

# Chapter 7

## Key elements to an effective person centred complaints resolution process

WE'VE BEEN FOLLOWING YOUR COMPLAINT VERY CLOSELY... FIRST THERE WAS YOUR COMPLAINT... THEN A COMPLAINT ABOUT THE COMPLAINT PROCESS ... & FINALLY A COMPLAINT ABOUT THE COMPLAINT OUTCOME...WE'RE VERY THOROUGH!

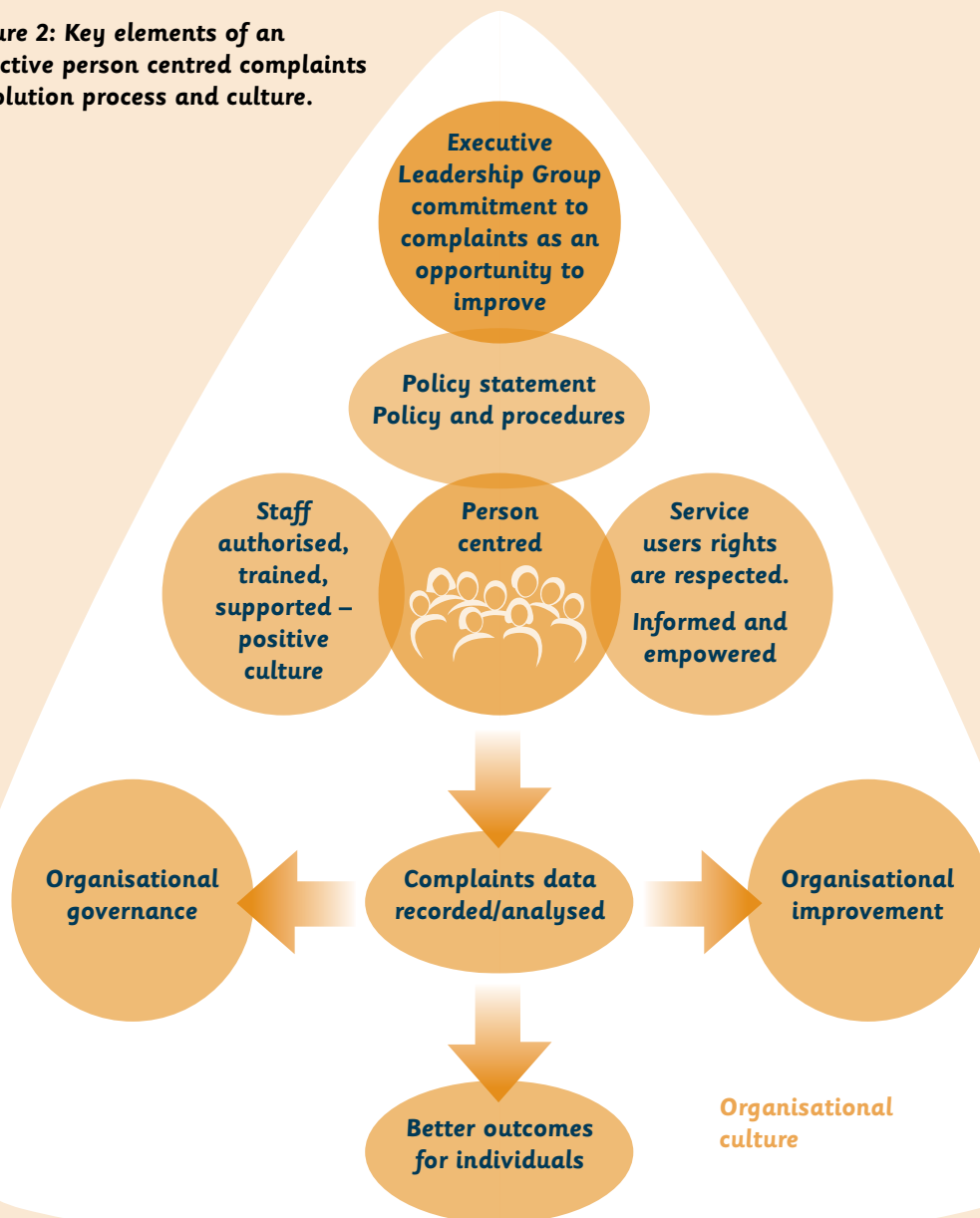


# Chapter 7

## Key elements to an effective person centred complaints resolution process

An effective complaints resolution process is one that is fully integrated into your quality management system. This includes policy and guidelines for receiving, recording, processing, responding to and reporting on complaints, as well as using the guidelines to improve services and decision-making. The system should provide clarity to staff on how to respond to complaints, as well as informing the people using your services of the organisation's commitment to using complaints to continually improve the service.

**Figure 2: Key elements of an effective person centred complaints resolution process and culture.**



## 7.1. How to organise an effective complaints resolution process

This section will focus on the more structural elements of an effective complaints resolution process. However, it is important to remember that a good complaints resolution process is equally reliant on having a strong culture which sees complaints as a positive and important part of service provision. In a sense, having a complaints process is acknowledging that, by the very nature of service provision, you will not always get it right. Having a sound complaints process and culture ensures that your organisation is in a strong position to learn from those situations where people are not satisfied with the service they receive, and value you enough to tell you so.

## 7.2. Key principles that inform effective complaints resolution processes

To ensure that you have an effective complaints resolution process, check that your approach covers the five key principles mentioned previously (see About the Disability Services Commissioner), which are based on the Australian Standard of Complaint Handling. To assist this process the Disability Services Commissioner (DSC) principles have been restated below, with specific reference to service provider complaint processes. The self audit tool provided at the end of this guide has been organised under these various principles, and can assist you to identify what you currently have and what you may need to develop. This audit tool is also available online at [www.odsc.vic.gov.au](http://www.odsc.vic.gov.au).



**7.2.1. Accessible** – People who use the service know how to make a complaint. There is easy to understand information in accessible formats on the complaints

process, and different ways to make a complaint. People can get support to make a complaint if they need it.

This is about letting people know what complaint process you have and where they can access it, as well as ensuring that people are able to complain. For example:

- Are there posters, brochures and information in accessible formats on your website that explain how people can complain?
- Are all staff aware of the organisation's commitment to and processes for handling complaints?
- Are there flexible methods for making a complaint?
- Is the complaints handling process easy to use and understand?



**7.2.2. Person centred** – The process used to respond to complaints ensures the perspective of the person with a disability is heard and considered in how the matter

is resolved. People are treated respectfully, courteously and sensitively. This includes treating information confidentially.

The complaints process is sufficiently flexible *to* respond to individual needs and consider what is important *to* the person using the service, as distinct from what is important *for* them.

- Is your organisation seen by staff and people using services as being open to feedback, including complaints?
- Do you show commitment to resolving complaints through your actions?
- Are you sufficiently flexible in the way you respond to complaints?
- Is there a clear set of published values of the organisation and its role?
- Are the executive leadership group and staff actively seen to be implementing the values? i.e. 'walking the talk'.



**7.2.3. Responsive** – There is a clear process for ensuring that complaints are handled in a timely way and people are kept informed of the progress of their

complaint. Part of being responsive is recognising this as an opportunity to maintain/improve the relationship between the provider and the person with a disability. A key part of being responsive is ensuring that staff are empowered to respond to complaints quickly and fairly.

This is about responding to the complaint in a timely, non judgemental and respectful way. For example:

- Is the receipt of each complaint acknowledged to the person who made the complaint immediately?
- Are challenging but realistic time frames set and clearly communicated to staff and people using services for handling complaints?
- Are people who have made a complaint kept informed of the progress of their complaint?



**7.2.4. Accountable** – Your process for resolving complaints is clearly outlined so people know what to expect. You

approach each complaint reasonably, objectively and act in good faith. People are informed of the decision in relation to their complaint. There is a clear process of review and appeal in relation to complaint decisions. The principles of natural justice (see 7.5.2) are applied to the investigation of complaints. The service provider has clear processes to ensure that people who complain are not adversely affected.

This is about the process you use being objective, fair and consistent. For example:

- Is equal weight given to the views of all?
- Are all complaints considered on their merits?
- Is the emphasis on resolving the issue and not assigning blame?
- Where necessary, is it dealt with by a person not connected to the complaint?
- Are there reporting processes on complaints and improvement initiatives?
- Where systemic problems are identified, do the relevant people report back on the implementation of corrective remedial action?

- Is personally identifiable information concerning the person who made the complaint only available for the purpose of addressing the complaint within the organisation and actively protected from disclosure?



**7.2.5. Excellence** – The complaints resolution process is part of a quality culture which sees complaints as an opportunity for improvement. Information is collected from complaints and provided to those who can take operational and policy decisions on improving the service.

This is about seeking to continually improve the quality of the service through effective complaints resolution processes. For example:

- Do you regularly review the system and complaints data?
- Do you explore, identify and apply best practice in complaints handling?
- Do you foster a focus on the person using the service within the organisation?
- Do you encourage/reward innovation in complaints-handling behaviour?
- Do you seek feedback from people who have made a complaint on their experience with your complaint system?

(Slater, 2008)

*Today's problems cannot be solved if we still think the way we did when we created them.*

*Albert Einstein*

### 7.3. Importance of a three tiered complaints resolution process

Experience from organisations which have effective complaint processes suggest that a three tiered approach to complaints resolution is the most effective (NSW Ombudsman, 2007). In reviewing the complaints process your service currently uses it is useful to consider the extent to which the process operates on the following three tiers:

#### Tier 1: Frontline complaints resolution

At this level the staff are empowered with clear delegations to resolve complaints wherever possible at first contact and log complaints into the system for later analysis. The aim should be to resolve most complaints at this level, as the potential for a growing level of dissatisfaction with the service steadily increases at each point of escalation. To achieve this a number of strategies need to be in place:

- an easily understood procedure for people to provide feedback to the organisation
- clear delegations to staff that define their responsibility for dealing with complaints and their ability to remedy problems

- staff who are skilled, motivated and empowered to be sensitive to and welcome complaints feedback
- training for staff about the process and the skills of listening, problem solving and conflict resolution
- procedures for resolving and investigating complaints
- performance standards for complaint resolution such as turn around times, progress reports to people making the complaint
- control systems to make sure complaints are dealt with
- database for capturing complaints feedback data to assist trend analysis and service improvement planning.

#### Tier 2: Internal review or investigation

Where complaints cannot be resolved at the first tier, then more senior staff should review/investigate the issues and assist in the resolution of unresolved complaints. It is important that the principles of natural justice are adhered to in this process.

#### Tier 3: External complaint resolution options

Information on external options for resolving complaint should also be provided to people who have made a complaint, particularly when a complaint cannot be resolved through the above processes. These external options include:

- advice and/or complaint resolution from the Disability Services Commissioner
- referral to other external complaints or dispute resolution bodies, depending on the subject of the complaint
- other resolution options such as mediation or legal remedy.

The *Disability Act 2006* and the Australian Standard on Complaint Handling highlight the importance of seeking to resolve complaints at the lowest possible level/tier.

Whilst a complaint resolution process should have these tiers, it cannot be a requirement that people wishing to make a complaint must adhere to an organisation's complaints process. It is the right of people who are making a complaint to seek the most appropriate resolution to the issue. Consequently, if for whatever reason they feel they are not being heard or are not comfortable with the suggested process, they may choose to seek external review earlier or indeed skip the front line tier and go to either the internal review tier or an external complaints process immediately. This will often be prompted by such considerations as level of risk and degree of trust people have with the organisation.

### 7.3.1. Shared staff responsibility

*If you wonder what getting and keeping the right employees has to do with getting and keeping the right customers, the answer is everything.*

*Frederick Reichheld (2006)*

Internally, staff at various levels in the organisation will have responsibilities associated with complaints resolution. These could include:

- an executive advocate who leads by modelling or walking the talk
- responsible staff who practise what is preached at the policy/procedures level; encourage positive attitude/reinforce benefits of proactive complaints mindset, as distinct from being driven by compliance alone
- other staff who practise what is preached at the policy/procedure level and:
  - are receptive to complaints
  - welcome feedback on the organisation's service delivery
  - are skilled listeners
  - have sound interpersonal skills
  - are problem solvers and adept at conflict resolution.

*(Queensland Ombudsman, 2008: 45)*



#### Tips

- Train staff to view complaints positively.
- Invent new ways for people using services to give feedback.
- Randomly ask for feedback.
- Ask for value ratings when seeking feedback on forms .e.g. OK, easy, good.
- Mix with the people you provide a service to so as to provide informal opportunities to receive this feedback.
- Create a staff feedback form to capture staff feedback on the complaints process.

### 7.3.2. Indicators of a good complaints culture

- All staff are aware of the importance of complaints and care about the service people receive
- All staff are aware of the policy and procedure because they were involved in its development
- People using services know that they have the right to complain, are supported to complain and know how to complain because they were involved in the development and ongoing review of the complaints resolution process
- Procedures are routinely followed by staff
- Organisation leadership receives and acts on complaints data
- People using services complain.

*(Adapted from Queensland Ombudsman, 2008:39)*



#### Tips

*Always ask the person making the complaint what they want done, what they want to happen, or what they believe should have happened. This clarifies the reason for the complaint and helps to determine an appropriate response.*

*Resolution can involve giving more information, providing an explanation, suggesting a course of action and a sincere apology, expressing empathy and understanding.*

*If the organisation knows what people using services expect then they are more than halfway there to producing a positive outcome.*

*Organisations may have complaints about things that cannot be changed due to resource issues or government policy, but it is still valuable to give feedback to people who have made a complaint and collecting this feedback may be a catalyst for change.*



### 7.3.3. Use of a risk management approach

Risk management is one way of identifying priority areas that an organisation is most likely to receive complaints about. From an understanding of the purpose of the organisation risks can be identified and analysed in order to determine:

1. what complaints have and could arise
2. what has been or could be the consequences of such complaints
3. what has been done and could be done to prevent these complaints?

*(AS4608–2004:11)*

This approach can be useful in deciding which complaints your organisation would prefer managers to respond to based on the level of risk to people using services, or indeed the reputation of the organisation, if not handled well.



### Thought

Everyone needs to look at complaints as feedback and that it is positive that people are stopping to tell you how your service works or doesn't work for them. Complaints and feedback create an opportunity to review your processes and staff development and to continually learn and re-evaluate.

## 7.4. Indicators of an effective complaints resolution process

An effective complaints resolution process will pass three key tests:

1. It will listen to people and understand why they are unhappy with the service
2. It will help resolve people using services' dissatisfaction about the service they receive
3. Data will be collected and analysed to assist the organisation to identify problems and change procedures to prevent similar dissatisfactions and complaints in the future.

In order to pass these key tests your complaints resolution process would have the following qualities:

1. Your complaint resolution process should complement and reflect your service's vision, mission, principles and values. It should show how you relate to the people using your service, and should be integral to your operations rather than a 'nice to have' add on. This philosophy should be clearly communicated to all staff and people using services.
  - a. Policies and procedures must be developed with involvement of staff and people using services and be easy to understand, regularly reviewed and widely known.
2. The executive leadership group of the organisation should be receptive to feedback passed up the line.
3. The process for lodging complaints should be widely known and easy to use:
  - a. complaints can be lodged in person, by phone, email or in writing
  - b. appropriate support and formats to enable people with a disability to lodge complaints
  - c. easy to understand process for handling complaints.
4. Direct support staff should be empowered to handle complaints:
  - a. Staff need to have clear delegation to resolve complaints. This may specify the nature of the complaints they can seek to resolve.



- b. A key staff member at direct worker level within the organisation should have responsibility for providing information and education to other workers on approaching complaints.
  - c. Staff should receive appropriate and ongoing training and support to be clear on how to approach complaints and to reinforce the message that complaints will not reflect badly on them but rather may identify areas for additional resourcing or training. Such training should use real life examples and offer clarity on the complaints resolution process used by the organisation.
  - d. Complaints are discussed in groups in a de-identified way to enable staff to learn from each other. The outcomes of complaints, particularly where this has led to service improvements, should be made known to staff as a way of reinforcing their value to the organisation.
  - e. The process for referring complaints that cannot be resolved at this level needs to be clearly understood.
  - f. Managers should be actively involved in coaching staff in complaint handling.
5. Managers must have overall responsibility for seeking to resolve complaints in their area and encourage staff to come to them with any complaints they have been unable to resolve or that raise systemic issues for the organisation. (AS 4608-2004: 9)
  6. There should be a sound approach to complaint resolution in which:
    - a. the person handling the complaint is clear about the outcome the person who made the complaint is seeking as a result of bringing a complaint
    - b. resolution occurs within agreed timeframes as much as practicable
    - c. people who have made a complaint are kept informed of the progress of their complaint
    - d. responses are consistent and appropriate.
  7. There should be a means of recording data about complaints and the time taken to resolve them, and identifying any trends and reporting these regularly to the executive leadership group as a basis for

potential service improvement. **This is one of the most common areas where complaint processes fail.**

- No targets should be set to reduce the number of complaints.



### Thought

*Is your complaint process working?*

- Are the people who use your service satisfied with the resolution of their complaints?
- Do staff feel confident in responding to complaints?
- Does it provide accurate, useful and/or necessary factual reporting and business improvement information for the service?
- Have service improvements resulted from the handling of complaints?
- Is resolving complaints efficiently projecting a good image for your organisation?



## 7.5. Complaints policy and procedures

The complaints resolution process should be supported by written policies and procedures. It should be noted that whilst clear policy and procedures are important foundations, a positive attitude that views complaints as opportunities for improvement is also required.

### 7.5.1. Developing a policy statement

In approaching complaints it is important to acknowledge their significance through a brief statement of policy which recognises the importance of this feedback to your organisation. The statement should state clearly and simply the organisation's commitment to receiving and responding to complaints as part of a commitment to continuously improving the service (AS 4608–2004: 9). This statement should be written in a way that instils

staff commitment and the confidence of people using services. This can be helped by the use of active language wherever possible and by the involvement of staff and people using services in the development of the statement so that there is a shared ownership (Queensland Ombudsman, 2008: 11).

A complaints policy statement would acknowledge the importance of feedback/complaints to your organisation and include:

- a statement of principle
- recognition of the capacity to fail
- what you are going to do
- how you are going to do it
- why you think it is important.

It should be signed by the Chief Executive Officer.

Most importantly, you need to mean what you say.



### Tips

Listed below are some examples of policy statements from a number of different organisations:

- All management and staff at ... are committed to providing an organisation and workplace where people feel free to speak about any problems or concerns that they may have.
- We recognise we provide a personal service. In the event service expectations are not met, we will conduct a prompt investigation to resolve the issues and maintain communication with you. Feedback allows us to constantly improve our service to you.
- We believe all feedback is great feedback. We are committed to delivering outstanding service and acknowledge we are not always perfect (yet!). One of our team members will call you within 24 hours, because without you, we have no business.
- At ... we are committed to providing people using our services with a better level of service. If we make a mistake, or our service doesn't meet your expectations, we want to know. Most likely we'll be able to solve the problem on the spot. If it can't be resolved in 48 hours, your concern will be referred to more senior staff within our organisation who will take responsibility for the matter. We'll send you a letter to acknowledge your complaint and let you know how long we expect it will take to resolve. We aim to resolve all complaints from people using our services within ten working days.
- This organisation is committed to ensuring simple, flexible and accessible arrangements for people who use this service to complain. All staff can respond to complaints and people who have made a complaint will be given regular updates on the progress of their complaint.

### 7.5.2. Developing a complaints policy

Having developed a clear policy statement you then need to provide a more detailed explanation of why complaints are important to your organisation. This is distinct from your procedures, which provide the how or the specific steps your organisation will take to give effect to the policy.

A complaints policy should contain:

- reason for the policy (including benefits to the people using your services and staff)
- aims and objectives of the system
- definition of a complaint (refer Australian Standard ISO 10002: 2006, MOD)
- guiding principles (these could include the principles mentioned previously), such as:
  - person centred focus – people who use our services are valuable and the heart of our business
  - complaints are an opportunity, not a nuisance
  - people who use our services will be helped and supported to make complaints
  - resolution will be provided wherever possible
  - principles of natural justice
- confidentiality of complaint information
- safeguards against retribution
- reporting and review obligations.

#### Concepts you may wish to include in your policy

##### (a) Privacy

Privacy applies to personal information and requires that reasonable steps are taken to protect this information from loss, unauthorised access, use, unauthorised disclosure or any other misuse during a complaints process.

##### (b) Confidentiality

While there is some similarity between privacy and confidentiality they are not the same. Confidentiality is imposed to protect information, and the information does not have to be of a personal nature. A person given an assurance of confidentiality is being told that the organisation will put controls around how and when certain information will be used within the organisation and/or disclosed to an outside agency or person.

##### (c) Natural justice

Natural justice means providing a person who may be affected by a decision about a complaint with a fair hearing before the decision is made. There are essentially three elements to natural justice:

**The notice requirement** – any person likely to be affected by a decision should be given notice of the issues and relevant information.

**The fair hearing rule** – the person should be given a reasonable opportunity to respond to the issues/information, and the decision maker needs to be able to show that they have given genuine consideration to the affected person's submission.

**The lack of bias rule** – the person making the decision must act impartially (without bias) in

considering the complaint. Bias could arise if the decision maker has some financial or other personal interest in the outcome or has given the impression that they have prejudged the decision ahead of time. (Queensland Ombudsman, 2008: 12)

##### (d) Staff awareness

There is little value in having a complaints resolution process if staff are not aware of it or are unsure of how to use it. Your policy should therefore reflect that staff are thoroughly trained in the application of your complaints policy and relevant procedures.



#### Tip

*In writing your policy try to choose active language wherever possible so that it helps to instil staff commitment and public confidence.*

##### (e) Delays

Obviously complaints need to be dealt with quickly, effectively and appropriately, and the time frames should reflect this. However it is also acknowledged that complaints may range in seriousness and complexity, which can cause delays.

##### (f) Audience

You should consider such things as complexity of language, writing style, content and formatting as well as being sufficiently succinct for your audience.



#### Tip

*Avoid getting bogged down in the detail. Remember that your policy is only one component of your overall complaints resolution process, and its purpose is unique*

### 7.5.3. Developing a complaints handling procedure

Your procedures should identify the steps needed to handle complaints – the 'how' of managing the complaints resolution process. The procedures should explain how the principles contained in the policy statement and how the policy will be put into practice.

Complaint procedures should contain:

- how complaints can be made (verbal, written, email, anonymous etc)
- how feedback from people using services will be sought
- who is responsible for taking, recording, resolving and analysing complaints
- how complaints and outcomes will be recorded
- time frames for resolution, and guidance on what happens if these are not met (you may need different



turn around times and priorities for urgent and complex complaints)

- forms of redress, including delegation levels
- procedure for closure of files – closure process should include seeking feedback from the person who made the complaint on their experience of the process
- process for dealing with serious issues raised by complaint, e.g. criminal charge, risk to health etc.
- review mechanisms if the person who made the complaint is not satisfied
- internal reporting and review mechanisms.



## 7.6 Features of effective responses to complaints

In DSC's experience, complaints are more likely to be resolved, if the organisation's response pays attention to the four key things that people commonly seek when they make a complaint – the 'four A's':

### 7.6.1 Acknowledgement

In many respects this first step is the most important of the 'four A's' as it often sets the tone for the rest of the process. Having stepped out of their comfort zone to make a complaint, people want to feel that you've understood their concern and how the situation has affected them.

There is no perfect way to give a positive and respectful acknowledgement in all situations but some basic steps that can help include the five step 'LEARN' process:

- **L**isten – Genuinely listen to the concerns of the person without interruption. Look for the positive intention behind the person's issue and behaviour.
- **E**mpathise – Use your body language and/or voice to create an environment where the person can feel comfortable talking with you. Be conscious of whether you are feeling defensive and how this can be perceived.
- **A**cknowledge – Acknowledge how the situation has affected the person who made the complaint. Acknowledge where the service response was not the best.

- **R**ectify – Ask the complainant what a good outcome would look like for them. Take steps to rectify the problem.
- **N**otify – Notify the person promptly and regularly of the steps you have taken, or will take, in response to their complaint but don't commit to things you can't do.



### Thought

*A good acknowledgement delivered with respect, the right body language and tone will indicate to the person that you are not about to oppose them and that you see their feelings as legitimate. Acknowledgement is about validating emotions.*

### 7.6.2 Answers

People want to know why something has or has not happened or why a decision was made. This is important to their ability to understand and process what has happened and to move on to resolving their concern.

Answers should include details of the event / decision relevant to the concern raised.

Answers should also provide information about organisational processes for further information gathering and communication.

### 7.6.3 Actions

People want you to fix or at least take steps to address their concerns.

Sometimes you may not be able to fix the concern raised but may be able to initiate actions that will assist in preventing it occurring again. This can be just as important to the person as it validates their concern.

It's a good idea to agree to an action plan with the person who raised the complaint. The plan should include things like:

- What will be done?
- Who will do it and when?
- How will we communicate our progress?
- How will we check that things are on track?

It's a good idea to then follow-up with the person who made the complaint to make sure they are satisfied with what action you have taken.



### Thought

*Actions often cannot fix the past, but they can show that the concern raised was taken seriously and offer reassurance that the issue is less likely to happen again.*

#### 7.6.4 Apology

An apology can either be part or the whole of the outcome people seek when they make a complaint.

Careful consideration should be given to who might give any apology and what form it should take. Whilst a genuine apology can be an important step in resolving a complaint, a poorly given apology can actually make the situation worse.

Some of the key elements of a 'good' apology are:

- Timeliness
- Sincerity
- Being specific and to the point
- Accepting responsibility for what occurred and the impacts caused
- Explaining the circumstances and causes (without making excuses)
- Summarising key actions agreed to as a result of the complaint.



#### Thought

*A genuine and timely apology is a powerful healing force and a way to separate the past from the future, to put things to rest and get on with any new arrangements agreed to*

#### 7.6.5 Staff Training

Whilst it is important to have the 'four A's' as a core element of your organisation's complaints resolution process, in order for this to be an effective approach it is essential that staff are supported and trained to develop the range of skills required to provide these types of responses to complaints, and to work through the issues presented in complaints.