



## CareSouth

# ORG-GOV-008 Complaints, Compliments and Allegations

POLICY			
<b>Approved by:</b>	CEO	<b>Approval Date:</b>	05/03/2017
<b>Date Effective:</b>	06/03/2017	<b>Next Review Due:</b>	05/03/2020
<b>Custodian:</b>	CEO		
<b>Employer:</b>	<p>The CareSouth Group is comprised of the below entities, collectively known as the CareSouth Group. Other entities may be added in the future to the CareSouth Group. This policy applies to staff, volunteers and contractors employed in each of these entities.</p> <ul style="list-style-type: none"><li>• CareSouth ABN 97 065 193 035</li><li>• CareSouth Residential OOHCA ABN 19 164 554 607</li><li>• CareSouth Foster Care ABN 32 164 554 223</li><li>• CareSouth Family Connections ABN 93 164 553 799</li><li>• CareSouth Disabilities ABN 32 164 553 413</li></ul>		
<b>System Location:</b>	S:\Common\CareSouth_Policies\1. Governance		
<b>Related Material:</b>	<p><b>CARESOUTH POLICIES AND DOCUMENTS</b></p> <p>This policy has been written with reference to and operates in conjunction with the following CareSouth policies and procedures:</p> <ul style="list-style-type: none"><li>• <i>Procedure: PRO-ORG-GOV-006 Responding to Complaints and Compliments</i></li><li>• <i>Policy: ORG-GOV-004 Service Management and Improvement</i></li><li>• <i>Policy: ORG-REC-001 Privacy and Confidentiality</i></li><li>• <i>Policy: ORG-HR-013 Grievance Management</i></li><li>• <i>Child Protection &amp; Wellbeing Policy Suite</i></li></ul> <p>Forms, templates and information packages:</p> <ul style="list-style-type: none"><li>• <i>F-ORG-CF-001: Tell Us What You Think Form</i></li><li>• <i>F-ORG-CF-002: Factsheet - We Value Your Feedback</i></li><li>• <i>CareSouth Ombudsman Position Description</i></li></ul> <p><b>LEGISLATION AND EXTERNAL STANDARDS</b></p> <p>This policy has been written with reference to and operates in conjunction with the following legislation and external standards:</p> <ul style="list-style-type: none"><li>• <i>Community Services (Complaints, Reviews and Monitoring) Act 1993</i></li></ul>		

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	<ul style="list-style-type: none"> <li>• <i>Ombudsman Act 1974</i></li> <li>• <i>Disability Inclusion Act 2014 (NSW)</i></li> <li>• <i>Disability Inclusion Regulation 2014 (NSW)</i></li> <li>• <i>National Standards for Disability Services</i></li> <li>• <i>Universal Declaration of Human Rights Convention on the Rights of Persons with Disabilities</i></li> <li>• <i>NSW Child Safe Standards for Permanent Care 2015: Standard 9</i></li> <li>• <i>Children and Young Persons (Care and Protection) Act 1998</i></li> <li>• <i>Children and Young Persons (Care and Protection) Regulation 2012</i></li> <li>• <i>United Nations Convention on the Rights of the Child</i></li> <li>• <i>Charter of Rights for Children and Young People in Out-of-Home Care in NSW</i></li> </ul>
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**1. PURPOSE**

The key objectives of this policy are to:

- affirm and support the right of the public, service users or other external stakeholders to give CareSouth positive and negative feedback
- ensure that any dissatisfaction with our organisation is dealt with fairly, transparently, and confidentially
- ensure that any disclosure or allegation is treated seriously, professionally and lawfully
- provide a framework for a lawful, consistent and professional approach to the resolution of complaints or allegations.

**2. SCOPE & APPLICATION**

This policy applies across all CareSouth programs and services, including all managers, employees, volunteers, and carers.

This policy applies to:

- decisions made by CareSouth staff about CareSouth programs and services
- the conduct of staff, including the quality of service provided
- disclosures or allegations made by CareSouth service users
- disclosures or allegations made about CareSouth staff, volunteers and carers
- policies, procedures and practices of CareSouth.

This policy does not apply to:

- decisions or policies made by external government departments or organisations
- decisions made by Courts or Tribunals
- grievances or complaints by staff and volunteers of CareSouth, which are addressed in the *ORG-HR-013 Grievance Management* policy.

CareSouth may not deal with complaints that are over two years old, which have previously been dealt with or which are deemed to be vexatious or frivolous, subject to any obligations which may arise under law.

### 3. DEFINITIONS

Term	Definition
Allegation	For the purpose of this policy, an allegation is defined as any accusation expressed regarding the perceived or actual harm of a vulnerable person and may include physical or sexual abuse, neglect or other ill treatment.
CareSouth Ombudsman	<a href="mailto:ombudsman@caresouth.org.au">ombudsman@caresouth.org.au</a> The CareSouth Ombudsman is an independent consultant appointed by the Board of Directors to act as a communications channel for stakeholders in relation to external complaints and major issues. The Ombudsman operates in a manner to preserve the confidentiality of those seeking services, maintaining a neutral or impartial position with respect to the concerns raised, is independent of formal organisational structures and reports directly to the Board of Directors.
Complaint	For the purpose of this policy, a complaint is defined as any expression of dissatisfaction, either written or verbal, made by or on behalf of a service user about the standard of service, policies, procedures or staff of CareSouth.
Compliment	For the purpose of this policy, a compliment is defined as any expression of satisfaction, either written or verbal, made by or on behalf of a service user or other stakeholder about the standard of service, policies, procedures or staff of CareSouth.
Disclosure	For the purpose of this policy, a disclosure is any expression of an allegation made by a vulnerable person, including allegations or incidents outside of CareSouth's scope of operations.
Executive Leadership Group	Comprises Chief Executive Officer, Chief Financial Officer, Human Resources Manager and Regional Managers.
Feedback	Feedback encompasses all information provided to CareSouth regarding services, performance or the way we do our business, including compliments. It can be solicited or unsolicited, formal or informal, positive or negative.
Investigator	The person nominated to investigate the allegation.

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Term	Definition
Procedural Fairness	Fair and just process is where people are made aware of complaints or allegations against them, are provided with the evidence on which the allegations are based and are given the opportunity to be heard.
Reportable Conduct	An allegation of misconduct that may involve reportable conduct as described in Section 25A of the NSW Ombudsman Act.
Statements	For the purpose of this policy, a statement is any information received, verbal or written, that prompts the application of this policy and associated procedures, including complaints, allegations or disclosures made by or in regards to any carer, volunteer, staff or service user.
Vulnerable Person	A child, young person, child or person living with a disability.

#### 4. POLICY

CareSouth is committed to the efficient, objective, timely, effective, confidential and fair resolution of all statements it receives. No stakeholder will lose services, face threatened or actual retribution or be disadvantaged in any way because they have made a statement to CareSouth.

All matters will be recorded in the Complaints and Compliments Register and will not be managed by the subject staff member to ensure impartiality and fairness. Staff will address matters at an appropriate level according to their position and the nature of the complaint, in accordance with procedure.

##### 4.1. Right to make a complaint

All CareSouth clients and service users are advised of their right to make a complaint and provided with a summary of the complaints process at their time of entry to the CareSouth program/service.

CareSouth's client information packs advise clients of their right to make a complaint either directly to CareSouth, to the Ombudsman under the Community Services (Complaints, Review and Monitoring) Act 1993 (NSW), or to the relevant external body with responsibility for the program/service area the client is accessing.

CareSouth's complaints, compliments and feedback forms are available through its website and at all service locations.

CareSouth values compliments to our staff, policies, practices and programs, particularly from service users or other stakeholders. We hold our vision and values at the core of all that we do and appreciate when that is acknowledged.

## 4.2. Complaints

Feedback from those receiving our services is essential to the improvement of our services and practice.

Any complaint will be acknowledged in writing and be investigated and resolved in a serious, professional and confidential manner with the outcome being advised to the complainant in writing.

All stakeholders have the right to make a complaint if they are dissatisfied with CareSouth's delivery of service and CareSouth will inform them of this right at the earliest possible stage of their involvement with the organisation.

A complaint can be made to any staff member and can be written or verbal. Resolution of the complaint will be in accordance with CareSouth's policies and procedures.

## 4.3. Allegations

CareSouth is committed to treating all allegations of misconduct seriously and ensuring compliance with all required legislation and accreditations.

Allegations can be made by any stakeholder including community members, service users and staff and may involve physical or sexual abuse, ill treatment, neglect or other misconduct, and may or may not include reportable conduct.

Allegations will be reported and investigated in accordance with CareSouth's policies and procedures, and all relevant standards and legislation.

## 4.4. Disclosures

CareSouth supports vulnerable people in our community, many of whom have experienced difficult situations. When staff have developed a trusting relationship with those that we support, they may make disclosures of their experiences. These events may have occurred prior to their relationship with CareSouth, or they may be recent and involve CareSouth staff.

CareSouth's commitment is to treat any disclosures sensitively and confidentially, ensuring compliance with all required legislation and accreditations.

Disclosures can be made by any service users and may involve physical or sexual abuse, ill treatment, neglect or other misconduct, and may or may not include reportable conduct.

Disclosures will be reported and investigated in accordance with CareSouth's policies and procedures, and all relevant standards and legislation.

## 4.5. Support and participation

CareSouth's clients are frequently children, young people and people with disability, who may require additional support to understand and be engaged in the complaint process. This can include individual support, group training sessions and/ or workshops with parents, carers and advocates. The complainant will be supported to determine how, when and where the complaint will be discussed, and where possible, to nominate the employee they want as the key contact regarding the complaint.

CareSouth will provide all reasonable assistance to those who require support to effectively communicate in relation to the complaint. Specific supports are developed to reflect the complainant's individual, cultural and linguistic needs.

Assistance may include, for example, access to an interpreter service or agreement to a personal interview during which the details of the complaint can be written down on the complainant's behalf, providing information in Easy-read or alternative formats, or accessing additional linguistic or cultural supports.

Each person has the opportunity to have a chosen support person, such as an advocate, to assist or represent them during the process. During the complaint process, children under 16 years must be supported by an adult. Young persons (under 18 years) must be supported by an appropriate person.

#### **4.6. Communicating effectively with complainants**

Each complainant is kept informed at all stages of the decision making process concerning the complaint and the reasons for any decisions. All complaints will be acknowledged in writing, and complainants kept informed of the progress of their matter. If the outcome the complainant wants is not clearly specified, this should be clarified with the complainant.

Complainants will be kept informed of the progress and outcome of their complaint in accordance with CareSouth's *PRO-GOV-ORG-001 Complaints Handling* procedure.

#### **4.7. Protecting the privacy of complainants**

All complaints are handled confidentially and with regard to privacy and dignity.

Confidentiality is respected, and information about complaints is only shared on a "need to know" basis, keeping any information private to those directly involved in the complaint and its resolution. For CareSouth to appropriately address some complaints, it may be necessary for those handling the complaint to contact others to seek and clarify information. Complainants are advised of this at the time of making a complaint.

Access to the *Complaints and Compliments Register* held by the CEO's office is restricted to members of the Executive Leadership Group.

#### **4.8. Complaints data and monitoring**

A key function of CareSouth's complaints and feedback process is to review data to help identify areas that need improvement.

The CEO's office maintains a Complaints and Compliments Register and ensures that complaint and feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements, in accordance with CareSouth's *ORG-GOV-004 Service Management and Improvement* policy.

Managers include a summary of all Complaints and Feedback and outcomes in their monthly Management Report. The CEO reports on significant complaints to the Board monthly at his/her discretion.

Board meetings include a standing agenda item on complaint handling, with trends and implications for service planning discussed.

#### 4.9. CareSouth Ombudsman

If the stakeholder is not satisfied with the way CareSouth has treated your statement you can request a review of your matter. The review will be undertaken by a staff member senior to the investigator. If you are still unsatisfied with the outcome of your matter following review of the Chief Executive Officer, you can forward your statement to the CareSouth Ombudsman via email to [ombudsman@caresouth.org.au](mailto:ombudsman@caresouth.org.au).

The primary role of the CareSouth Ombudsman is to provide an impartial mechanism of last resort for the internal resolution of complaints made against CareSouth. The CareSouth Ombudsman is not meant to replace established channels for complaint resolution, and may take action only when all regular complaints handling procedures have been exhausted.

At the direction of the Board, the CareSouth Ombudsman's will:

- Work with individuals to explore and assist them in determining options to help resolve conflicts, problematic issues or concerns
- Make recommendation to the Board for an independent investigator to be engaged
- Report to the Board of outcomes of the review of complaints
- Generally liaise with the Board where unresolved complaints and problems exist
- Bring systematic concerns to the attention of the Board for resolution.

External channels for review are available via NSW Ombudsman, NSW Civil and Administrative Tribunal, as well as CareSouth's funding bodies, including NSW Department of Family and Community Services.

### 5. RESPONSIBILITIES

#### 5.1. Employees

All employees carrying out work for or on behalf of CareSouth are expected to:

- receive and resolve complaints within their area of responsibility in accordance with this policy and CareSouth's *PRO-ORG-GOV-006 Responding to Complaints and Compliments* procedure
- escalate unresolved or complex complaints to the relevant manager
- maintain confidentiality and privacy in relation to all complaints
- provide information and support for the investigation and resolution of complaints as required.

#### 5.2. Supervisors and Managers

All Managers across CareSouth are required to:

- monitor staff handling of complaints in accordance with CareSouth policy and procedure
- ensure that staff are trained and supported to resolve complaints within their area of responsibility



- coordinate the provision of accurate information as required to support internal investigation of complaints by managers or the CareSouth Ombudsman, and external complaints where required
- maintain confidentiality and privacy in relation to all complaints
- ensure the timely provision of complaints information to the CEO's office, including:
  - report of active complaints included in the monthly Management Reports
  - a summary report of the investigation and outcome
  - copies of correspondence
- review complaints and feedback to inform service improvements
- provide accurate summary of complaints and feedback in their monthly reports to the CEO.

### **5.3. CareSouth Ombudsman**

The CareSouth Ombudsman is responsible for reporting any matters to the Board, including any follow up or other action the Board directs.

### **5.4. CEO and Board**

The CEO and Board are responsible for monitoring the effectiveness of CareSouth's feedback management system.

## **6. AUTHORITY**

This Policy is authorised by the Chief Executive Officer.

CareSouth retains the right to amend or vary this policy, in its absolute discretion, from time to time as deemed fit.

Employees and external parties who are affected will be apprised of such changes at the time of revised publication.

**7. VERSION CONTROL AND CHANGE HISTORY**

Version Number	Approval Date	Approved by	Amendment
1.0	05/01/2012	CEO	Original version- partially replaces 1.15 Grievance and Complaint Resolution Policy
2.0	05/03/2017	CEO	<p>Update to new policy template and inclusion of policy code and codes for associated forms.</p> <p>Procedural information moved into separate procedure document: <i>PRO-ORG-CF-001 Responding to Complaints and Feedback</i>.</p> <p>Replacement of references to Board Liaison Officer with CareSouth Ombudsman.</p> <p>Extensive revision of content to combine previous sections on Key Commitments, Governing Principles and Legislation; align to requirements of legislation; and to clarify documentation and record-keeping requirements.</p> <p>Update of Policy Statement to incorporate creation of additional Procedures</p>

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## Complaints Flowchart

# Steps for a complaint



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