

O-MGMT-06 Complaints Handling Policy

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Policy statements

Jabiru is committed to the timely and respectful acknowledgement and resolution of all complaints.

Jabiru invites comments and complaints from children, young people, parents, guardians, caregivers, employees, and community members. We respect and treat all complaints seriously and attempt to find a satisfactory resolution wherever possible.

We encourage openness and honesty in the handling of complaints and consider genuine complaints a means to

- improve our services,
- ensure service provision is in keeping with our policies and procedures,
- provide an opportunity for children, young people and community members to express any dissatisfaction with our service, and
- ensure human rights are protected.

We will endeavour to deal effectively with all complaints and appeals to ensure that children’s, young persons’ and community members’ issues are resolved.

We will manage all employee and volunteer complaints and grievances in line with Jabiru Policy O-HR-06 – *Employee and Volunteer Grievances*.

Definitions

Complaint	<p>An expression of dissatisfaction from a child, young person, parent, guardian, caregiver, employee, or community member.</p> <p>A complaint can be given in written or verbal format to any employee of Jabiru and redirected to the correct receiver of the complaint. A complaint could include</p> <ul style="list-style-type: none"> • an issue which needs to be investigated and acted on to prevent it reoccurring • an issue that could damage Jabiru’s reputation or success • the complainant believes their privacy has been breached • the complainant believes any of their human rights have been infringed.
Grievance	<p>Grievance is a distinct term used to describe any expression of dissatisfaction from a Jabiru employee, and will be managed in line with <i>O-HR-06 – Employee and Volunteer Grievances</i>.</p>
Relevant Party	<p>For a complaint, means the complainant or respondent in relation to the complaint.</p>

Policy requirements

All Jabiru staff are expected to follow the guidelines below consistent with *National Regulations 87, 168, 170, 171, 173, 176 and 177, HSQS 1.1, 1.7, 2.3, 3.2, 3.5, 4.1, 4.2, 4.3, 4.4, 4.5, 5.1, 5.2, 5.3, 5.4, 6.1, 6.4, and 6.5 and NQS 2, 6 and 7.*

- Jabiru is committed to facilitating our children’s, young person’s, families’ and community members’ rights to:
 - make a complaint about our service
 - appeal a decision that directly concerns the child, young person, or community member
 - ensure that the complaint or appeal is fairly assessed and responded to in a timely and cost-effective manner.
- Jabiru will inform children, young people, families and community members of this policy and our complaints handling procedure (*SOP O-MGMT Complaints Handling Procedure*) through the intake/orientation/induction process.
- Jabiru will endeavour to resolve complaints in a confidential manner, with regard to the rights of all parties and without retribution.
- The Chief Executive Officer will investigate complaints that relate to the unlawful infringement of human rights or decisions (see Jabiru Policy *B-GOV-17 – Promoting and Protecting Human Rights*).
- Jabiru will use the information from genuine complaints to make improvements to the service and/or policies and procedures.

Nature of the Complaint

Children, young people, families and community members have the right to be able to express their dissatisfaction with any aspect of the Jabiru service and making a complaint does not exclude the

person from receiving services. A complaint against Jabiru may be made regarding, but not limited to, any of the following:

- Any problem the child, young person, parent, guardian, caregiver or community member may be having with the service
- Any problem concerning a staff member, volunteer or student working with the service
- Any problem relating to a decision made by the service
- Any problem with an activity or event organised by the service.

Children, young people, family and community member concern:

- The child, young person, family or community member may have a concern which the person wishes to give feedback on rather than making a complaint.

Information about Complaints and Appeals Processes

All children, young people, families and community members are:

- informed of their rights and responsibilities at the earliest possible stage of their involvement (e.g. upon intake) with programs, services or activities at Jabiru,
- verbally provided with information about their right to make a complaint or to appeal a decision, and the procedures that will be followed.

Children, young people, families and community members also have the right to:

- Access an interpreter if required.
- Bring a support person to any meetings concerning the complaint.

Documentation

The privacy of all individuals involved in a complaint and any documentation will be kept confidential (see Jabiru Policy *O-MGMT-14 Record Keeping*). Copies of relevant entries will be provided to the complainant on request.

All details of a complaint, including any relevant discussions, and if appropriate, the resolution of the complaint will be recorded on the CRM. If an anonymous complaint is received it will be recorded on the CRM as accurately as possible ensuring that all identifying personal information has been removed.

Using Complaints and Appeals for Service Improvement

Information about complaints and appeals will be recorded in the CRM. Information about the types of complaints and appeals that Jabiru has received, and the outcomes, will be compiled and assessed, and this information will be used to identify issues and to improve services at Jabiru.

Reporting of Complaints

In accordance with Jabiru Policy *O-MGMT-02 Managing Notifications*, complaints or allegations have to be notified to the relevant regulatory authority within 24 hours on the *NL01 'Notification of complaints, incidents and additional children in an emergency form'* via the NQA IT System if:

- the safety, health or wellbeing of a child was or is being compromised, or
- a law has been breached.

If the complaint relates to the breach of a person's privacy, refer to Jabiru Policy *B-GOV 25 – Privacy*. This may result in the Senior Coordinator/ Nominated Supervisor/Responsible Person in Charge/ Line Manager advising:

- the funding department; and/or
- the Office of the Australian Information Commissioner.

If a complaint is likely to result in significant media attention for Jabiru, the Senior Coordinator/ Nominated Supervisor/Responsible Person in Charge/Line Manager will advise the:

- appropriate General Manager AND the Chief Executive Officer immediately,
- funding department via the contract manager and Education and Care Regional Office immediately by phone and in writing within 24 hours.

Decision not to investigate a child, young person or community member's complaint

In some circumstances Jabiru and/or the Senior Coordinator/Nominated Supervisor/Responsible Person in Charge/Line Manager may decide not to take action in respect of a complaint. Reasons may include:

- Where the matter is currently being dealt with by another body i.e. court or government agency.
- Where the matter has already been dealt with by another body i.e. court or government agency.
- Where the matter occurred more than twelve (12) months prior, making the investigation impractical (note this does not apply to complaints of a serious nature including corruption, fraud, harassment)
- Where the matter has been previously dealt with and the organisation has decided that no further action will be taken.

Employee and Volunteer Complaints and Grievances

Complaints or grievances from Jabiru staff and volunteers are to be handled in line with Jabiru Policy *O-HR-06 – Employee and Volunteer Grievances*.

Responding to Complaints made to the Human Rights Commission

Guidance for organisations responding to a complaint under the *Anti-Discrimination Act 1991*, *Public Disclosure Act 2010* or *Human Rights Act 2019* can be found at <https://www.qhrc.qld.gov.au/complaints/responding-to-a-complaint>.

Document control

Policy Number	O-MGMT-06	Document Title	Complaints Handling Policy
Policy Owner	Chief Executive Officer	Approved By (Date)	Chief Executive Officer (May 2022)
Policy Author	Policy Manager		
Last Review Date	May 2022	Next Review Date:	May 2024

Appendix 1 – Relevant legislation and internal procedures

Relevant Laws and other Provisions

The laws and other provisions affecting this policy include:

- *HSQF Areas: Standard 1 Governance and Management, Standard 2 Service Access, Standard 3 Responding to Individual Need, Standard 4 Safety, Wellbeing and Rights, Standard 5 Feedback, Complaints and Appeals, Standard 6 Human Resources*
- *NQS Area: 2 Children’s health and safety, 4 Staffing arrangements, 6 Collaborative partnerships with families and communities and 7 Governance and Leadership*
- *Education and Care Services National Law Act 2010 and Regulations 2011*
- *Information Privacy Act 2009 and Information Privacy Principles (Schedule 3 of the Act)*
- *Privacy Act 1988 and Australian Privacy Principles (Schedule 1 of the Act).*
- *Guidance for organisations responding to a complaint under the Anti-Discrimination Act 1991, Public Disclosure Act 2010 or Human Rights Act 2019 can be found at <https://www.qhrc.qld.gov.au/complaints/responding-to-a-complaint>.*

Internal policies related to this policy

- *Jabiru Policy B-GOV-17 – Promoting and Protecting Human Rights*
- *Jabiru Policy B-GOV-25 - Privacy*
- *Jabiru Policy O-HR-06 – Employee and Volunteer Grievance*
- *Jabiru Policy O-MGMT-02 – Managing Notifications*
- *Jabiru Policy O-MGMT-10 – Provision of Information*

Other internal resources related to this policy

- *SAC Customer Concerns and Complaints Process Flow Chart*
- *SAC School Leadership Concerns and Complaints Process Flow Chart*
- *Jabiru Health and Wellbeing Hub Customer Concerns and Complaints Process Flow Chart*
- *Jabiru SOP O-MGMT Complaints Handling Procedure*