



POLICY STATEMENT

The Consumer Law Centre of the ACT (the CLC) is committed to ensuring that any person or organisation using the CLC services or affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation and to have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

The organisation will provide a complaints and appeals management procedure that:

- is simple and easy to use
- is effectively communicated and promoted to all clients and stakeholders
- ensures complaints or appeals are fairly assessed and responded to promptly
- is procedurally fair and follows principles of natural justice
- complies with legislative requirements

PRINCIPLES

The CLC will:

- institute procedures for receiving feedback and resolving complaints by service users about the services
- advise service users and other persons with a relevant interest of the procedures available for the referral of feedback and complaints in relation to the receipt of services
- consider all complaints it receives
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution
- ensure advocacy is available to clients who make a complaint and require support
- resolve complaints, where possible, to the satisfaction of the complainant
- deal with all complaints in a timely manner
- keep parties to the complaint informed of progress of the complaint
- ensure that the Care Inc Board members and CLC staff are given information about the complaints procedure as part of their induction and are aware of procedures for managing client feedback and complaints
- ensure all service users, stakeholders and members are aware of the complaints policy and procedures
- ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue.
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements

PROCEDURES

Information for clients and stakeholders

The CLC complaints and appeals procedure will be documented for clients and stakeholders in this Managing Complaints Policy which is made available upon request.

All clients will be informed of their rights and responsibilities with regards to complaints and appeals at the earliest possible stage of their involvement with the organisation.

The Managing Complaints Policy contains information on the following:

- how to make a complaint or lodge an appeal
- contact person for lodging a complaint or appeal
- how the organisation will deal with the complaint or appeal, the steps involved and the timelines
- the rights of the complainant to an advocate, support person or interpreter
- how the person will be informed about the outcome of their complaint or appeal
- how to make a complaint to an external body including contact details

Making a complaint

A person wishing to make a complaint may do so in writing or verbally to:

- the staff member they were dealing with at the time
- the Manager/Supervisor of that staff member
- the Manager & Solicitor, Principal Solicitor, Care Inc Director
- the Care Inc Board, or
- the Law Society of the ACT

If the complaint is about:

- a staff member, the complaint will normally be dealt with by their Manager
- a senior staff member, the complaint will normally be dealt with by the Principal Solicitor or the Care Inc Director or the Care Inc Board
- the most senior staff member, the complaint will normally be dealt with by the Care Inc Board

Written complaints may be addressed to the Principal Solicitor and sent to PO Box 763, Civic Square, ACT 2608 or via email to clc@carefcs.org. The Principal Solicitor will be responsible for receiving this correspondence and directing it to the appropriate person.

Lodging an appeal

Clients or their advocates may lodge an appeal if they disagree with a decision made by the organisation, or by a staff member, related to the CLC's refusal to provide legal representation and/or ongoing casework assistance. An appeal should be made in writing and submitted to the Principal Solicitor in the first instance and the Care Inc Director in the second instance.

Procedure for complaints and appeals management

The person managing the complaint will be responsible for:

1. Processing the complaint or appeal:
 - registering the complaint or appeal in the database
 - informing the complainant that their complaint has been received and providing them with information about the process and time frame
2. Investigating the complaint or appeal:
 - examining the complaint within a reasonable time not to exceed 14 days from receipt of the complaint
 - investigating the complaint and deciding how to respond
 - informing the complainant by letter within 7 days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution

As far as possible, complaints or appeals will be investigated and resolved within 30 days of being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

3. Resolving the complaint:
 - making a decision or referring to the appropriate people for a decision within 30 days of the complaint being received
 - informing the complainant of the outcome:
 - › upheld (and if so what will be done to resolve it)
 - › resolved (and how this has been achieved); or
 - › if no further action can be taken, the reasons for this.
 - › Informing the complainant of any options for further action if required

4. Reviewing the complaint:

If the complainant is not satisfied with the investigation and proposed resolution of their complaint or appeal they can seek a further review of the matter by the appropriate person as specified above.

5. Referral to external procedure:

A formal external complaints procedure may follow Step 4 if the complainant is still not satisfied with the outcome. The complainant will be referred to the Law Society of the ACT.

Record keeping

A register of complaints and appeals will be kept in the CLC database. The register will be maintained by senior staff and will record the following for each complaint or appeal:

- details of the complainant and the nature of the complaint
- date lodged
- action taken
- date of resolution and reason for decision
- indication of complainant being notified of outcome
- complainant response and any further action

Copies of all correspondence will be kept in the client's information/advice/casework file.

The complaints register and files will be confidential and access is restricted to senior staff.

Complaints involving specific staff members

The supervisor of the staff member has delegated responsibility for resolving complaints or disputes involving staff members.

Internal complaints, where a staff member makes a complaint concerning another staff member, will be dealt with in accordance with the Care Inc's grievance, complaints and disputes policy.

Any disciplinary action against a staff member arising from a complaint will be taken in accordance with the procedures contained in Care Inc's grievance, complaints and disputes policy.

Complaints involving the Care Inc Director will be managed by the Care Inc Board.

Complaints involving organisation members or Care Inc Board members

Complaints made against a member or Care Inc Board member will be referred to the Care Inc Chair. The Chair or their delegate, will:

- notify the person about whom a complaint is being made of the complaint and its nature
- investigate the complaint and provide the member with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party

Where the Chair is the subject of a complaint, the complaint should be referred to the other office bearer/s.

If the matter remains unresolved, the Chair or notified office bearer will raise the matter at the next Board meeting. Depending on the seriousness of the complaint, the Care Inc Board may:

- deal with the matter at its meeting, or
- refer the matter as outlined in Care Inc's constitution