



**Family &
Community Services**
Ageing, Disability & Home Care

FACS Community Complaints Guidelines for Ageing and Disability Direct Services

Summary: This is designed to guide FACS staff when handling community complaints and is an extension of the FACS Community Complaints Policy for Ageing and Disability Direct Services.



Document approval

The *FACS Community Complaints Guidelines for Ageing and Disability Direct Services (Revised December 2015)* has been endorsed and approved by:

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1 Purpose of guidelines

1.1 Purpose

The *FACS Community Complaints Guidelines for Ageing and Disability Direct Services (Revised December 2015)* (Guidelines) is designed to ensure that complaints received by FACS are:

- treated in a fair and just manner and
- managed and finalised with an outcome in line with legislation, other FACS policies and service commitments.

1.2 Background and policy links

These Guidelines:

- are an extension of the *FACS Community Complaints Policy for Ageing and Disability Services (Revised December 2015)* (Policy) which provides the guidance consistent approach to the complaints management process
- support the FACS Service Charter which outlines our service commitments to the people we serve and sets out what we need from our clients to be able to provide the best service and
- provide a practical and consistent approach to the decision making in how FACS intends to handle and address incoming community complaints.

2 Definitions

The table below is a list terms and keywords used throughout this document.

Term	Definition
Ageing and disability direct services	Ageing and disability direct services funded and provided by FACS. This includes accommodation, respite, day program services, drop-in services, case management and delivery of other professional services. This excludes services that are not provided directly by FACS (e.g. FACS funded but not provided by FACS).
Complaint	A complaint is an expression of dissatisfaction made to ageing and disability direct services that is service related. A complaint can also be about the complaint handling process itself for which a response or resolution is explicitly or implicitly expected and is further described under Section 3.1 of this document.
Complainant	A person, organisation, its representative, or an advocate making a complaint. A complainant may choose to remain anonymous.

Term	Definition
Community	Refers to: <ul style="list-style-type: none"> • People who are in direct receipt of a FACS ageing or disability direct service • Carers, family and friends of a client • Advocates for a person receiving a FACS ageing or disability direct service • Members of the general public • Minister's Office or members of Parliament • External agencies, such as NSW Ombudsman, Independent Commission Against Corruption (ICAC).
Concern - does not meet the definition of a complaint.	Relates to a question regarding how FACS ageing or disability direct service might be affecting client/carers, however a response is not sought. A response may not be provided.
Enquiry - does not meet the definition of a complaint.	Relates to requests for service and/or information.
FACS Service Charter	The <i>FACS Service Charter</i> outlines our service commitments to the people we serve and sets out what we need from our clients to be able to provide the best service and helps staff understand our service commitments when working with clients, no matter what area of the department. The Charter applies equally to all staff no matter where you work in FACS.
Feedback - does not meet the definition of a complaint.	Relates to a constructive comment that can be positive or negative regarding services provided by FACS. Information may be documented for consideration in service enhancement, in some instances a response may not be deemed necessary by FACS. Feedback which is considered to be of a serious nature may be investigated, however a response may not be provided.
Outcome	The resolution of a complaint. The resolution may or may not meet the expectations or requirements of the complainant. The outcome should be fair and just, and in line with the Policy.

3 Scope and application

All FACS employees (ongoing, temporary, casual, contractors and volunteers) are required to respond to community complaints about ageing and disability direct services in accordance with the principles outlined in this document and the Policy.

3.1 Complaints within scope of this document

The five broad categories for complaints	
1. Service Access	Access to existing services or lack of services.
2. Service Delivery	About direct services.
3. Policy	Content relating to FACS operated services and sector/industry initiatives.
4. Privacy	Handling of personal information and privacy.
5. Staff	Inappropriate attitude or behaviour, Code of Ethical Conduct breaches.

3.1.1 Service access

Complaints	Definition
Access to existing services	For FACS ageing and disability direct services this refers to where service has been refused without a reason based on clear criteria and reference to the relevant process. It is to be noted that this does not refer to situations where the relevant process has been followed and a client or their representative disagrees with a decision reached by FACS. In this case, refer the complainant to program-specific appeals ¹ and processes, which can be found on the FACS website.
Lack of services	This refers to insufficient provision of a service or absence of service availability in a particular area or for a particular client demographic.

3.1.2 Service delivery

Examples	Definition
Direct services provided by FACS	This includes services provided in FACS direct ageing and disability services such as accommodation, respite and day program services, case management and delivery of other professional services.

3.1.3 Policy

This refers to the content of FACS policies, both those relating to ageing and disability operations and sector/industry initiatives to perform and conduct their activities.

¹ For the purpose of this document, appeals are requests for a review of a decision.

3.1.4 Privacy

Complaints regarding the way in which personal information and/or privacy are handled. This refers to:

- how personal information is **collected** e.g. the personal information provided when filling in a form or a complaint received by telephone.
- how it is then **used** and **disclosed**
- its **accuracy**
- where and how **securely** it is kept
- an individual's general right to **access** that information.

For the purposes of addressing the complaint, the complainant should be actively protected from disclosure. Personal identifiable information concerning the complainant is collected in a way that complies with privacy legislation.

3.1.5 Staff issues

This refers to the behaviour of FACS employees (ongoing, temporary, casual, contractors and volunteers). This includes instances where employees have demonstrated inappropriate attitude or behaviour, and breaches of the FACS Code of Ethical Conduct.

If the complaint regarding staff behaviour is determined to be of a serious nature e.g. related to abuse and/or neglect impacting on the health and safety of FACS clients and/or the community, it will be referred to the FACS Professional Conduct, Ethics and Performance (PCEP) unit and is managed under the Abuse and Neglect Policy.

Staff behaviour complaints that are not of a serious nature should be handled at the District level where possible.

3.2 Complaints not within scope of this document

The table below provides a list of complaints not within scope of this document as they have other specific processes for managing them.

Term	Definition
Staff grievances	FACS staff raising work related concerns or complaints about their colleagues needs to be managed as a staff grievance under the FACS <u>Grievance Management Policy</u> .
Appeals¹ against a decision about eligibility to receive services	If a complainant or their representative disagrees with the decision reached by FACS about eligibility to receive a service they can appeal that decision. Program-specific appeal processes can be found on the FACS website. Example of an appeal: A service provider is unsuccessful in a tender process and considers the decision unfair and appeals to the ADHC Executive against the decision. Essentially, a request for a review of a decision is made.

Term	Definition
Contractual arrangements with funded and licensed providers	This Guideline does not apply in those instances where a funded or licensed service provider or contracted business is making a complaint about a matter in regard to its contractual arrangements with FACS or an administrative decision. Complaints relating to contractual obligations should be managed according to the Funding Agreement or licensing arrangements.
Requests for service or information	Requests for service and/or information should be responded to immediately or redirected to the most appropriate source of assistance. If you are unable to easily resolve the enquiry, you can refer the enquiry to the Information and Pathways officer in your district.
Feedback	Feedback relates to constructive comments that can be positive or negative regarding services provided by FACS. It might be accompanied by suggestion on how FACS might improve its performance, however a response is not sought. For feedback which is considered to be of a serious nature, while it will be investigated, a response may not be provided to the individual.
Concerns	Concerns relate to questions about how services within FACS are, or might be, affecting clients/carers. In some instances a response may not be sought. Concerns of a serious nature may be investigated e.g. may be an incident or related to fraud and will be addressed in line with the relevant policy documents.
Incident	For the purposes of this document, an incident is an event resulting in, or having the potential for, injury, ill health, damage or other loss. For further information, refer to the <u><i>FACS Incident Reporting and Management Policy for people receiving Ageing and Disability Direct Services (Revised December 2015)</i></u> and the <u><i>Incident Reporting and Management Guidelines for people receiving Ageing and Disability Direct Services (Revised December 2015)</i></u> .
Fraud	Fraud is the deliberate and premeditated turn of events that involves the use of deception to gain advantage from a position of trust and authority. Notification of fraud is not a complaint in itself. For further information, refer to ADHC's <u><i>Fraud and Corruption Prevention Policy</i></u> and <u><i>Fraud and Corruption Prevention Plan</i></u> .

4 Complaint management process

As an operational principle, if a matter cannot be resolved locally, it will be escalated in accordance with processes established and circulated by FACS district directors/executive directors or as delegated.

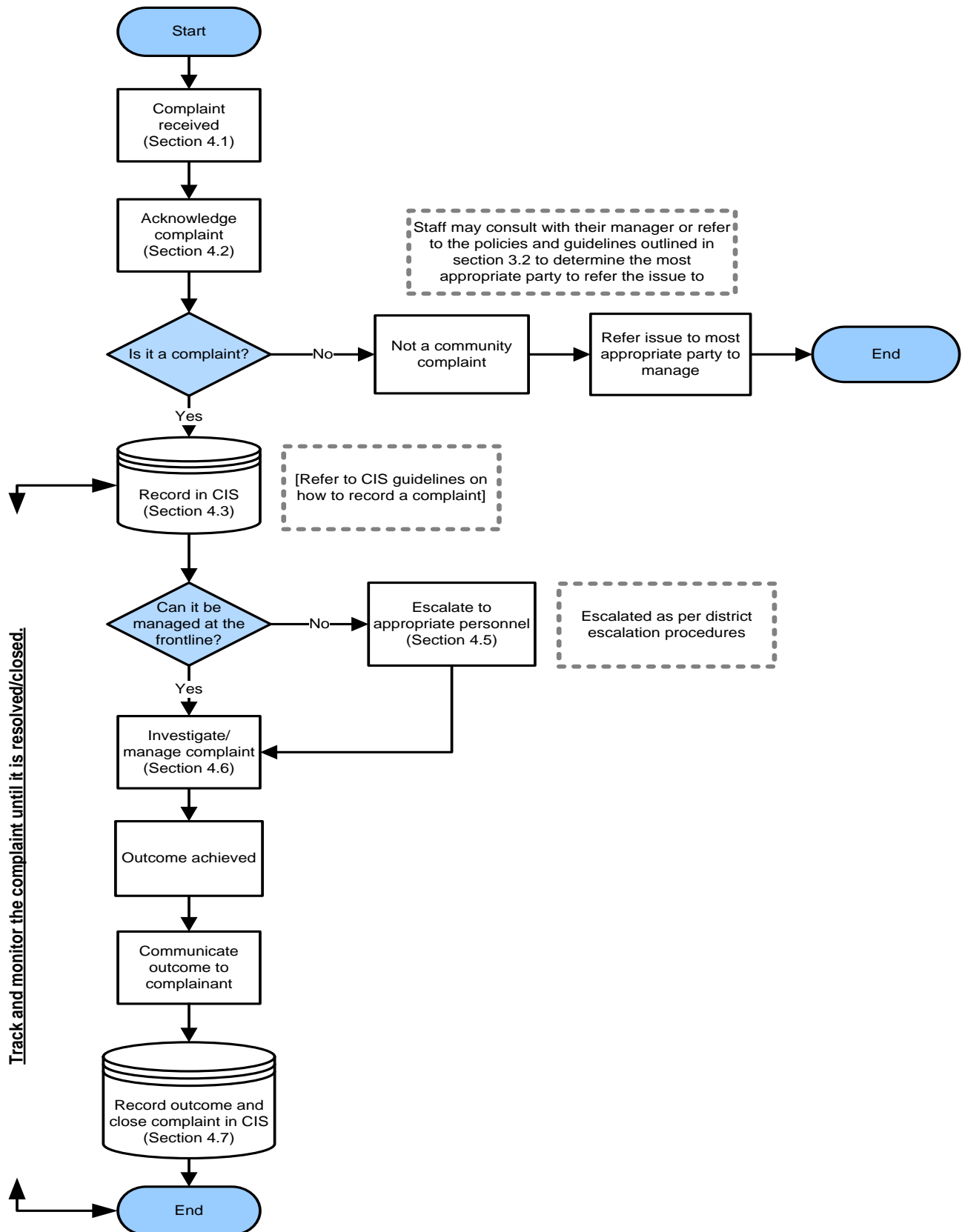
It is suggested that, at their discretion, each district director/executive director may nominate an officer with the skills, ability and knowledge appropriate for dealing with community complaints (a “Complaints coordinator”), or alternatively, establish a clear contact point to which community complaints should be referred.

District directors/executive directors may also set different procedures in place to better suit the working environment of their district/business unit.

However, it must ensure that:

- all complaints are resolved in accordance with the principles contained in this document and the Policy
- all of the essential features of a complaint management system listed below are addressed in procedures
- all complaints are recorded on ADHC’s Client Information System (CIS). Refer to the Client Information System page on the ADHC intranet for more information.

Overview of the complaints management process



4.1 Receipt of complaints

A complaint can be received in written form (Complaint Form, letter, email, online etc.) or verbally (in person or by telephone). FACS accepts anonymous complaints and investigates these as far as possible. It is the responsibility of the ADHC Deputy Secretary to record and allocate online complaints to the most suitable district or central office directorate.

In some instances, FACS staff may be required to assist clients to make their complaint. In this instance an appropriate method of communication for that person should be explored and implemented.

4.2 Acknowledgement of a complaint

The information provided should be in a relevant format to address the needs of the complainant.

Complaints that are not resolved immediately should be acknowledged in a manner which is consistent with the way in which it was received unless the complainant requests that they be contacted in an alternative method e.g. if a complaint is received via email, acknowledgement of the complaint should also be sent via email unless requested otherwise by the complainant.

Complaints resolved immediately do not require a formal acknowledgement unless specifically requested by the complainant.

Timeframe: Acknowledgement of the complaint should be provided within five working days of receipt of a complaint.

4.3 Recording complaints

Each district and central office directorate is responsible for entering complaints data in CIS as complaints are received, including complaints received and immediately resolved. Information should be recorded consistently with CIS data entry procedures and data content. Refer to *Complaints – Create a New Complaint Record* procedure on the CIS eLearning site for more information.

It is recognised some staff record complaints in a local register. Where these local registers exist, for monitoring and accountability purposes, the information is still required to be transferred across into CIS by each district and central office directorate.

Where the notifier:

- has access to CIS, record the complaint via a CIS Electronic Complaint Record Form at Appendix B or
- does not have CIS access, record the complaint via a *Complaint Record Form* at Appendix C and submit to the line manager or as per local process.

Timeframe: Accurate complaint data is to be recorded into CIS within five working days of a complaint being received.

4.4 Identifying a complainant's expectations

The complainant should be contacted to clarify what they think should happen to resolve the issue and their expected timeframes for a response. If the complainant's expectations are not clear in the complaint lodged, staff should consult the complainant before any investigation of the matter commences. The complainant's expectations should be met where possible.

4.5 Escalation of a complaint

All complaints should be resolved locally where possible or referred to the most appropriate officer to discuss the complaint in detail before resorting to formal investigative processes. In most cases this will be the officer directly involved with the service delivery or the process or policy about which the complaint has been made. Staff should consult with their team leader or manager if they are unsure of the most appropriate party to refer the complaint to.

Complaints of a more serious nature should be referred to management in the first instance e.g. complaints that include allegations of abuse or criminal conduct. Refer to the specific escalation procedures defined by each district or central office directorate if the complaint cannot be managed locally due to the complexity, nature and seriousness of the complaint or where there is a conflict of interest.

It is at the discretion of the district director or executive director to escalate the matter to the Law and Justice Directorate for action.

4.6 Investigation of a complaint

The investigation process will involve gathering information to establish the facts relating to a complaint. Steps involved in the investigation of a complaint may include the following:

- Discussion with an appropriate manager to determine the options for handling the complaint. This will take into consideration the complainants expectations identified in step 4.4.
- Develop an *Action Plan* (refer to Appendix D) which includes the steps to be taken to resolve the complaint.

However, staff responsible for this task must take care in situations where criminal prosecution is a possible outcome, so that they don't inadvertently taint evidence and/or compromise the prosecution of a case.

In some instances this type of matter will fall within the responsibility of the FACS Professional Conduct, Ethics and Performance (PCEP). Staff concerns regarding how and the extent to which a matter should be investigated, the PCEP can be approached for advice. Managers have a key responsibility in identifying these early in the process. Managers should consult with the PCEP unit in all potential situations.

Timeframe: Resolution of a complaint should usually take a maximum of 20 working days, although more complex cases might take longer. If an

investigation takes longer than expected due to delays in obtaining information or a case being more complex than expected, the complainant should be informed. Records on management of a complaint should capture the reasons for delays.

4.7 Closing a complaint

After action on a complaint is completed, the outcome should be recorded and closed in CIS and communicated to the complainant. The complainant must be notified of the following:

- Decisions behind the resolution provided.
- Appeal¹ avenues and how to access them. This includes the internal and external review process.
- Seek feedback from the complainant of their experience of the complaint handling process.

Note: Resolution of a complaint does not always mean that the complainant will be satisfied with the outcome. Rather from FACS's perspective, a complaint is resolved when all relevant action, consistent with the underlying principles of this document, has been undertaken.

4.8 Internal review process

It will not always be possible to fully satisfy complainants, or agree to all the terms of settlement that they expect/seek. As a result, some complainants may request an internal review on the way their complaint was managed. All requests for internal review should be directed to the relevant district director or executive director who will review the complaint handling process followed in the initial response and further investigates matters and/or reconsiders the original decision when appropriate.

An internal review should be carried out by staff who were not involved in the initial complaint investigation. Staff performing the internal review of a complaint should follow the same investigation process as per these Guidelines. Staff should not overturn the previous outcome/resolution unless the outcome reached was not in line with Policy and other responses to similar complaints, or the new relevant information provided leads to a requirement for an alternative outcome to be provided.

All information and actions are to be recorded in CIS.

4.9 External review – If dissatisfied with the outcome

There are a number of accountability/complaint bodies established by the NSW Government that receive and investigate complaints from the public and public sector agencies about the conduct of government agencies and public officials. FACS should provide advice to the complainant about the options for making a complaint if they are dissatisfied with the outcome provided by FACS or if the complaint is related to a funded provider and if the complainant was dissatisfied with the service provider's response.

Some of these external agencies include:

- **Anti-Discrimination Board of NSW (ADB):** The Anti-Discrimination Board of NSW is part of the NSW Department of Justice. It promotes anti-discrimination, equal opportunity principles and policies throughout NSW. It administers the anti-discrimination laws, and handles complaints under the Anti-Discrimination Act 1977 (NSW). Further information can be found at www.antidiscrimination.justice.nsw.gov.au or by calling (02) 9268 5544 or 1800 670 812 (for regional NSW only).
- **Guardianship Division within NSW Civil and Administrative Tribunal (NCAT):** The Guardianship Division is a specialist disability division within NCAT. The Guardianship Division conducts hearings to determine applications about adults with a decision making disability who are incapable of making their own decisions and who may require a legally appointed substitute decision maker. Further information can be found at www.ncat.nsw.gov.au or by calling 1300 006 228.
- **Health Care Complaints Commission (HCCC):** The Health Care Complaints Commission receives and deals with complaints about individual health practitioners, such as doctors, optometrists and acupuncturists, and health service organisations, such as hospitals in NSW. Further information can be found at www.hccc.nsw.gov.au or by calling 1800 043 159.
- **Independent Commission Against Corruption (ICAC):** Accepts complaints about serious misconduct and allegations against public servants. Further information can be found at www.icac.nsw.gov.au or by calling (02) 8281 5999.
- **National Disability Abuse and Neglect (NDAN) Hotline:** For reporting abuse and neglect of people with disabilities using government funded services. Further information can be found at www.disabilityhotline.net.au or by calling 1800 880 052.
- **NSW Ombudsman (Ombo):** About the conduct of a community service provider or an employee of such a service. Further information can be found at www.ombo.nsw.gov.au or by calling 1800 451 524 (toll free) or (02) 9286 1000 (Sydney).
- **Office of the Australian Information Commissioner (OAIC):** Investigates privacy complaints about agencies covered by the [Privacy Act 1988](#) (Privacy Act) or the handling of your personal information. Further information can be found at www.oaic.gov.au or by calling 1300 363 992.

4.10 Additional considerations

4.10.1 Anonymous complaints

FACS will accept anonymous complaints and investigate these as far as possible. Anonymous complaints will be treated with the same priority as other complaints.

4.10.2 Natural justice

FACS is committed to managing complaints, in a manner consistent with the principles of 'natural justice'. This means every effort is fair and just to:

- ensure that all parties to a complaint know what to expect during the complaint handling process
- carry out the complaint handling process in a transparent manner
- where appropriate, each complainant has the opportunity to nominate the person they want as the key contact regarding the complaint
- provide all parties with equal opportunity to participate in the process
- treat all parties in a respectful manner
- provide reasons for all decisions made.

4.10.3 Privacy and confidentiality

All efforts should be taken to ensure that the complainant's identity is protected as there is a possibility of adverse reaction against the complainant. Therefore, complaints should be handled in a manner that protects the privacy of complainants and shared with staff on a needs basis. Consent must be obtained to provide information to a third party or to proceed with an enquiry to lodge a complaint.

However, there are some instances where FACS is required to report complaints to a third party without the complainant's consent. These include complaints with:

- Allegations of criminal behaviour – in which case FACS must report this to the police
- Allegations of abuse against a child – in which case FACS must report this to the police and to Community Services, and in some instances the NSW Ombudsman
- Allegations of other reportable behaviour as defined by the ICAC Act – in which case FACS must report this to the ICAC.

4.10.4 Unreasonable or vexatious complaints

It is important to clarify allegations and ascertain if a complaint has arisen from personal agendas rather than from issues related to standards or conduct, or if the complaint is considered unreasonable or vexatious.

Should you suspect a complaint is considered unreasonable or vexatious, you will need to raise this suspicion with your line manager for confirmation. In some cases it will not need to be taken any further. However, the complainant must be notified of the reasons why their complaint will not be investigated and informed of the external agencies that may be able to assist them with their concerns.

Unreasonable complaints might have one or more of the following features:

- Unreasonable persistence
- Unreasonable demands

- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviour.

4.10.5 Abusive complaints or complainants

FACS staff are entitled to be treated with respect and courtesy when handling complaints. FACS staff will respond to all complainants in a respectful and courteous manner, in accordance with the *FACS Code of Ethical Conduct*. However, dealing with personally abusive complainants is rarely productive and can be counter-productive.

Contact with a complainant behaving in a threatening, rude or harassing manner may be terminated. A complainant's emotional state and/or communication skills should be considered before deciding to end contact. Before ending contact, staff should make it clear to the complainant that they are willing to work on resolving the issue but only when the complainant is ready to discuss it in a calm and non-abusive manner. The complainant should be encouraged to recontact staff when they feel they are ready to discuss matters appropriately.

FACS staff should always ensure that concerns about the safety and well being of a client or staff member are considered regardless of the manner in which they are expressed.

Before FACS will consider declining or ceasing to deal with a complaint the following steps must be taken:

1. All relevant evidence and/or issues presented by the complainant must be appropriately responded to.
2. An internal review of the complaint handling process must be undertaken.
3. Referral of the complainant to an external review agency should occur, if appropriate.

Once the above steps have been taken FACS may then consider further action to limit the complainant's access to staff and/or services. This may include forwarding a letter to the complainant under the relevant district or executive director's signature that clearly sets out:

- the background to the complaint
- the resolutions attempted to date
- outcomes of the internal review of the complaint handling and
- restates FACS's final position and the reasons for that decision.

Note: It should be noted that only the Minister, the deputy secretary or executive directors can make a decision to limit access to FACS staff or services.

5 Monitoring, evaluation and review

It is the responsibility of the Strategic Change Directorate to monitor and update these Guidelines when required. At a minimum, these Guidelines are

to be reviewed on a three-yearly basis or when any significant new information, legislative or organisational change warrants amendments.

5.1 Corporate Governance and Performance Directorate

The Corporate Governance and Performance Directorate will be responsible for monitoring the complaints process across FACS and their main responsibilities include establishing a process for performance monitoring, evaluation and reporting of the complaints management process.

6 Support and advice

A complaint can be received:

- in written form (Complaint Form, letter, email, online, etc.) via:
 - email to servicembx@facs.nsw.gov.au
 - online at www.adhc.nsw.gov.au Home > Contact us > Make a comment, enquiry, complaint or compliment
 - post to Locked Bag 10, Strawberry Hills NSW 2012
- verbally in person or by telephone (02) 9377 6000.

For further information or suggested improvements to this document, please contact the Strategic Change Directorate via email at: ADHC.AllocationsOCE@facs.nsw.gov.au.

If you are reviewing a printed version of this document, please refer to the Intranet to confirm that you are reviewing the most recent version of the policy. Following any subsequent review and approval, this document will be uploaded to the internet and/or intranet and all previous versions will be removed.

7 Appendices

Appendix A: [Complaint Form \(Community\) - English](#)

Appendix B: [CIS Electronic Complaint Record Form](#)

Appendix C: [Complaint Record Form \(Staff\)](#)

Appendix D: [Action Plan](#)

8 Resources

- [FACS Community Complaints Policy for Ageing and Disability Direct Services \(Revised December 2015\)](#)
- [FACS Community Complaints Guidelines for Ageing and Disability Direct Services \(Revised December 2015\)](#)
- [Self Paced Learning Pack – FACS Community Complaints for Ageing and Disability Direct Services \(Learning Pack\)](#)

- Information Sheet – FACS Community Complaints for Ageing and Disability Direct Services
- CIS E-Learning site
- Client Information System (CIS)
- Complaints – Create a New Complaint Record
- Complaints e-Course
- FACS Service Charter