



## Complaints Handling Procedure

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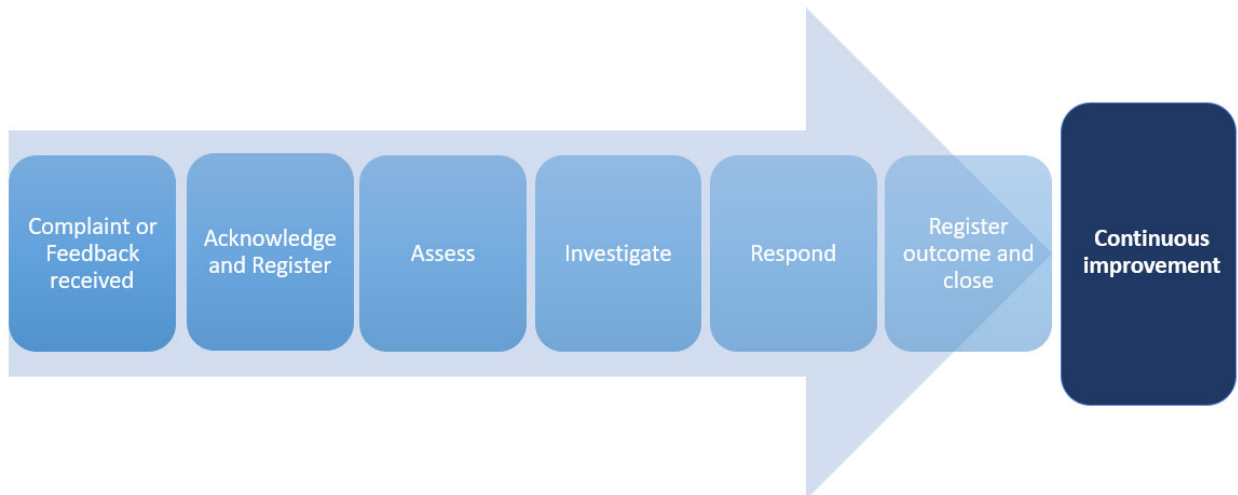
## Complaints Handling Procedure

The St Vincent de Paul Society Tasmania (the Society) welcomes feedback and complaints. We are committed to handling feedback and complaints fairly, efficiently, and effectively.

When responding to feedback and complaints, Society Personnel must act under the Complaints and Feedback Policy and Complaints Handling Procedure.

The Complaints Handling Procedure should be read in conjunction with the Complaints and Feedback Policy. An Easy Read version of the Policy is also available on our website.

The seven stages of the Society's complaint management system are set out below. The seven steps are described in detail in this procedure.



### 1. Complaint or Feedback received

Complaints may be received in any Society location. The People and Culture Manager is the Complaints Manager for the Society and should be notified of all complaints and feedback received.

Feedback and complaints may be made directly to the People and Culture Manager by:

- phone to: (03) 6333 0822
- email to: [complaints@vinniestas.org.au](mailto:complaints@vinniestas.org.au)
- mail to: People and Culture Manager, 191 Invermay Road, Invermay TAS 7248
- Using the Feedback and Complaints Form

Feedback and complaints can also be received at a local level.

The following flow charts are provided at Appendix 1 that describe the Complaints Handling Process:

- Chart 1: Informal complaint received locally
- Chart 2: Formal complaint received locally
- Chart 3: Informal complaint received by People and Culture Manager
- Chart 4: Formal complaint received by People and Culture Manager



## Assistance

Where an individual requires assistance to provide feedback or a complaint, the Society will assist by:

- arranging an interpreter through the Translating and Interpreting Service (TIS) on 13 14 50
- communicating via the National Relay Service 1800 254 649 (relayservice.gov.au)
- providing assistance in completing the Feedback and Complaints Form (Attachment A)
- providing an Easy Read and/or in a communication style that meets the needs of the person
- providing information or referral to relevant advocacy services.
- providing other reasonable and appropriate assistance

Complaints posing a potential risk to the organisation including risk to staff, members, volunteers or companions or the wider community, should immediately be brought to the attention of the Chief Executive Officer (CEO). This includes situations of actual or alleged abuse and those that may impact on the organisation's reputation or result in litigation.

## Authority to act or disclose

If a person makes a complaint on behalf of someone else when they don't already have a legal authority to act on their behalf, the Society will confirm that the person lodging the complaint has the complainant's authority to do so. This authority may be provided verbally, by completing the 'Authority to Act or Disclose' form (Attachment B) or in a communication style which meets the needs of the person effected.

The authority to act or disclose must be documented in the Complaints and Feedback Register.

## Anonymous complaints

The Society can accept anonymous complaints through any of the methods identified above. Where a complaint is made anonymously, the Society will action the complaint respecting the complainant's request for anonymity.

Where possible the Society will make an anonymous complainant aware of the limitations of investigating an anonymous complaint including that clarification, feedback, or individual resolution may not be possible.

Where an anonymous complaint involves allegations of corruption, fraud, theft, or serious waste of Society resources, the person receiving the complaint must immediately escalate it to the People and Culture Manager who will assess the complaint and will either manage it or refer it to the appropriate personnel to be actioned under the Fraud Management Policy and with reference to the Whistleblower Policy.

Anonymous complaints alleging criminal conduct must immediately be referred to the People and Culture Manager who will inform the CEO and State President who will ensure that it is addressed in accordance with the Society's legal obligations.

Anonymous allegations relating to matters of concern regarding children must be dealt with immediately, utilising the procedures set out in our Safeguarding Children and Adults at Risk Policy.

## Feedback and complaints at local level

A person who receives a complaint at a local level including location, program or service should



endeavour to manage feedback or resolve minor complaints (for example, about pricing, timing, and the quality of services) by:

- respectfully and responsively listening and acknowledging the issue raised while clarifying whether the person is providing feedback or making a complaint;
- ask the person who has raised the issue what they are seeking as a resolution to the matter;
- if the feedback is not a compliment, provide an explanation about the issue raised (if the complaint recipient is aware of what happened and why);
- provide the person with a copy of the Society's Complaints and Feedback Form (Attachment A) and offer to help complete it;
- enter the relevant information into the Complaints and Feedback Register.

## **2. Acknowledge and register**

The Delegated person is either the People and Culture Manager or the senior Society representative at a local level location (e.g. program or service manager, Conference or Council President).

On receipt of a complaint or feedback, the Delegated person who receives the complaint or feedback and who is authorised to resolve the complaint must:

- acknowledge the receipt of the feedback/complaint in writing within 5 business days;
- ask the person who has raised the issue what they are seeking as a resolution to the matter, if this information has not already been obtained;
- offer an apology, if appropriate;
- ensure that the complaint or feedback is registered in the Complaints and Feedback Register and the People and Culture Manager is notified where appropriate;
- ensure the complainant is made aware of their right to lodge a complaint with an external agency where appropriate. For example, to the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission if they are a NDIS participant.

### **Management of Informal complaints/feedback**

Wherever possible if an informal complaint is received, the Delegated Person should attempt to resolve the complaint. If they are unable to resolve the complaint to the satisfaction of the complainant within five business days from the complaints being raised, they must:

- advise the complainant of the Society's formal complaints process;
- provide the complainant with a copy of the Society's Feedback and Complaints Form and offer to help them fill out the form, if they have not already filled one out;
- refer the matter to the People and Culture Manager for assessment.

### **Escalation and referral of local complaints**

The complaint must be immediately escalated to the People and Culture Manager where the complaint:



- Involves any complaint involving a child or a child protection issue;
- Involves a notifiable incident or an NDIS reportable incident;
- Is from an external complaints body or government agency;
- involves a criminal or serious misconduct matter; or
- is against the CEO, COO, State President or an Executive Manager.

### 3. Initial assessment

The Delegated Person must carry out an initial assessment of the feedback or complaint to:

- ensure that the terms of the complaint are clear, and if not, clarify the complaint;
- identify the key concerns raised by the complainant and the complainant's desired outcome for resolution;
- conduct a risk assessment of the complaint where appropriate;
- determine if the complaint comes within the scope of the Complaints and Feedback Policy;
- determine if the complaint includes an allegation of crime, notifiable incident, NDIS reportable incident, risk of significant harm or misconduct and if so, apply the relevant policy:
  - Code of Conduct;
  - Safeguarding Children and Adults at Risk Policy;
  - Incident Management Policy.
- determine if the complaint needs to be referred to the People and Culture Manager;
- document and maintain a record of the complaint and any actions taken and refer this information to their manager or relevant Regional or State President;
- ensure that file notes are kept that capture all discussions relating to the complaint, including contact with the complainant and other parties, decisions and the rationale for decisions.

Wherever possible the feedback or complaint should be resolved directly by the initial recipient. If the person receiving the complaint cannot resolve, or is not authorised to resolve the complaint, they must escalate the matter to their manager or the People and Culture Manager.

#### Escalation and referral of complaints

For feedback or complaints received by Society Personnel and escalated to the People and Culture Manager, that Manager will determine if the information constitutes feedback or a complaint that falls within the scope of this policy.

Where the complaint has come to the People and Culture Manager directly, and has not been escalated by Society Personnel, the People and Culture Manager must determine if the matter is a local issue and would be better managed without recourse to the formal Complaints Handling Procedure. The People and Culture Manager will refer such matters to the relevant Delegated Person or if appropriate, resolve it themselves.



Where a complaint concerns the quality and pricing of merchandise in retail outlets, or the rejection of personal donations of goods, the People and Culture Manager has the discretion to deal with the complaint more expeditiously through separate protocols negotiated with the Retail Team.

Where the complaint involves a Notifiable Incident, NDIS Reportable Incident, criminal, or serious misconduct matter, the People and Culture Manager will inform the CEO, COO, State President and NDIS Client and Engagement Officer, who will ensure that it is addressed in accordance with the Society's legal obligations.

If the complaint involves an alleged criminal offence, the People and Culture Manager must discuss the complaint with the State President and CEO, who have the responsibility for referring such matters to Tasmania Police.

If the alleged complaint involves a child or young person, as a party to the complaint or a witness, or a child protection reportable conduct issue, the People and Culture Manager will inform the CEO and/or State President in addition to following the procedure set out in our Safeguarding of Children and Adults at Risk Policy.

The People and Culture Manager must carry out an initial assessment and preliminary enquiries to:

- ensure that the terms of the complaint are clear, and if not, seek further clarification;
- identify the key concerns raised by the complainant and the complainant's desired outcome for resolution;
- identify how the complaint should be managed;
- conduct a risk assessment of the complaint where appropriate.

## 4. Investigation

The People and Culture Manager must determine if the complaint should be:

- managed by them;
- delegated to an internal or external investigator; or
- referred for investigation/action to another area of the organisation.

The Investigator or People and Culture Manager must:

- seek clarification from the complainant where necessary;
- seek information from the respondent where necessary;
- obtain all relevant information, including but not exclusive to, email correspondence, file notes, CCTV footage and interviews with witnesses and relevant Society personnel.

The Investigator or People and Culture Manager must then determine:

- what the facts are, and are not, in dispute between the parties;
- the relevance, reliability and consistency of the information collected;
- whether Society representatives have followed standard procedures;
- whether any systemic performance or management issues arise.



Where complaints involve a Regional President, State President, the COO, Executive Managers or the CEO, the People and Culture Manager may appoint an external Investigator and inform that person's direct report that a complaint has been made and an investigation is underway. For example, in the case of a complaint against the State President, the National President will be advised, and in the case of the CEO, the State President will be advised.

Where preliminary enquiries have determined a matter can be resolved without an investigation, the People and Culture Manager will still notify the relevant management personnel prior to providing an outcome to the complainant.

Where the complaint is about a Vincentian member, the Investigator or People and Culture Manager will prior to commencing investigation liaise with the Mission and Membership Manager, and the Regional President who will consult with the appropriate Conference President, regarding how the complaint will be resolved. The Regional President and Mission and Membership Manager will also advise the State President of the complaint.

Where the People and Culture Manager determines that an independent investigator should be appointed, they must consult with the CEO and State President to assign an Investigator who is suitably qualified or has received formal investigations training.

The Investigator or People and Culture Manager, as appropriate, is responsible for ensuring that complaints are resolved within 25 business days of receiving the complaint.

In exceptional circumstances, additional time may be required to conduct a thorough investigation. If a complaint is not resolved within the 25 business days timeframe, the Society will contact the complainant and advise them of the expected date of conclusion.

Where the complaint is anonymous, the 25 business days begins from the date an Investigator is assigned to the complaint.

## 5. Response

At the conclusion of the investigation, the Investigator or People and Culture Manager must prepare a report and recommendations.

Where the Investigator is not the People and Culture Manager, the Investigator must provide their report to the People and Culture Manager.

Once the investigation report has been prepared/received the People and Culture Manager will:

- where necessary, in consultation with the CEO or State President, determine the appropriate outcome resolution for the complaint;
- communicate the outcome to the complainant, where possible in writing;
- communicate the outcome to the respondent, including any actions to be undertaken.

The investigation report is the property of the Society and is not made available to the complainant or the respondent.

The People and Culture Manager will provide a quarterly report to the Governance and Risk Management Committee on any investigations in progress or completed.

Society Personnel must base any actions taken in response to a complaint on the evidence and information contained in the investigation report and must address any system or process issues that the report identifies.



Appropriate actions in response to a complaint may include:

- addressing the issues raised to resolve the complaint;
- offering a written apology;
- meeting with the complainant to acknowledge their experience;
- developing or amending policies and procedures if appropriate and/or applicable;
- training Society representatives if required or reasonable to do so;
- discussing the matter directly with the Society Personnel concerned (i.e. those named in the complaint);
- ensuring there are measures put in place to prevent the issue from recurring.

### Confidentiality and Record Keeping

The Delegated Person must keep complete records of complaint management and investigations under the Privacy Policy.

Records include the complaint, the acknowledgement letter, any notes taken, the investigation report, and the resolution letter. File notes of all conversations must be made and retained. Confidentiality of these files must be upheld.

Complaint records must be retained for a period of not less than seven (7) years. The People and Culture Manager is also required to maintain records of all complaints received and their current status on the Complaints and Feedback Register.

Records relating to abuse complaints, incidents, allegations, disclosures, concerns and referrals are kept for 50 years in accordance with the *Privacy Act 1988*.

The Society may provide details of a complaint (excluding contact details) to the person or organisation subject to the complaint and, if necessary, others who have relevant information about the complaint. This excludes the identity of the complainant, where the complainant has requested anonymity.

The Society will otherwise take steps to ensure that confidentiality is maintained while a complaint is being investigated, unless disclosure is required by law.

## 6. Register outcome and close

The intention is to resolve all feedback and complaints within 25 business day of receipt.

Complainants will be provided with a resolution letter upon closure of their feedback/complaint including the outcomes of any investigation. As noted at step 5 this may include:

- addressing the issues raised to resolve the complaint;
- offering a written apology;
- meeting with the complainant to acknowledge their experience.

When a complaint is closed, the outcome and resolution is recorded on the Complaints and Feedback Register.

Complaints may be closed, without resolution, and the relevant parties informed if:

- further clarification requested has not been provided which prevents the



- matter from being investigated; or
- the complaint is vexatious or frivolous in nature.

#### Scope for further review of the complaint

If a complainant remains dissatisfied following the Society's response after an investigation has occurred, they may seek a review of the decision on the following grounds:

- a. if the response failed to respond to a ground of the complaint;
- b. if the response failed to take into account material facts raised or evidenced provided by the complainant;
- c. if the response took into account irrelevant facts or evidence;
- d. if the response was unreasonable on another ground.

Before a request for review can be assessed, a complainant must clearly identify why they believe the original decision was wrong or unreasonable and provide any relevant supporting information or evidence.

The review must be conducted by a person who is independent of the original investigation or decision-making regarding outcome or is senior to the original decision-maker.

A complainant may request a review of a decision within 25 working days of receiving the Society's advice regarding the investigation outcome(s).

If a complainant seeks a review of a decision, the reviewer will consider:

- a. the request for review;
- b. the investigation report and the original decision;
- c. the material before the original decision-maker.

The possible outcomes from a review are:

- a. referral of the complaint for further investigation;
- b. confirmation of the original decision.

The Reviewer must advise the complainant of the review outcome within 25 working days a request for review being received and, where appropriate, provide information on further external avenues of redress. These can be found at **Appendix 1**.

## 7. Continuous improvement and preventative action

Outcomes of investigations may indicate that improvement in current practices, procedures, capabilities, and training might be required. Any systemic issues identified as a result of investigations will be forwarded by the People and Culture Manager to the CEO, COO or relevant Executive Manager to address.

The CEO, COO and relevant Executive Manager, will review the investigator's report and advise the People and Culture Manager of whether they will implement the recommendations, and if not, provide reasons why not.

A suitable timeframe for implementing any recommendations and the person responsible for completing them will be documented in action plans. Outcomes implemented to resolve a complaint



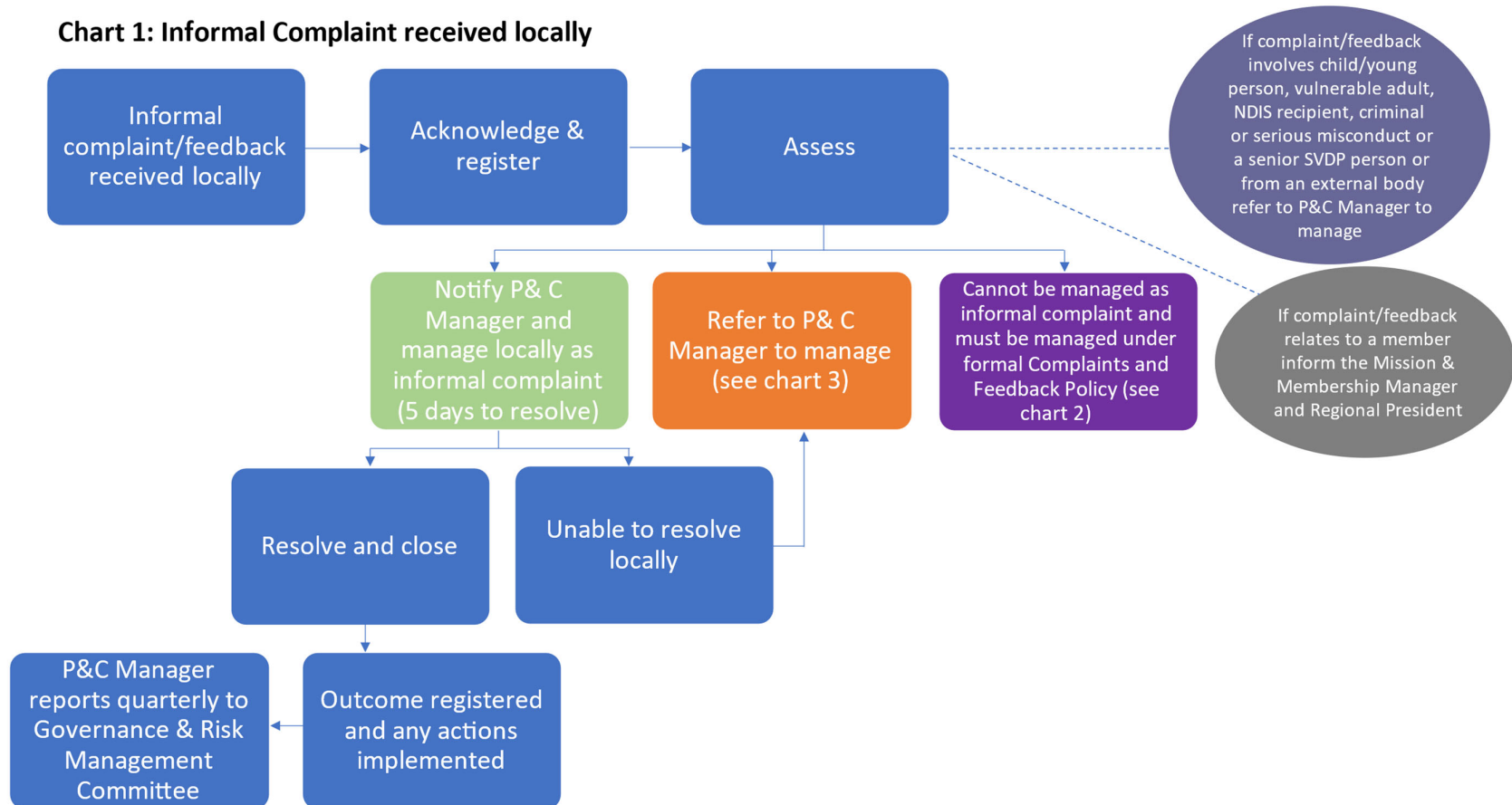
should be shared with appropriate colleagues to ensure others in a similar situation benefit from the investigation. Where the investigation identifies a more systemic issue that points to service improvement, this should be actioned appropriately.

The People and Culture Manager will submit quarterly reports to the Governance and Risk Management Committee detailing the number and type of complaints received and information about their resolution, including information (if any) that they have received from Executive Managers, CEO or COO regarding any process improvements, preventive action taken or challenges to implementation.

Where requested, the People and Culture Manager will provide Regional Presidents quarterly data on feedback and complaints for their region. Regional Presidents will share this information with Conference Presidents to identify systemic issues and areas for improvement.

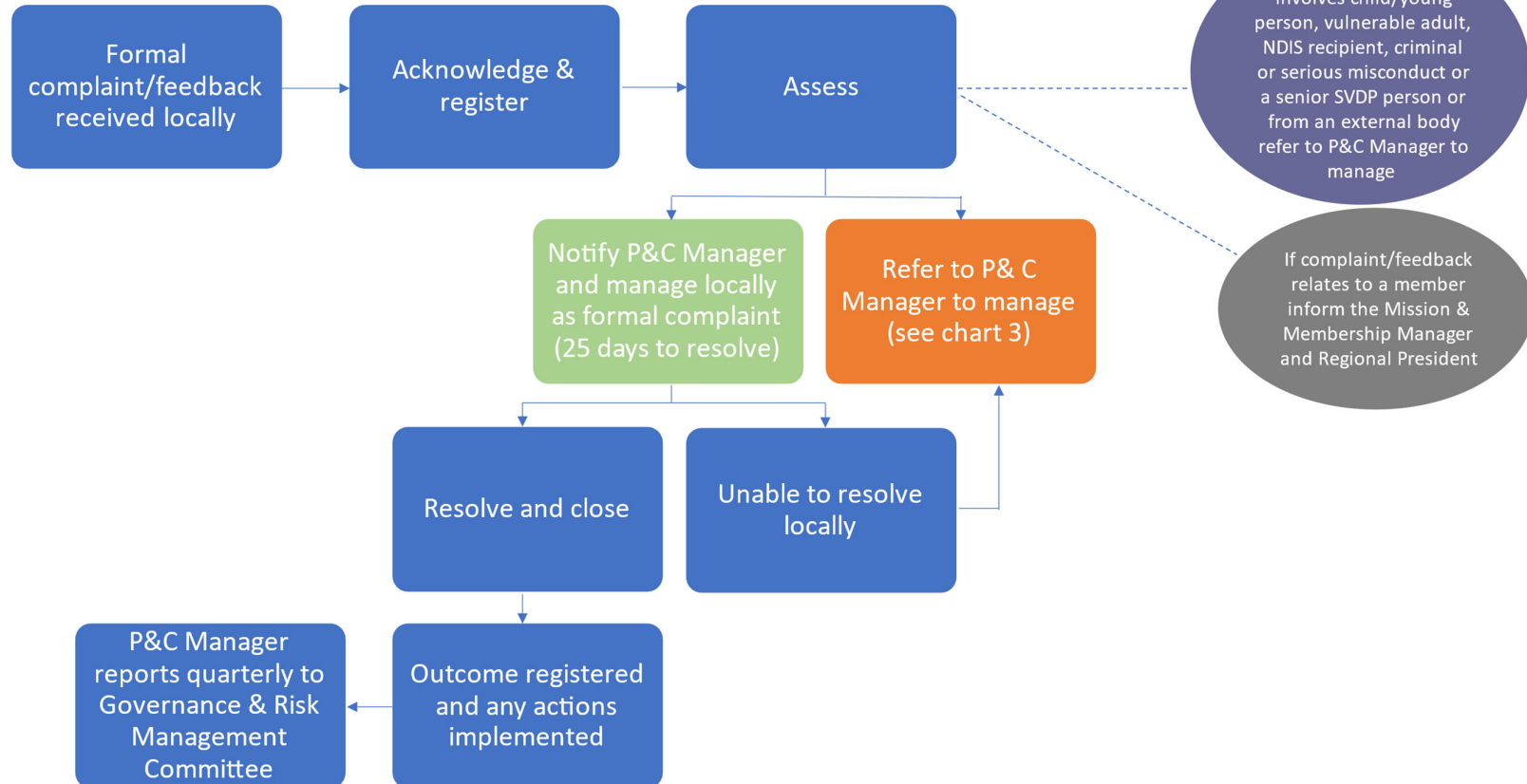


**Chart 1: Informal Complaint received locally**



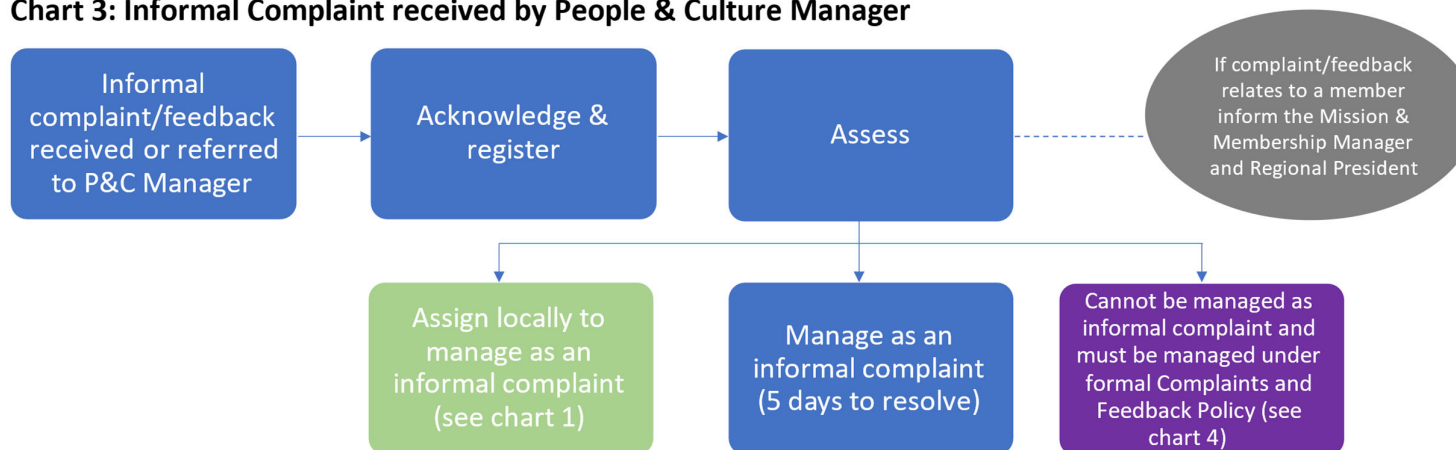


**Chart 2: Formal Complaint received locally**





**Chart 3: Informal Complaint received by People & Culture Manager**





**Chart 4: Formal Complaint received by People & Culture Manager**

