

## Feedback and Complaints Assessment, Investigation and Resolution Considerations

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This is a six-step strategy that can be used by a Complaint Manager, Incident Manager or external investigator to investigate a complaint. This can be adapted to meet the needs of a particular complaint. Many complaints are unlikely to require a full investigation but complex or serious complaints will need to be investigated, including where serious misconduct allegations have been made about an identifiable Worker.

### 1. Step 1: Assessment

- (a) Make sure that you understand the complaint and the supports or services that caused the concern to be raised or complaint to be made.
- (b) Develop an understanding of the complaint from the complainant's perspective and the perspective of any person with disability. Think about how you would be feeling if you were in each of their respective situations.
- (c) If you are unsure about what the complaint is about or what the complainant expects from you, give them a call, email them or arrange to meet with them.
- (d) Know when and how you can resolve a complaint straight away. If you can take prompt action to resolve the complaint, do so – and confirm with the complainant (and any person with disability affected) the action you have taken.
- (e) [Know when and how you escalate or refer a complaint. If you do not have the authority or knowledge to handle or resolve the complaint, make sure that you promptly refer or escalate to another staff member. But, make sure the complainant (and any person with disability affected) is kept informed.]
- (f) Some additional factors to take into account:
  - (1) Who can provide assistance, advice or the answers you require to resolve the complaint? Colleagues, management, other Workers or contractors.
  - (2) Keep track of the time allowed for your evaluation and assessment of the complaint.
  - (3) Develop a checklist of major and minor issues.
  - (4) Check the status of any third parties involved – be aware of confidentiality and privacy issues.

### 2. Some consumer vulnerability issues that might be considered

- (a) Is the complainant having difficulty in communicating their complaint to you?
- (b) Do they need an interpreter or translation help or information in a different format like Braille or audio-tape?

### 3. Step 2: Investigation

- (a) Get to know the service or supports you are reviewing. What policies, processes, codes of practice, client information, complainant (and any person with disability affected) literature or service charters are relevant?
- (b) Share details of the complaint with those colleagues or staff members who need to know about it (on a confidential basis).
- (c) Gather files, correspondence (letters and emails), statements, incident notes and any meeting or telephone call notes

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- (d) Allocate time to investigate the complaint fully.
- (e) Describe the chronology of events that gave rise to the problem that lead to the complaint – and any subsequent events following the complaint being made.
- (f) Identify any areas of dispute between the complainant (and any person with disability affected) and the organisation.
- (g) Target any areas that may need further investigation – and consider the time implications.

**4. Requesting comments from colleagues and partner organisations**

- (a) If you need to request comments from a colleague, internal team or partner organisation – agree a deadline date with them for providing those comments back to you.
- (b) Corroborate any statements received – in some situations; you may need to request additional comments or statements based on the comments and information collected.
- (c) Identify areas for further questioning or interviews.
- (d) Request any further action required to mitigate the problem, where necessary.
- (e) Keep records in the complaint register

**5. Interviewing**

Interviews can be carried out by phone or in person. When interviewing:

- (a) Establish who you need to interview, where and when.
- (b) Think about what information you need.
- (c) Keep a record of your discussion and highlight any key points.
- (d) Be sensitive to any vulnerability issues.
- (e) If interviewing the complainant (and any person with disability affected), make sure the complainant (and any person with disability affected) knows who you are and how to contact you.
- (f) Listen carefully.
- (g) Do not promise the unachievable – to either the complainant (or any person with disability affected) or colleagues.
- (h) Ask relevant questions and guide the conversation.

**6. Summarise and agree on the next action steps before ending the interview.**

Keep the complainant (and any person with disability affected) informed. If your response to the complaint is going to be delayed for any reason let them know, and give reasons why such as a need to get information from other agencies or a need to carry out product testing.

**7. Step 3: Weighing the evidence**

When you have collected your evidence:

- (a) Challenge it!

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- (b) Look behind it!
- (c) Do you need more?

Look out for common pitfalls, such as:

- (a) Incorrect information.
- (b) Staff members have been mistakenly working to old versions of policy manuals or process documents.
- (c) Gaps in policy or process.
- (d) Failure to relate to mitigating circumstances (especially where a consumer vulnerability has been identified).
- (e) Misfiling of correspondence or incorrectly allocated transactions.
- (f) Check complainant (and any person with disability affected) history, they may be confused and be referring to another matter.
- (g) Incorrect progression of a case – missing out a key process step.
- (h) Client able to provide evidence of the product being collected for return – but not registered as having been received within the organisation.

Measure the evidence against:

- (a) Legislation, regulations and guidance circulars (including as released by the NDIS Quality and Safeguards Commission).
- (b) Internal policies and procedures: make sure you are up to date on local policies and procedures.
- (c) Product literature: Does your consumer information clearly explain how the product should be used?
- (d) Service charters: was the service delivered to the required standard?
- (e) Precedent: has reasonable action already been taken when similar complaints have been handled?
- (f) Service Agreement: what do the terms of the Service Agreement say about the subject matter of the complaint?

If your evidence is not clear-cut:

- (a) You can re-interview to confirm details and focus in on any contradictions.
- (b) You can look for more evidence.
- (c) You can get a legal opinion.
- (d) You can ask for advice from another team or department or organisation (or ombudsman or a regulator where appropriate).

If you need more time because you need to gather more evidence or hold further discussions, phone the complainant and send a holding response – but make sure that you explain why your response is being delayed.

Your actions should build the complainant (and any person with disability affected)'s confidence in your handling of the complaint – and improve the complainant (and any person with disability affected)'s view of

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your organisation. If you have to get advice or evidence from any third parties, you should set deadlines for this information to be returned to you. This will help to get the information on time.

Don't twist the circumstances – this can damage the position of your organisation at a later date.

#### 8. Step 4: Correcting mistakes

Your investigations are going to uncover mistakes. You may discover that a mistake has been made, a product has failed, or something has simply gone wrong with a process. This is the benefit of complaint handling – the complainant (and any person with disability affected) is giving you the opportunity to find out why something has gone wrong and take action to put things right and prevent the same problem from occurring again.

- (a) Talk to your Workers so that they will know what to expect in advance.
- (b) Try to sort out the mistake.
- (c) Take positive steps to avoid repetition of the problem.

#### 9. What mistakes do you need to put right?

- (a) Providing a poor-quality service or a faulty product.
- (b) Unreasonable delay in providing a service or product.
- (c) Failure to provide a service to a published standard.
- (d) Failure to comply with regulations or the law.
- (e) Failure to follow a policy, rule or procedure.
- (f) Unfair discrimination against a complainant (and any person with disability affected).
- (g) Failure to tell complainant (and any person with disability affected)s about their rights or entitlements.
- (h) Inaccurate or misleading advice being given to a complainant (or any person with disability affected).
- (i) Unsuitable or inappropriate service knowingly being provided to a client.
- (j) Poor or unclear communications with the complainant (or client).

#### 10. Step 5: Putting things right

Putting things right at an early stage gives you a greater chance of satisfying a complainant (and any person with disability affected) – and saves you time!

A complaint should be used as an opportunity to look at what you can do to improve the way things are done – even if a mistake has not been made.

Finally, be prepared to carry a feeling of uncertainty... but do not doubt that you have acted unfairly!

#### 11. What can you do to put things right?

The specific actions that can be taken will be dependent on your organisation but might include:

- (a) Say sorry to the complainant (and any person with disability affected).
- (b) Provide information or an explanation to the complainant (and any person with disability affected).

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- (c) Review client-related literature.
- (d) Review an operational process.
- (e) Arrange training or guidance for staff members.
- (f) Take action to address under-performance.
- (g) Make a goodwill gesture or give a refund.

The objective – when putting right a mistake – must be to put the complainant (and any person with disability affected) back to the position that he or she would have been in but for the mistake. If the complainant (and any person with disability affected) made a mistake, you will need to be tactful and give guidance for the future.

## 12. Assessing financial redress

When assessing financial redress think about the following:

- (a) Have the complainant (and any person with disability affected)'s own actions or lack of action added to the problem?
- (b) Has our mistake caused the complainant (and any person with disability affected) to, quite reasonably, incur costs?
- (c) Has our mistake caused the loss of a non-monetary benefit for the complainant (and any person with disability affected)?
- (d) Has our mistake caused inconvenience, stress, anxiety, frustration, worry or uncertainty to the complainant (and any person with disability affected)?
- (e) Has our mistake led to the complainant (and any person with disability affected) having to pay for professional advice?
- (f) Have you checked whether any statutory regulations or contractual agreements require the payment of compensation to the complainant (and any person with disability affected)?
- (g) Has the complainant (and any person with disability affected) been put to considerable time and trouble in pursuing the complaint?
- (h) How long did we take to resolve the matter?
- (i) How much time and effort was required by the complainant (and any person with disability affected)?
- (j) What difficulties did the complainant (and any person with disability affected) experience?
- (k) How inadequate were our previous responses?
- (l) Did we act deliberately as opposed to simply getting things wrong?
- (m) Did the complainant (and any person with disability affected) incur any minor or generally un-quantified expenses? (significant postage or telephone costs, travel costs, loss of earnings and so on)

## 13. Step 6: Respond

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- (a) An effective response has the ability to reassure a complainant (and any person with disability affected) and demonstrate the professionalism and commitment to complainant (and any person with disability affected) service of your organisation.
- (b) A response should concentrate, where possible, on the positives and show the complainant (and any person with disability affected) that you understand their feelings.
- (c) If you are writing a letter or email to communicate the findings of your investigation and respond to the complaint:
  - (1) Open with a clear statement to show that you are responding to the complaint.
  - (2) Definition of the complaint: this shows the complainant (and any person with disability affected) that you have understood his or her complaint.
  - (3) Give your understanding of the complaint in a logical sequence.
  - (4) Summaries the facts you have considered and your findings – explain what you have found and give reasons.
  - (5) Explain the use of any precedent or attempts to consider the balance of probability when weighing the evidence being considered.
  - (6) Explain your decision – give any good news first – and clear up any queries raised in the complaint.
  - (7) Close with a goodwill statement.
  - (8) Include responses to ‘signpost’ the contact point for any escalation of the complaint (including to the NDIS Commission).

**14. A quality response**

- (a) Your responses should always be proofread and revised.
- (b) Always read through your response (ideally, more than once) and, if possible, someone else should look at it before the response is sent to the complainant (and any person with disability affected).

**15. Style guidelines**

- (a) Use a strong, clear typeface: such as Arial
- (b) Use a font size around point 10-12
- (c) Never use full CAPITALISATION (unless you want your words to shout at your complainant (and any person with disability affected)!)
- (d) Use bold type to emphasise words
- (e) Use open punctuation
- (f) Use headings if the letter needs to be split into sections
- (g) Choose everyday plain English words: use words like “try” instead of “endeavour”; “home” instead of “dwelling”; “about” rather than “with regard to”
- (h) Avoid lots of legal words: such as “at your earliest convenience”, “enclosed herein”, “your good selves”.

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- (i) Try not to be sexist: avoid writing that carries a bias towards one gender or another
- (j) Avoid abbreviations: use “for example” instead of “e.g”.

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