisions and details of the appeal process.

### **3.6 Appeals**

If the person making the complaint feels that the policy has not been followed and/or that the outcome was unfair, they can appeal to the next higher level of management for review outlining the specific reasons for their appeal. If still dissatisfied, the person making the complaint can ask that their appeal is reviewed by more senior management or the Firstchance Board.

If the person making the complaint feels their issue has not been properly dealt with by the organisation, they may wish to take it to an external agency to see if they can help; for example, the NSW Anti-Discrimination Board, the NSW Ombudsman, the Commonwealth Human Rights, NSW Fair Trading or Equal Opportunity Commission (HREOC). The person making the complaint can do this at any time of the investigation procedure.

### **3.7 Advocacy/legal advice/independent support**

Firstchance welcomes the inclusion of support for families which is external to the organisation, to assist families in their interactions with Firstchance. Assistance may be provided by a friend, family member, staff member, translator, community visitor, advocate or anyone else who is acceptable to the family / person. Where necessary, Firstchance will offer assistance to a family by making a referral to an advocacy service with the consent of the family.

### **3.8 Promotion of the Firstchance Feedback and Complaints Policy and procedures**

Firstchance will provide information about the Firstchance Feedback and Complaints Policy and procedures to families using the following methods:

- in the Parent/Carer handbook
- in the Firstchance Agreement of Service (NDIA funded families)
- on the Firstchance website
- on promotional brochures about programs

Information for young people accessing a Firstchance program will be provided in a format that meets their learning needs.

Firstchance will include questions in any parent/carer satisfaction surveys to seek feedback about the confidence of families to use the complaints process if required, and any experience with doing so. This feedback will be used as a key performance indicator for Firstchance.

This policy needs to be read in conjunction with the following Firstchance policies and procedures:

Staff Grievance Policy  
Staff Performance Support and Feedback Policy  
Complaint Resolution Guidelines  
Complaint Resolution Procedures  
Complaint Flowchart

#### **4 References**

Community Services (Complaints, Reviews and Monitoring) Act 1993 Section 47  
Privacy Act 1988  
Australian Privacy Principles - Privacy Amendment (Enhancing Privacy Protection) Act 2012  
Disability Inclusion Act 2014  
A Guide to competition and consumer law (NSW Fair Trading)  
Competition and Consumer Act 2010

#### **NSW Disability Service Standards**

Standard 4 – Feedback and Complaints

#### **5 Persons Responsible**

All staff members are responsible for

- observing confidentiality standards of Firstchance and implementing this policy
- encouraging clients, service users, visitors, carers, families and other stakeholders to provide feedback or register complaints
- recording and addressing feedback or complaints directed to them
- working with staff, clients, visitors and families to resolve workplace issues where appropriate, or otherwise referring the matter to their supervisor
- acknowledging positive feedback and recognising the persons involved

Supervisors are responsible for:

- providing clients, service users and their carers and family members with information about how to provide feedback or make a complaint
- supporting their staff to encourage and resolve feedback and complaints
- working with staff, clients, service users, visitors, carers and families to identify and resolve workplace issues
- reporting complaints and feedback to management
- promptly reporting serious or formal complaints to the Program Manager/General Manager

Managers are responsible for:

- ensuring feedback and complaints are investigated in a professional and timely manner
- working with staff, supervisors and person making the complaints to identify issues and solutions
- identifying and implementing appropriate action plans, aiming for continuous process improvement and operational excellence
- providing timely reports on investigation outcomes
- ensuring investigation outcomes are communicated in a timely manner to the person making the complaint(s)
- and approval of action plans and their implementation
- nurturing an organisational culture of continuous improvement
- logging all auditing services feedback and complaints logs for trends and areas for improvements
- ensuring staff members are appropriately trained and supported to implement this policy.

- oversight complaints received on the ADHC Feedback and Complaints Management Log (FCML).

General Manager is responsible for

- making notifications according to legal requirements
- oversight and review of the effectiveness of the Feedback and Complaints management process.
- reporting to Board at monthly board meetings regarding any complaints received

Board of Management are responsible for:

- Approval of this policy
- Making decisions on complaints referred to the Board
- Ensuring that the General Manager undertakes the responsibilities outlined in this policy

## 6 Definitions

**Board of Management** – the governing body of Firstchance, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

**Complaint** – an expression of dissatisfaction when anyone is concerned or unhappy about the nature and quality of their interaction with Firstchance, its staff, services, products or activities.

**Complaints Form** – standard form utilised for recording a complaint and which is stored for future reference (refer to the Firstchance Complaints Management Guidelines).

**Contractor/ Contract Labour** - any person entering Firstchance premises in pursuance of a contract made between Firstchance and the contractor, and includes the contractor's employees, agents, sub-contractors and any person subject to the contractor's control or instruction. For example builder, cleaner etc

**Family** – refers to the parents/caregivers of the children or young people that are clients of the organisation

**Feedback** – information provided by a stakeholder to Firstchance regarding a service, process or activity where the stakeholder does not necessarily expect a formal response or direct action as a result. Feedback may be provided where someone can see a way to improve processes or systems, or to acknowledge and celebrate something being done well

**Firstchance** – all Firstchance Incorporated services and programs

**Investigator** – a person who examines a complaint and reports on the findings

**Manager** – refers to the General Manager or Program Manager, whichever is relevant in the context of the situation

**Serious Complaint** – a complaint

- where a client, service user or staff member is alleged to be at risk of harm
- where mandatory reporting or other legal reporting may be required
- where three or more similar complaints about a service or staff member have been raised within six months or less
- where a person making the complaint threatens to take the issue to the media
- alleging fraud, corruption, discriminatory or illegal behaviour
- which, if proven, amounts to serious misconduct under the Code of Conduct
- where a Supervisor, Program Manager or General Manager is accused of misconduct

**Stakeholder** – the people who receive a service, their families, carers and friends, donors, supporters, funding bodies, suppliers, or those have contact with or an interest in Firstchance and its services, activities and outcomes. In the context of this policy, a stakeholder may be someone who has made a complaint or provided feedback to Firstchance.

**Supervisor** – refers to all senior staff who are responsible for supervising one or more staff members

**Visitor** – any person who is visiting a Firstchance service who is not a staff member, client or family

**Worker** – anyone who is carrying out work, in any capacity, for Firstchance. This includes employees, contractors/subcontractors and their employees, labour hire employees engaged to work in the organisation, outworkers, apprentices, trainees, students on work experience and volunteers

### ***Document review history***

<b><i>Date</i></b>	<b><i>Section</i></b>	<b><i>Change</i></b>
April 2013	4	Additional reference to NSW Disability Service Standards
August 2013	1, 4	Inclusion of use of ADHC Feedback and Complaints Management Log (FCML) to log complaints
May 2014	3.7	New clause added - Advocacy/legal advice/independent support
	After 3.8	Updated related policies and procedures
	4	Added reference to Privacy Act and Amendment
	3.3	Included new 3 Tier Approach to Complaint Resolution
	3.2	New clause for provision of feedback
	3.6	Amended clause to clarify the appeals process
	All	Amended reference to “complainant” to “person making a complaint”
All	Added any relevant to the Feedback Form, Complaints Form and Complaint Resolution Form	
March 2014	3.2	Removed wording about Advocacy.
March 2015	4	Additional reference to Disability Inclusion Act
December 2015	Related Policies	Added Quality Improvement Policy
	3.8	Removed reference to Teen Time and Centre Based
September 2016	4	Removed reference to NQS and EYLF as no longer a licenced service
November 2017	3.6	Addition of NSW Fair Trading
	4	Addition of Competition and Consumer Act 2010