

OPERATING PROCEDURES

SUBJECT:	CLIENT GRIEVANCE
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POLICY STATEMENT:	PS CS01(10)	EFFECTIVE DATE:	24/04/2010
FUNCTIONAL AREA:	Client Services	DOCUMENT REF:	OP CS01-15(10)
RESPONSIBILITY:	Chief Executive	REVISION NUMBER:	1

REVISION SCHEDULE

EFFECTIVE DATE	ALTERATION(S)	AUTHORISED Signed/Title	AUTHORISED DATE

1. Scope

CLASS recognises the rights of clients, which includes a person with a disability, a family member, a carer or advocate, to raise a grievance and to have it resolved quickly and fairly.

Grievances will be treated seriously, and investigated thoroughly and confidentially, and complainants will be kept informed of progress.

The complainant will not be disadvantaged in any way by raising a grievance or complaint and the process will maintain the persons right to privacy and dignity.

CLASS welcomes grievances as they play an important role in the monitoring of service provision and ensuring that clients needs are met.

CLASS recognises that clients have a right to:

- Have their grievance dealt with quickly and fairly.
- Not be disadvantaged or discriminated against for presenting a grievance, making a complaint or seeking a review of their service.
- Be kept up-to-date about what is happening with their grievance throughout the process.
- Be encouraged to place an informal grievance as soon as it occurs.

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- Lodge a grievance with the Disability Services Office if they believe their grievance has not been resolved successfully by CLASS or they feel uncomfortable in dealing with CLASS
- Lodge a grievance with the Disability Complaints Service or State Ombudsman.

2. General Principles when Receiving a Grievance

Services will continue while a grievance is investigated. Where criminal allegations have been made, alternative services, if appropriate, will be provided to ensure that the client is not disadvantaged.

Clients are encouraged to be responsible in making their grievance.

The person receiving the grievance will:

- identify themselves, record and confirm the details of the grievance;
- explain the courses of action available, identify the complainant's preferred course of action and who they would like to handle the grievance;
- provide written acknowledgment of the grievance and the agreed process to the complainant within three working days;
- if the issue is not resolved by the person who receives the grievance, details of the grievance must be passed on to the relevant officer.

- if the issue is resolved at this point, the person who received the grievance must confirm the outcome in an appropriate format.

3. Minimising Disputes

When assisting a client and/or their representative with a grievance, ensure sensitivity to the complainant's feelings, and clarify the specifics of the complaint.

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It is more timely and effective for any grievance to be dealt with as close as possible to the source of the grievance and for the grievance to be as specific as possible. For example, if the grievance is about the way the service is delivered that grievance would be best referred to the person providing the service. The grievance should include reference to a specific time, location and/or action.

Clients will be encouraged to discuss any issues of concern with staff on an ongoing basis and to raise any grievance they may have about an individual staff member, with that staff member or the staff member's immediate Line Manager.

4. Stages for resolving grievances

There are four stages which can be used for the resolution of grievances. The complainant may choose to use any, or all, of the stages.

- Stage one: involves an informal method of handling a grievance or issues raised against CLASS
- Stage two: if the informal process has failed to resolve the grievance the client may wish to lodge a formal internal grievance.
- Stage three: if procedures one and two have not succeeded in reaching a resolution, or if the client does not feel comfortable making a complaint to CLASS., the client can complain to the Director, Disability Services Office and/or the Executive Director, Country and Disability Services Division.

4.1 Stage One: Informal Internal Grievance Process

The introduction of a formal complaints mechanism should not impede CLASS staff from attempting to resolve client grievances informally in the first instance.

CLASS staff are required to use mechanisms that facilitate client comfort and responsible action throughout the grievance/complaint process.

In an ideal situation clients will be encouraged to discuss any issues of concern with staff on an ongoing basis and to raise any grievances they may have with the staff member directly involved.

CLASS staff are reminded that some clients may have difficulty with such processes.

In some circumstances, it is likely that the CEO of CLASS will also receive informal complaints.

In addressing the grievance the staff member and/or the CEO will:

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- handle the matter as quickly as possible within 21 days, using appropriate investigation practices;
- determine their own processes, consistent with this document and subject to the rules of natural justice (ie that the complainant is fully informed of all relevant facts affecting a decision about their grievance and that they are given an opportunity to put forward their case);
- not be bound by rules of evidence but may inform themselves of any matter relevant to the grievance;
- confirm the outcome in writing with the complainant at the conclusion of the process.

If the issue is unresolved and the complainant wishes to lodge a formal grievance, details of the above process should be forwarded to the investigating officer undertaking the second stage. This should only occur if the complainant has no objections to the material being forwarded.

4.2 Stage Two: Formal Internal Grievance Process

The formal internal grievance procedure sets up a process for investigating and resolving client grievance by CLASS.

The procedure allows clients or their representatives to lodge a grievance when the informal mechanism has proved to be unsuccessful or inappropriate. The clients and/or their representatives will be encouraged to be specific in the matters presented in their grievance.

When clients indicate they wish to follow the formal process certain systems must be followed by the staff of the agency:

- Ensure that the specific grievance is lodged immediately with the Chief Executive Officer/Manager in writing, where possible.
- Advise the Chief Executive Officer/Manager of any issues which have not been resolved informally.
- Keep a record of the date and the time the grievance is made and any other relevant details.
- Should the grievance involve allegations of criminal activity the Chief Executive Officer/Manager must refer the matter to the police for investigation as soon as possible. CLASS will carry out their own investigation after the police investigation, if necessary.

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Complaints should be resolved or other action recommended within forty five calendar days of when they were received unless other stipulations have been negotiated with the client. Such stipulations will be clearly documented.

4.2.1. Appointing an Investigation Officer

The Chief Executive Officer of CLASS providing the services will assess whether,

- the matter should be dealt with by a staff member within the agency or
- by another person from CLASS,
- the grievance requires investigation external to all Options Coordination agencies.

The Chief Executive Officer/ will appoint an appropriate person from either CLASS or from elsewhere to undertake the investigation of the grievance.

Within five working days of receiving the grievance, the Chief Executive Officer/Manager will provide the client making the grievance with written notification of the name and contact number of the person appointed to handle the grievance.

Any concern about the person appointed to investigate the grievance should be referred to the Chief Executive Officer. The Chief Executive Officer will then identify another, independent person to undertake the process.

4.2.2. Role of the Investigating Officer

The following guidelines will assist the investigating officer with practical suggestions in the important role of resolving grievances.

- The investigating officer's role is to attempt to confidentially resolve the matter through consultation and negotiation with all parties. Where resolution is impossible recommendations for further action should be formulated.
- The investigating officer will contact the complainant within three days of being appointed to arrange an interview.
- All parties involved in the grievance will be briefed on the process and procedures involved as soon as possible.

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- The complainant's ability to communicate and all their communication needs must be given due consideration and appropriate arrangements undertaken to facilitate the process.
- The investigating officer must assess the complainant's need for an interpreter to assist with the investigation and an interpreter will be provided if necessary.
- CLASS will be responsible for the costs of support personnel. These include attendant care and interpreter costs.
- Transport costs incurred in attending additional meetings/interviews arranged by the investigating officer during the grievance/complaint/review process will be met by CLASS.

4.2.3. Obtaining and gathering information

During initial interviews with clients and their representatives the investigating officer will;

- assess whether the client is able to undertake the process alone;
- encourage the client to appoint an advocate if this has not already taken place;
- seek suggestions from the client and their representative or advocate about how to deal with the grievance;
- explain everyone's role, including their own, in the process and set a time-frame for resolution (which would normally be within forty five days of receiving the grievance);
- encourage the client to talk about the grievance in their own words;
- assist the client clarify the issues and encourage realistic expectations about a possible outcome.

All interviews with clients will involve their representative or advocate unless the client stipulates otherwise.

Should allegations of a criminal act arise during the investigation, the Chief Executive Officer must be advised immediately and the matter referred to the police, the Board and to the Disability Services Office. The client making the complaint will be notified of this planned action prior to it taking place. The investigation will then be discontinued during the police investigation. Upon completion of the police investigation Options Coordination will continue its internal investigation, if appropriate. Staff members alleged to have committed criminal acts will be discretely and temporarily suspended from

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contact with the complainant during the grievance process depending on the advice received from police.

The investigating officer may need to interview the staff member/s that are subject to the grievance. When this occurs, the investigating officer must;

- explain their role and the process to be used;
- advise the staff member(s) about their right to have representation;
- explain that the information provided may be recorded in an official report; and
- ask the staff member/s for their explanation of the matter and to provide any other relevant information

The subject/s of the grievances must be briefed in detail. They should be entitled to see any written documentation on all matters relating to their part in the grievance as it emerges except in extraordinary circumstances. In such circumstances the Chief Executive Officer and the Board will be briefed.

All information that is not relevant to the subject/s of the grievance or the client must be kept confidential.

It is possible that the investigating officer may wish to interview other clients to assist in the gathering of information which may involve receiving the consent of the complainant. In these instances it is important only information with a bearing on the grievance be elicited. The investigating officer should bear in mind that it could be inappropriate to explain all the circumstances involved in the matter.

The investigating officer must keep a written record of all interviews, which should be provided to those involved to sign as a true account of the interview.

Where the complainant has made a request, or has been assessed to require, a written record of all interviews in braille, audio or other format this will be arranged by CLASS.

The investigating officer will consult with the client and representatives regularly throughout the process to keep them in touch with how the matter is proceeding

The investigating officer must bear in mind that the client, representatives and the subjects of the grievance may need counselling during the course of the investigation and be able to direct them immediately to appropriate resources.

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4.2.4. Resolution

After collecting information and conducting interviews, the investigating officer must analyse all the data and decide on how to proceed from there to resolve the matter. At this stage the investigating officer may wish to consult with the Chief Executive Officer.

When the process is conducted and the resolution has been reached, the Chief Executive Officer/Options Coordination Manager will advise the complainant of the outcome in writing.

4.2.5. Records to be kept

When the grievance has been resolved details of the interviews will be destroyed and only the summary of the outcome will be retained on file.

This summary Information will include:

- the nature of the grievance
- the time and date of the incident
- when the grievance was received
- services about which the grievance was made
- internal practices about which the grievance was made
- response time
- demographic data, ie people, service, department, branch, organisation
- referral source
- action taken (including remedies, determinations, results)

4.3. Stage Three: Complaint to the Disability Services Office

If a client is not satisfied with the resolution proposed by the investigating officer, the client can complain to the Director, Disability Services Office and/or the Executive Director, Country and Disability Service Divisions.

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5. Related Documents

This Operating Procedure is related to and should be read in conjunction with the following controlled documents and relevant legislative requirements:

- PS CS01(09) Policy Statement, Client Services
- Disability Services Act 1993
- PS Gov01(09) Policy Statement, Privacy and Confidentiality

- The South Australian Disability Services Act 1993
- The Equal Opportunity Act 1984 as amended
- Freedom of Information Act 1991
- The Privacy Act 1988
- The Disability Discrimination Act 1992
- The Supported Residential Facilities Act 1992

APPROVED BY THE CHIEF EXECUTIVE			
This Operating Procedures supersedes all other Client Grievance Operating Procedures and is applicable across CLASS inc. from the authorising date below.			
Authorising Officer	Position	Date	Signature
Mark Kulinski	Chief Executive	24/04/2010	