

Client Complaints Policy

1. Purpose

The purpose of this Policy is to:

- put in place an efficient, transparent and respectful way for resolving client complaints;
- provide an overview of the process for addressing client complaints made by service users regarding any aspect of the services provided by Villa Maria Catholic Homes (VMCH);
- outline the actions taken by VMCH staff in dealing with client complaints;
- encourage client complaints and their resolution;
- outline VMCH's commitment to compliance with its legal obligations with respect to client complaints handling and provide a mechanism for compliance with those obligations.

2. Scope

This Policy applies to complaints made to VMCH by clients, residents or other service users in relation to services provided by VMCH or on VMCH's behalf.

It does not apply to:

- Child safety complaints and concerns, including those relating to child abuse, breaches of VMCH's Child Safe - Code of Conduct and "Reportable conduct" as defined in the *Child Wellbeing and Safety Act 2005* (Vic). These complaints are managed in a different way to other complaints received by VMCH due to their seriousness, sensitivity and our reporting, privacy and employment law obligations. For all child safety complaints and concerns (except if they relate to St Paul's College, which has its own child safety policies and procedures) please refer to VMCH's Child Safe Complaint Handling Policy and Procedure. These policies and procedures are publicly available on our website. **If you believe a child is at immediate risk of abuse phone 000.**
- Complaints made by staff members or volunteers in relation to employment or workplace matters. Such complaints should be raised with People Services under the Employee Grievance Procedure.
- Complaints involving allegations of corrupt conduct (as defined under the Protected Disclosure Policy), which should be made under the Protected Disclosure Policy.
- Privacy or data breach matters, which should be raised with the Privacy Officer under the Privacy Policy / Data Breach Response Plan.

3. Alignment with Vision, Mission and Values

VMCH acknowledges that a positive and transparent approach to client complaint handling helps to improve the quality of service to our clients and the safety, wellbeing and job satisfaction of our staff. This aligns with our vision of providing high quality services to our clients and with our values of respect, compassion, integrity, collaboration and partnerships.

Category 01 Governance & Leadership
Set Complaints
Owner Office of the CEO

Approved By Board of Directors
Approved Date 27/10/2022
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4. Definitions

Term	Definition
Feedback	Commentary on a service, which is provided for the information of the service provider but in relation to which a formal response or action is not expected.
Respondent	The person who is the subject of a client complaint (if the client complaint is about the conduct of an individual).
Child abuse	Child abuse includes any instances of physical or sexual abuse (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.
Elder abuse	the infliction of physical, emotional, financial and /or psychological harm on an older, vulnerable adult at the hands of a family member, a person in a trusting relationship, a volunteer, or a paid carer in an institution or a community setting. The abuse may be unintentional or deliberate.
Client Complaint	An expression of dissatisfaction with the quality of an action taken, decision made, or service provided, or a delay or failure in providing a service, taking an action or making a decision, in relation to which the complainant expects a response or action taken. A client complaint may be in writing or verbal.
Complainant	A person making a client complaint. The complainant may be the agent of a client, family member of a client or other interested party.

5. Guiding Principles

VMCH encourages complaints from clients and the timely resolution of complaints. VMCH recognises an individual's right to complain and requires all staff to be committed to effective and timely complaint resolution. VMCH is committed to the following principles in relation to complaints handling:

Accessibility

- All residents, resident's agents or family members, clients and service users of VMCH are informed of their right to complain, how to do it, where to do it and how the client complaint will be handled.
- People with a range of needs can easily make a client complaint, and staff will actively assist them to navigate the client complaints process.
- Client complaints may be in writing or verbal. If verbal, a staff member will record the client complaint. Once recorded, the staff member will lodge the recorded client complaint with the manager of the service to which the complaint relates.
- People may need or prefer a support person or representative to support, assist and/or represent them in relation to a client complaint. VMCH will communicate in the manner preferred by and consented to by the complainant.

Flexibility

- VMCH staff are empowered to resolve complaints promptly and with as little formality as possible.
- We adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints with or through their representatives.

Responsiveness

- VMCH promptly acknowledges receipt of client complaints. We assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response is immediate and is escalated appropriately.

Transparency and Openness

- VMCH is committed to open communication and open disclosure in relation to feedback and client complaints.
- We inform complainants as soon as possible of:
 - the expected timeframes for our actions;
 - the progress of the client complaint and reasons for any delay; and
 - the possible or likely outcome of their client complaint.
- Where we find that we have made an error or that any aspect of our service and care was not in keeping with our high standards, we acknowledge the issue and take steps to remedy the situation. Remedies may include:
 - an apology,
 - an explanation of why the error occurred and the steps taken to prevent it happening again,
 - the reversal of a decision and/or
 - the resolution sought by the complainant.
- Where we have made a serious error, which has resulted in harm to a person receiving care from us, we will provide an apology as early as possible. We will also advise of the steps taken to ensure that the error does not reoccur.

Fairness

- VMCH ensures that all client complaints are handled impartially, respectfully and transparently. We address each client complaint with integrity and in an equitable, objective and unbiased manner.
- Conflicts of interest, whether actual or perceived, are managed appropriately. In particular, internal reviews will be conducted by a person with no prior involvement in the matter.

Privacy and confidentiality

- We protect the identity of people making client complaints to the extent possible in accordance with our legal obligations.
- We accept anonymous complaints and address them to the extent possible.
- Information gathered in order to respond to a client complaint will only be used to deal with the client complaint or to address systemic issues arising from the client complaint on a need-to-know basis.
- Client complaints data provided to regulators or external bodies or for reporting purposes will be de-identified.

No detriment

- VMCH will ensure that people making client complaints are not adversely affected because a client complaint has been made by them or on their behalf.

Continuous Improvement

- VMCH values client complaints and recognise that acting on, learning from and using client complaint data helps us identify problems and improve services and systems of care.
- VMCH will use the issues raised by and the outcome of all client complaints to identify any areas in which we can improve our services, systems and policies.

6. Client Complaint Handling Process Overview

VMCH has internal Client Complaints Procedures. These procedures have been established in accordance with our statutory and regulatory obligations, our contractual obligations, and VMCH's approach to client complaints handling, which broadly speaking is as follows:

Early Resolution

Clients are encouraged to attempt to resolve issues and concerns directly with the staff member involved or the relevant manager. That employee will assess the client complaint and attempt to resolve it as quickly as possible.

Serious or Unresolved Client complaints

Where the matter cannot be addressed via informal means, or if the subject matter of the client complaint makes it unsuitable for informal resolution (for example if it involves an allegation of serious misconduct or unlawful activity including any allegation of child abuse or elder abuse or breach of any VMCH Code of Conduct), the complainant may make a complaint to the General Manager in the relevant service area.

The General Manager will assess the client complaint and attempt to resolve the issue. This may require data-gathering, fact-finding and/or arranging for the client complaint to be investigated by an appropriately skilled and independent investigator.

The complainant will be advised of the outcome in writing.

Internal Review

If the complainant is unhappy with the process or outcome, they can request an internal review. This will be overseen by the Chief Operating Officer (COO). The COO may refer the conduct of the investigation to an external investigator who will make recommendations to the COO. The COO who will make the final decision on the client complaint.

If the internal review is conducted, the COO will inform the CEO of the review. If appropriate the CEO will inform the Board Chair of the review. If appropriate the Board Chair will inform the Archdiocese of the client complaint and review.

Access to External Review

If the complainant is unsatisfied with the outcome of the internal review, they will be informed of the available external review options. It should be noted that Complainants may be able to access external complaint options at any point in time.

Client complaints direct to the Chief Executive Officer (CEO) or Chair

If client complaints are received by the CEO, the CEO will either:

- investigate the complaint and provide a written response to the complainant;
- refer the complaint to the COO, the relevant General Manager or other appropriate person for investigation to provide a written response to the complaint; or
- retain an external party to investigate the complaint and following receipt of the recommendations from the investigation, provide a written response to the complaint.

If client complaints are received by the Chair, the Company Secretary (on behalf of the Chair) will either:

- investigate the complaint and report to the Chair on the findings of the investigation and provide a written response to the complainant on the Chair's behalf;
- refer the complaint to the COO, the relevant General Manager or other appropriate person for investigation to provide a written response to the complaint; or
- retain an external party to investigate the complaint and following receipt of the recommendations from the investigation, provide a written response to the complaint on the Chair's behalf.

The Chair will advise the Board of the client complaint and the results of the investigation and recommendations.

7. Related Internal Documents

- [Choice and Control Policy](#)
- [Employee Grievance Procedure](#)
- [Protected Disclosure Policy](#)
- [Client Complaints Procedure Community and Disability Services](#)
- [Child Safe Complaints Policy and Procedure](#)
- [Child Friendly Policy/Procedure](#)

8. Key Legislation, Acts, Standards

- [Aged Care Act 1997 \(Cth\)](#)
- [Aged Care Quality Standards](#)
- [Complaints Principles 2015 \(Cth\)](#)
- [Commissioner Principles 2015 \(Cth\)](#)
- [Aged Care Quality and Safety Commission Rules 2018](#)
- [Quality of Care Principles 2014 \(Cth\)](#)
- [Retirement Villages Act 1986 \(Vic\)](#)
- [Disability Act 2006 \(Vic\)](#)
- [National Disability Insurance Scheme Act 2013 \(Cth\)](#)
- [National Disability Insurance Scheme \(Complaints Management and Resolution\) Rules 2018 \(Cth\)](#)
- [Health Complaints Act 2016 \(Vic\)](#)
- [Health Practitioner Regulation National Law Act 2009](#)
- [Health Records Act 2001 \(Vic\)](#)
- [Privacy Act 1988 \(Cth\)](#)
- [Australian Consumer law \(Schedule 2 of the Competition and Consumer Act 2010 \(Cth\)\)](#)

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