

# A Guide to Complaints Resolution

## Organisation

- › Positive complaints culture
- › Accountable complaints culture

## Complaints Process

- › Fair
- › Confidential

# Quality Improvement

## People

- › Accessible
- › Responsive



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## Introduction

The *Guide to Complaints Resolution* provides the information necessary for an organisation to develop complaints resolution policies, procedures and practices. The outcome is that people using a service can 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* and *The Code of Health and Community Rights and Responsibilities*.

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**Effective complaint handling is much more than resolving individual complaints. It involves analysis and using complaints as a resource for quality improvement.**

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## Complaints & Quality Improvement

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

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

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

# Complaints Resolution Process



\* The flow chart and the matrix on page 17 detail a brief outline of process – conducting a formal investigation requires appropriate training which is not covered in this document and training program

# Principle 1:

## 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.**

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### **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.

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### **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.

## Illustrative scenario



**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.



**Joe is a psychologist who works with people who suffer from anxiety.** When talking to Rennie, a new client, Joe asked him a series of questions so that he could find out why Rennie was so anxious. Joe was surprised when Rennie became upset and complained. Later, when Joe talked to Rennie about this, he found out that Rennie gets very stressed when he is asked lots of questions. Rennie likes to have time to think so that he can give a proper answer. Joe and Rennie talked about how sessions could be handled differently, and Rennie agreed to move ahead with counselling. Joe was pleased that Rennie complained, because he can work with his clients better now.

### 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 punished in any way because they make a complaint
- Information about how to complain is easy to find and understand.

### Complaints Procedures Checklist

The procedures detail:

- Who is responsible for oversight and review of the complaint resolution system
- How complaints might be made (ie in person, in writing, electronically, using a feedback box)
- How improvements arising from complaints are publicised
- How staff will be informed and trained in the organisation's complaints resolution policy and procedures
- Customer service training for staff
- How staff dealing with complaints will be supported.

# Principle 2:

## Accountability

**The complaints management system in an organisation is accountable to a number of people and groups. This includes people who use the service, their carers, guardians, staff, management, and funding bodies. 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.**

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### **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. When a complaint is received, it is speedily and competently reviewed to find out whether urgent action is necessary because it may be an early warning sign of serious problems.

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### **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.



## Illustrative scenario



### **Zena's daughter needs 24 hour support to help her live independently.**

Zena finds out 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 house manager 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).



### **Jason complained about the bill he received from ABC Dental clinic.**

He did not like the way his teeth looked, and decided to go to a different dentist to get the problem fixed. Jason did not want to pay the bill from ABC Dental, and phoned his dentist to tell her so. In accordance with ABC Dental's complaints policy, the complaint was referred to Jane, the practice owner. This was helpful because Jane sees all the complaints that ABC Dental receives. As the practice owner, Jane has the authority to make decisions to change services if this is needed.

Jane investigated the complaint and found that the dental work should have been better. Jane also noted that she had received two other, similar complaints involving other dentists in her practice, and so arranged extra training for her staff. Jane made sure that Jason did not have to pay his bill with ABC dental. She also paid some of the cost of the work Jason had done to fix his teeth.

## Complaints Policy Checklist

The policy provides that:

- 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 followed consistently and fairly at all times
- The complaint resolution system is tiered so that complaints are 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
- Who is responsible for managing complaints
- Ways to make sure that the complainant's issues, desired outcomes and expectations 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 complaints 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.

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### 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.

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### Service Users:

Service users are confident that any complaint they might make will be treated fairly, that 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.

## Illustrative scenario



**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. He felt like he could not talk to the GP about some stomach pain which was worrying him.

Phillip contacted Aaron, the practice manager, to complain. Aaron told Phillip that he was married to Phillip's GP. This was a conflict of interest, and so Aaron asked the Clinic Manager to manage the complaint instead.



**Organisation DEF is proud of the way it makes decisions when complaints are received.** Its complaints policy states that any person about whom a complaint is made will see the complaint and will have the opportunity to respond to it. The person who makes a complaint will then see this response and make further comments.

DEF makes sure that staff who manage complaints understand that they must make decisions based on facts, rather than their own personal opinions or beliefs.

### 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 seen by all parties.

### 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 complaints are assessed on facts.

# Principle 4:

## The complaints 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 are stored securely, separate from any other records relating to the service user.

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### Staff:

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

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### 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.

## Illustrative scenario

### 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 person making the complaint
- Only information which is relevant to the complaint is gathered for the purpose of addressing and resolving the complaint.

### Complaints Procedures Checklist

The procedures detail:

- Processes to ensure complaint information is confidential
- Ways to make sure that information is not disclosed by mistake
- How records of complaints are kept separate from other service user records
- Processes to ensure that only relevant complaint information is considered when assessing complaints
- That permission is given before complaints are included in public reports and that they are de-identified.



#### **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 confidentiality. It states that complaint files must be separate from case files. It also says that staff must not let anything they know about a person who makes a complaint influence the way they handle the complaint.

Despite her concerns, the team leader decides to investigate the complaint. 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 was angry because she needed to see a nurse at her health clinic during the night.**

When she rang the clinic, Jane, the nurse on call, said she could wait until the next day. Kirsten was in a lot of pain, and thought that Jane should have come to the clinic to see what was wrong with her.

The next day, Kirsten decided to complain. Maxie, the nurse manager, spoke to Jane to let her know about the complaint, and nominated another nurse to act as a support person for her. Jane and the other nurse were instructed not to discuss the complaint with other staff at the clinic.

# 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.

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### 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.

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### 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.

## Illustrative scenario



### **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. The doctor spoke to Jimmy about the surgery without using an interpreter, and Jimmy signed a consent form saying that he understood what would happen and what might go wrong. Unfortunately, there was a problem with the surgery, and Jimmy complained because he thought that the surgeon didn't explain what happened properly.

Jimmy asked to see the Aboriginal Liaison Officer (ALO) at the hospital. The ALO told him how he could make a complaint. The ALO made sure that an interpreter was 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 according to the needs of people involved in a complaint
- Information about the complaints resolution process is available in a form and language which service users can understand
- Support is available to service users when needed
- 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 which should be 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 always 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.

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### 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 told when changes to services arising from the complaint are put in place.

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### Service Users:

Complaints are acknowledged as soon as they are received. People making a complaint are told about the complaint process and how long it will take, 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 told when service improvements arising from their complaint are put in place.



## Illustrative scenario

### 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
- How parties are informed when changes arising from a complaint are implemented.



**Tom complained to the hospital's Nursing Director about the care he received from Amelia, a nurse responsible for his care on two shifts during Tom's recent admission to hospital.** Tom complained that Amelia did not wash her hands before changing bandages on a wound.

The Nursing Director provided Amelia with a copy of the complaint and gave her time to respond. Amelia and Tom were told about the complaint resolution process, as well as how long it should take to resolve the complaint. The Nursing Director undertook other, independent enquiries but kept Tom and Amelia updated as to what was happening with the complaint. Tom agreed that the complaint was resolved with 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.



**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. The team leader spoke to Morrie, his family and Jay every week to tell them what was happening. Everyone agreed the complaint was resolved when Jay apologised and attended training to help him work with people in a more respectful way.



## Resources

Australian Council for Safety and Quality in Health Care (2004) *Better Practice Guidelines on Complaints Management for Health Care Services*. Commonwealth of Australia. Canberra, ACT.

Australian Council for Safety and Quality in Health Care (2005) *Complaints Management Handbook for Health Care Services*. Commonwealth of Australia. Canberra, ACT.

Australian Government Department of Social Services (2012) *National Standards for Disability Services*.

Council of Standards of Australia (2014) *Australian/New Zealand Standard. Guidelines for complaints management in organizations (AS/NZS 10002:2014)*. SAI Global Limited. Sydney NSW.

Disability Services Commissioner (2012) Good practice guide and self audit tool. *Developing an effective person centred complaints resolution culture and process*. Victorian Disability Services Commissioner. Melbourne Vic.

Disability Services Commissioner (2012) *Learning from Complaints. Occasional Paper No. 1. Safeguarding People's Right to be Free from Abuse. Key considerations for preventing and responding to alleged staff to client abuse in disability services*. Victorian Disability Services Commissioner. Melbourne Vic.

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*

Health and Community Services Complaints Commission: *The Code of Health and Community Rights and Responsibilities*

Health Services Review Council (2005) *Guide to Complaint Handling in Health Care Services*. Melbourne, Vic

NSW Ombudsman (2004) *The Rights Stuff. Tips for solving problems and making complaints. A toolkit for consumers of community services in NSW*. Sydney NSW.

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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.”**

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# 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.**

	Harm	Urgency	Complexity	Desired Outcome	Other
<b>Informal Resolution</b>	Low	Immediate	Low complexity	<ul style="list-style-type: none"> <li>› Apology</li> <li>› Explanation</li> <li>› Service improvement</li> <li>› Reimburse costs</li> </ul>	<ul style="list-style-type: none"> <li>› Need to maintain relationship</li> <li>› Organisation’s complaints policy</li> </ul>
<b>Formal Resolution</b>	Moderate – High		Low – moderate complexity	<ul style="list-style-type: none"> <li>› Explanation</li> <li>› Service adjustment</li> <li>› Policy change</li> <li>› Apology</li> <li>› Reimburse costs</li> <li>› Disciplinary Action</li> <li>› Other financial remedy</li> </ul>	<ul style="list-style-type: none"> <li>› Need to maintain relationship</li> <li>› Complaint not resolved informally</li> <li>› Organisation’s complaints policy</li> </ul>
<b>Refer to/ provide details of external entity</b>	High – extreme			<ul style="list-style-type: none"> <li>› Disciplinary action</li> <li>› Compensation</li> </ul>	<ul style="list-style-type: none"> <li>› Mandatory report</li> <li>› Complaint not resolved</li> <li>› Organisation’s complaints policy</li> </ul>

\* The flow chart on page 3 and the matrix detail a brief outline of process – conducting a formal investigation requires appropriate training which is not covered in this document and training program



## Health and Community Services Complaints Commission

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.

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131 450