A Guide to Complaints Resolution
Quality Improvement

**ORGANISATION**
- Positive complaints culture
- Accountable complaints culture

**PEOPLE**
- Accessible
- Responsive

**COMPLAINTS PROCESS**
- Fair
- Confidential
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INTRODUCTION

The Guide to Complaints Resolution provides the information necessary for the development of complaints resolution policies, procedures and practices. This will enable people using a service to make a complaint and have that complaint resolved.

The Health and Community Complaints Commission (HCSCC) has identified six principles essential to a strong complaints resolution system. These principles are drawn from HCSCC complaint handling experience as well as a review of the literature referenced under “Resources” at the end of this booklet.

The principles and suggestions for how they might be put into practice through an organisation’s policies and procedures are consistent with the National Standards for Disability Services. Information in this booklet is also consistent with Schedule 8 of the Health and Community Services Complaints Act: Internal complaints procedures.

COMPLAINTS & QUALITY IMPROVEMENT

The relationship between a complaint resolution system and quality improvement is a major theme of this booklet.

It is essential that the organisation’s complaint resolution system sits within the broader quality improvement system.

The valuable information about the service user’s experience gained from complaints should be used to stimulate reflection and discussion, and, where possible and appropriate, drive individual and systemic improvement within an organisation.
COMPLAINTS RESOLUTION PROCESS

COMPLAINT RECEIVED
› Acknowledge complaint
› Check the authority of the person making the complaint
› Clarify complaint issues
› Clarify outcomes sought
› Record receipt

INITIAL ASSESSMENT
› Determine how complaint is to be managed by whom

INFORMAL RESOLUTION
› Check notes/speak with staff
› Provide explanation/apology
› Check whether the person making the complaint considers the complaint resolved.
› Document

FORMAL COMPLAINTS RESOLUTION
› Consider safety issues and whether report to external agency is required
› Provide details of complaint to relevant staff
› Advise parties as to what they can expect from the complaint process
› Gather relevant information (eg research, documentation, witness statements, consider any legal implications)
› Determine resolution response in consultation with parties (eg, formal meeting, mediation, letter)
› Discuss outcomes with parties to determine whether it is still possible/reasonable to resolve the complaint

NOT RESOLVED
Provide information about external complaints handling entities.

RESOLVED
QUALITY IMPROVEMENT
A POSITIVE COMPLAINTS CULTURE

An organisation with a positive complaints culture is an organisation that genuinely welcomes complaints and uses what is learned from them to improve services.

**Staff:**
Staff in an organisation with a positive complaints culture do not think of complaints as criticisms. They understand that people have the right to complain and to provide feedback. They are trained in customer service and treat service users with respect.

**Service Users:**
People are told how to make a complaint when they use the service the first time. They find it easy to get complaint forms. They know that their complaint will be well received, and are not afraid to make a complaint.

Joe is a psychologist who specialises in providing therapy for people with anxiety. He is surprised to hear that Rennie, his client, was upset after one of their sessions which he thought had gone well. Joe understands that it is always possible that two people who are talking will experience that conversation differently, and sees Rennie’s complaint as an opportunity to improve the way he works with clients.
Maxie is a nurse manager in a health clinic. Jimmy was angry with a nurse in her team after he could not get an appointment to see the doctor that day. This has happened to him three times. He asked to make a complaint. Maxie understands that patients worry about their health. She sat down with Jimmy and explained how appointments are made. She acknowledged that Jimmy’s problem was important. She gave Jimmy advice about what he could do now and made an appointment for him to see the doctor in two days. Jimmy accepted her explanation.

Complaints Policy Checklist
The policy provides that:
- The complaints system is properly resourced
- Staff will know the complaints system and understand how to respond to complaints
- Staff will receive and manage complaints respectfully
- People who make a complaint will not be disadvantaged because they make the complaint
- Information about the complaint process is widely published and accessible to service users

Complaints Procedures Checklist
The procedures detail:
- Who is responsible for oversight and review of the complaint resolution system
- How improvements arising from complaints are published
- How staff will be informed and trained in the organisation’s complaints resolution policy and procedures
- That all staff dealing with the public will receive customer services training.
- How staff dealing with complaints will be supported
- How complaints might be made (ie in person, in writing, electronically, using a feedback box).
PRINCIPLE 2:

ACCOUNTABILITY

The organisation is accountable to people with an interest in the organisation (eg service users, management, staff, funding bodies) for an effective complaints resolution system. Complaints are managed in accordance with the principles in this booklet. They are analysed to see whether there is a need to change the way services are delivered.

Staff:
When someone complains, staff know and follow the organisation’s complaints policy and procedure. They make sure they understand the complaint and what the person making the complaint is hoping to achieve. They keep accurate records.

Service Users:
Service users know that when they make a complaint, the organisation’s complaint process will be followed. They are told about service improvements arising from their complaint at the time they are planned and then again when they are put in place.

Jason complained about the bill he had received from ABC dental clinic. He had been unhappy with the way his teeth looked after they had been crowned, and decided to go to a different dentist to get the problem fixed. He did not want to pay the bill for the original work, and phoned his dentist at ABC dental clinic to tell her so. The complaint was referred to Jane, the practice owner and clinical director. Jane investigated the complaint and found that the dental work was not to the high standard expected. Jane also noted that she had received two other, similar complaints involving other dentists in her practice, and so arranged additional training for her staff.

Jason’s bill was withdrawn and a proportion of the cost of the remedial work was paid.
Zena’s daughter needs 24 hour support to help her live independently. She becomes aware that her daughter is being locked in her room several times a week, and as a result, is missing out on outings with the other residents. Zena decides to make a complaint. She tells the team leader that she is worried that staff do not know how to manage her daughter when she starts to get angry, and she wants them trained.

The organisation works with Zena to resolve her complaint, however Zena is still unhappy about the way her daughter is being treated. Zena is told that she can take her complaint to an independent, external body (like the HCSCC).

### Complaints Policy Checklist

The policy provides that:

- [ ] Complaints are only accepted from people with the authority to make the complaint
- [ ] A register of complaints is kept
- [ ] Complaints are properly documented
- [ ] Complaints are analysed for patterns
- [ ] The complaints system links in with the quality improvement system
- [ ] The complaints resolution system is to be followed consistently and fairly at all times
- [ ] The complaint resolution system is tiered, with complaints resolved at the lowest level possible, depending on the individual circumstances of the complaint
- [ ] Services users are informed of independent external review bodies
- [ ] Commitments made to resolve a complaint are recorded and met.

### Complaints Procedures Checklist

The procedures detail:

- [ ] What to do when a complaint is received
- [ ] How complaints are recorded and documented
- [ ] Senior staff responsibilities for oversight of complaints
- [ ] The level of authority for staff when dealing with complaints
- [ ] The expectation that the complainant’s issues, desired outcomes, expectations and needs are clarified when the complaint is received
- [ ] How decisions are made as to how to best resolve the complaint
- [ ] Processes to follow when resolving complaints
PRINCIPLE 3:

THE COMPLAINT SYSTEM IS FAIR

An organisation with a fair complaints resolution system deals with complaints fairly and impartially. All parties to the complaint have the opportunity to be heard. Every effort is made to ensure that complaints are assessed on the facts of the complaint.

Staff:

Staff know that if a complaint is made about them, they will be told about the complaint and will have the opportunity to respond.

Staff who receive a complaint and who have a conflict of interest, inform their manager of that conflict. As a general rule, and depending on the circumstances of the complaint, staff will then distance themselves from action in relation to the complaint.

Service Users:

Service users are confident that any complaint they might make will be treated fairly. The complaint will be fairly represented and decisions made will be impartial. Service users understand that if they make a complaint about a staff member, that person will see the complaint and have the opportunity to respond to it.

Phillip was upset because he was charged for a long consultation when he had seen his GP for only a few minutes. At the time, he had felt rushed, and not able to talk to the GP about some stomach pain which was worrying him.

Phillip contacted Aaron, the practice manager, to complain. Aaron declared his interest in this complaint, informing Phillip that he was married to the GP, and that he therefore could not be involved with it. Instead, the complaint would be handled by the Clinic Manager.
Complaints Policy Checklist
The policy provides that:

☐ Concepts such as procedural fairness, impartiality and conflict of interest are defined
☐ All complaints are dealt with impartially and fairly
☐ Information provided by parties to the complaint is fairly represented
☐ Staff involved in a complaint must declare any conflict of interest
☐ The complaint process is transparent
☐ As far as it is reasonable, information gathered during investigation of a complaint is transparent to all parties to the complaint.

Complaints Procedures Checklist
The procedures detail:

☐ How parties are told about a complaint
☐ How all parties will have a fair opportunity to be heard
☐ Processes to ensure that complaints are handled transparently
☐ Processes to be followed where there is a conflict of interest
☐ Processes to ensure that as far as possible complaint outcomes are based on facts.
PRINCIPLE 4:

THE COMPLAINT SYSTEM IS CONFIDENTIAL

In a confidential complaints resolution system, the service maintains the privacy and confidentiality of all those involved in a complaint. All records of complaints will be stored securely, separate from any other records stored relating to the service user.

Staff:
Staff respect the confidentiality of service users and other staff. They discuss a complaint only when they need to do so to deal with the complaint.

Service Users:
Service users are told that their complaint is confidential, and will be discussed only with staff related to the complaint. In some circumstances, for example in day programs where service users know each other and have daily contact with staff, service users might be asked not to talk about their complaint with all the other people using the program.

Shelley is receiving case management from ZED health services. She complained to the team leader that she was not involved in the development of her rehabilitation plan. Shelley has made several complaints about staff, and the team leader thinks that there might be a possibility that these complaints are linked to some mental health problems Shelley is experiencing.

ZED health services’ complaints policy stresses the importance of user confidentiality. It states that complaint files are physically maintained separately from case files. It also says that staff must consider a complaint separately from any knowledge they might have of the service user.

Despite her concerns, the team leader investigates the complaint on its merits. She finds that Shelley was not involved in the development of her plan as she should have been. The outcome of Shelley’s complaint is a change in processes to ensure that all service users are involved in planning.
Kirsten wants to complain about Jane, a nurse in her health clinic. Kirsten is angry because she needed to see a nurse during the night. When she rang the clinic, Jane said she could wait until the next day.

Maxie, the nurse manager, takes the complaint from Kirsten. She speaks to Jane to let her know about the complaint, and nominates one other nurse to act as a support person for her. Jane and the other nurse are instructed not to discuss the complaint with other staff at the clinic.

Complaints Policy Checklist
The policy provides that:

☐ Personal information gathered during the complaints resolution process is confidential

☐ Only staff directly involved in a complaint know the specific details of the complaint

☐ Information is shared on a need-to-know basis and wherever possible, with the consent of the service user making the complaint

☐ Only relevant information is gathered for the purpose of addressing and resolving the complaint.

Complaints Procedures Checklist
The procedures detail:

☐ Processes to ensure confidentiality of complaint information

☐ Mechanisms to reduce the potential for inadvertent disclosure

☐ Records of complaints are separated from other service user records

☐ Processes to ensure that only relevant complaint information is considered when assessing complaints

☐ That complaints reported in Annual Reports or other public reports are de-identified.
PRINCIPLE 5:

THE COMPLAINTS SYSTEM IS ACCESSIBLE

A person centred complaints resolution process is both accessible and responsive to all parties involved in a complaint.

In an organisation with an accessible complaints system, service users are involved in the development of the complaints resolution policy and procedures. The complaints resolution system is flexible so that all service users are able to make a complaint and the organisation responds to the complaint in a way which is sensitive to individual needs and differences.

Staff:
Staff understand that service users come from diverse backgrounds and have diverse needs. They make sure that support and advocacy is provided when needed. They understand that the special needs of service users, along with cultural background, affect the service user’s experience of the service. They try to see the complaint from the viewpoint of the person making the complaint.

Service Users:
Service users know how to make a complaint and are able to do so. If needed, they have access to support and advocacy throughout the complaints resolution process.

Jimmy went to hospital for emergency surgery. Jimmy speaks English, but it is not his first language, and he was very sick when he first arrived at the hospital. Before he had his operation he signed a form saying that he understood what would happen and what might go wrong, but he didn’t really know what it meant. Unfortunately, there was a problem with the surgery, and Jimmy thought that the surgeon didn’t explain what happened properly.

Jimmy asks to see the Indigenous Liaison Officer at the hospital. The ILO tells him how he can make a complaint. The ILO makes sure that an interpreter is available to help Jimmy make his complaint, and later to attend meetings held with doctors from the hospital to help resolve the complaint.
Complaints Policy Checklist
The policy provides that:
- Service users are involved in its development and review
- The complaints process is flexible
- Information about the complaints resolution process is available in a form and language which service users can understand
- Support is provided to service users with special needs
- Service users are provided with information about their right to advocacy and support
- There will be a commitment to ensuring that the viewpoint of the person making the complaint is understood.

Complaints Procedures Checklist
The procedures detail:
- Complaints can be made verbally or in writing
- With the consent of the person using the service, a broad range of people can make a complaint (for example friends, family, carers, advocate/representative)
- Information about the complaint process is clear and available verbally and in writing
- Information about the complaint process accommodates the special needs of the organisation’s client base (e.g. large print; Braille; available in sign, different languages)
- Routine use of interpreters for service users whose first language is not English
- The help offered to the service user when making a complaint
- The help available to the service user throughout the complaint process.

Bob has quadriplegia. He wants to complain to his disability service provider about the workers who he says constantly arrive late for their shifts.

Bob is able to make his complaint because the process is flexible. He knows that he can make a verbal complaint, ask a friend or a worker to make the complaint for him and for a support person to be assigned to help him while his complaint is being resolved.
PRINCIPLE 6:

THE COMPLAINTS SYSTEM IS RESPONSIVE

In a responsive complaint resolution system, complaints are dealt with in a timely and efficient manner which addresses the concerns and needs of all persons involved in the complaint.

Staff:
Staff understand the complaint process. They expect to be informed of the progress of any complaint made about them from the time it is first received until it is complete. They are updated when changes to services arising from the complaint are put in place.

Service Users:
Complaints are acknowledged as soon as they are received. People making a complaint are advised of the complaint process and expected timelines, and regularly updated as to the progress of the complaint. They are consulted regarding how the complaint is best resolved and whether the organisation’s response resolves the complaint. They are advised when service improvements arising from their complaint are put in place.

Morrie’s family complained to the team leader that Jay, the Occupational Therapist, was rude to him. The family said Jay didn’t listen when he visited Morrie at home to work out what help they all needed so that Morrie could stay living independently with his family.

Because this was the second complaint about Jay, the team leader decided to use a formal process to resolve the complaint. Jay was worried about the complaint. The team leader told Jay about how the complaint would be managed and that it would take no longer than a month to conclude the complaint process. During this time, Morrie, his family and Jay were all updated as to what was happening. All parties agreed the complaint was resolved with the outcome that Jay would attend training to help him work with people in a more respectful way.
Tom complained to the hospital’s Nursing Director about the care he had received from Amelia, a nurse responsible for his care on two shifts during Tom’s recent admission to hospital. Tom complained that Amelia had not washed her hands before changing bandages on a wound.

The Nursing Director provided Amelia with a copy of the complaint and time to respond. Amelia and Tom were reminded of the complaint resolution process, as well as the expected timelines to resolve the complaint. The Nursing Director undertook other, independent enquiries but kept Tom and Amelia updated as to the progress of the complaint. The complaint was resolved with an explanation, an apology and service improvements which included placing handwash dispensers in each patient’s room. Tom and Amelia were both informed when the dispensers were in place.

Complaints Policy Checklist

The policy provides that:

- Complaints are dealt with in a timely and efficient manner.
- Parties to the complaint understand the steps of the complaint process.
- Timelines are set for each step of the process.
- Parties are regularly informed of the progress of the complaint.

Complaints Procedures Checklist

The procedures detail:

- Timelines for acknowledging the complaint
- Timelines for each stage of the complaint resolution process
- Information to be provided to parties to the complaint such as who will deal with the complaint and contact details
- Feedback to be provided to parties at each stage of the complaint process
- Parties are informed when any changes arising from a complaint are implemented.
RESOURCES


Disability Services Commissioner (2013) *Everything you wanted to know about complaints… Tips for service providers on successfully resolving complaints and seeing the opportunities for improvement*. Victorian Disability Services Commissioner. Melbourne Vic.

Health and Community Services Complaints Act. *Schedule 8 Internal complaints procedures*


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Mahatma Gandhi said: “A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider in our business. He is part of it. We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so.”
COMPLAINT RESOLUTION DECISION MATRIX

Please note: the matrix below details the types of factors to be considered when thinking about the best way to resolve a complaint. They are at best a guide to how a complaint might be managed. Decisions about how to resolve a complaint should always be based on the individual complaint circumstances.

It is important to know the organisation’s complaints policy, including when the complaint should be referred to a more senior staff member.

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<tr>
<th>Harm</th>
<th>Urgency</th>
<th>Complexity</th>
<th>Desired Outcome</th>
<th>Other</th>
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<td>immediate</td>
<td>Low complexity</td>
<td>• Need to maintain relationship</td>
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<td></td>
<td></td>
<td></td>
<td>• Apology</td>
<td>• Organisation’s complaints policy</td>
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<td>• Explanation</td>
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<td>• Service improvement</td>
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<td>• Reimburse costs</td>
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<tr>
<td>Formal Resolution</td>
<td>Moderate - High</td>
<td>Low - moderate complexity</td>
<td>• Explanation</td>
<td>• Need to maintain relationship</td>
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<td>• Service adjustment</td>
<td>• Complaint not resolved informally</td>
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<td></td>
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<td>• Policy change</td>
<td>• Organisation’s complaints policy</td>
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<td>• Reimburse costs</td>
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<td></td>
<td>• Disciplinary Action Restitution</td>
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<td>Refer to/ provide details of external entity</td>
<td>High - extreme</td>
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<td>• Disciplinary action</td>
<td>• Mandatory report</td>
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<td>• Compensation</td>
<td>• Complaint not resolved</td>
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<td></td>
<td></td>
<td>• Organisation’s complaints policy</td>
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For more information about the HCSCC, including more information about how to resolve complaints, how to make a complaint or how to respond to a complaint, please contact the HCSCC or visit our website.

GPO Box 4409
Darwin NT 0801

Level 5, NT House
22 Mitchell St, Darwin NT 0800

**Phone:** 08 8999 1969  
**Freecall:** 1800 004 474  
**Fax:** 08 8999 6067  
**Email:** hcscc@nt.gov.au  
**TTY:** 133 677 or 1800 555 677  
**Translating and Interpreting Service (TIS):** 131 450

www.hcscc.nt.gov.au