

# MAKING A COMPLAINT



Engage

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# MAKING A COMPLAINT

**Encompass** fully supports the rights of people to express, or have expressed on their behalf, grievances relating to the organisation and/or employees of the organisation. Employees have a right to express a grievance, have a satisfactory hearing of that grievance and be assisted to work towards resolution.

Encompass is committed to ensuring client/students are encouraged and supported to raise concerns and have issues resolved without fear of retribution, in a timely, fair and confidential manner.

## GENERAL PROCEDURE

1.0 An employee who believes something is unfair, unjust or upsetting in relation to a work related matter has the following options available:

1.1 The employee can speak to the person causing the problem and inform them that their behaviour, decision or action was unfair, offensive or discriminatory; and why they believe this to be so.

1.2 The employee can speak to their immediate manager/supervisor about the grievance, or if that is not appropriate, then the Operations Manager, who will then address the issue on behalf of management. With the employee's approval, the manager/supervisor may approach the person or persons involved in the identified issue and talk to them informally about the particular grievance.

1.3 The employee can make a formal complaint in writing to their manager/supervisor in line with the attached procedure.

1.4 The employee can refer their complaint to the Equal Opportunity Commission or the Australian Industrial Relations Commission.

2.0 Encompass will address such problems, referred to as grievances, in a timely and confidential manner. Each complaint will be dealt with in as short a time as possible, dependent upon the individual circumstances of the case.

2.1 Employees have the right to expect that their grievance will be treated as confidentially as possible. However, employees must realise that for an adequate and fair investigation to take place, the details of their complaint will require discussions with those accused and their representatives, as well as with management.

2.2 No employee involved in the grievance process will unreasonably disclose the details of the grievance, the investigation or the outcome. If any employee is found to have breached confidentiality, appropriate disciplinary action may be taken against them.

2.3 Employees will not be victimised as a result of raising a genuine grievance. However, Encompass reserves the right to take action against an employee who is proven to have engaged in making vexatious, false or misleading accusations.

### 3.0 Formal Grievance Procedure

3.1 An employee who chooses to make a formal complaint in writing to their manager/supervisor must outline:

3.1.1 The nature of the grievance;

3.1.2 The time and date of the incident(s) giving rise to it;

3.1.3 The names of any witnesses;

3.1.4 Their signature; and

3.1.5 The date of the lodgement of the grievance.

- 3.2 Once a formal complaint is made, the matter will be investigated by the designated management representative.
- 3.3 If the employee's grievance is substantiated following the investigation, the management representative will advise the employee of the remedial or corrective action to be taken.
- 3.4 If the employee's grievance is not substantiated, the employee will be given an explanation as to the specific of why that finding was made.
- 3.5 If the employee is not satisfied with the way in which their grievance was handled, or is unhappy with the outcome, they may refer the matter to the Operations Manager or other nominated senior manager.
- 3.6 If the grievance is of an industrial nature and remains unresolved, the employee may seek to have the matter referred to the Equal Opportunity Commission or the Australian Industrial Relations Commission.
- 3.7 The employee may seek the assistance of an agent, the Office of the Employee Ombudsman (<http://www.ombudsman.vic.gov.au/welcome.htm>) or a registered association throughout this process.
- 3.8 If the grievance is of an OH&S nature, employees can also contact WorkSafe Victoria for assistance or guidance. [www.workcover.vic.gov.au](http://www.workcover.vic.gov.au)
- 3.9 Without prejudice to either party, work should continue as normal whilst the matter in dispute is being dealt with in accordance with this Policy.
- 4.0 In cases where the grievance is not substantiated and is identified as being vexatious, misconceived or without substance, further action may need to be taken by Encompass management.

## **PROCEDURE FOR CLIENTS/STUDENTS**

### **1.0 Making a Complaint**

A client/student who believes something is unfair, unjust or upsetting in relation to their association with Encompass has the following options available to them.

- 1.1 The complainant may approach the respondent with the details of their allegation and the desired outcome(s) in the first instance. If the matter is not satisfactorily resolved or if the behaviour, action, inaction or decision continues then the complainant may proceed to another option.
- 1.2 The client/student can speak to a relevant staff member or immediate supervisor/manager or if that is not appropriate, the Operations Manager, about the complaint. With the client/student's approval, the staff member may approach the person or persons involved in the identified issue and talk to them informally about the particular complaint.
- 1.3 The client/student can make a formal complaint in writing to a relevant staff member, immediate supervisor/manager, CEO or Operations Manager.
- 1.4 Clients/students have the right and may raise the matters of complaint directly with a relevant external authority as follows:
  - 2.4.1 For clients/students enrolled in DHS sponsored programs, the complaint may be directed to the

Department of Human Services Disability Commissioner

2.4.2 For clients/students of Employment Services, the complaint may be directed to the relevant State or Federal Ombudsman or the Department of Education, Employment and Workplace Relations (DEEWR) or the Equal Opportunity Commission or the Australian Industrial Relations Commission or the relevant program funding body.

2.4.3 For clients/students of the Encompass College of Education & Training Division, the complaint may be directed Skills Victoria or the Australian Skills Quality Authority (ASQA).

## **2.0 Informal Complaint Process**

- 2.1 The informal process involves the complainant and respondent discussing the concerns in person in an attempt to achieve best agreed outcomes. This may be facilitated by a member of staff, manager, or an external, independent person. If an agreement is determined between the complainants and respondent at this meeting the matter may then be closed otherwise the matter may proceed to the Formal Complaint process.
- 2.2 Whenever practical, a record of this informal complaint resolution process will be kept in the incident / issues register.

## **3.0 Formal Complaint Process - Internal**

- 3.1 A client/student may make a formal complaint in writing, preferably using the Client/Student Complaint Form to their manager/supervisor including the following outline:
  - The nature of the complaint;
  - The time and date of the incident(s) giving rise to it;
  - The names of any witnesses;
  - Their signature; and
  - The date of the lodgement of the complaint.
- 3.2 The client/student is entitled to receive staff assistance to prepare a formal complaint.
- 3.3 The Client/Student Complaint Form should be lodged with the Division Manager, Operations Manager or the CEO.
- 3.4 In all cases, a record of the complaint must be kept in the Concerns / Feedback register, including the final outcome.
- 3.5 The recipient manager will determine to address the complaint directly or refer it to the Division Manager, the Operations Manager or the CEO. Resolution will be sought within 14 days. The matter will then be addressed by either:

### 3.5.1 Conciliation

- Is a confidential and without prejudice process, the purpose of which is to achieve a resolution that is agreed to by both parties. The conciliation process is not a fact-finding exercise.

or

### 3.5.2 Investigation

- Will be used in cases where a formal complaint is lodged and a satisfactory resolution cannot be reached through the conciliation process; or in cases where the complainant and/or respondent decide against participation in the conciliation process; or where the complaint is of a serious nature.

### **3.6 CONCILIATION**

- 3.6.1 The Assigned Manager will discuss the complaint with the respondent. The respondent will be advised that the complaint is confidential and that all parties are protected from victimisation.
- 3.6.2 The Assigned Manager should ensure any special needs of parties are met, e.g. carer / support worker, interpreter.
- 3.6.3 As soon as possible but within no more than 5 working days of the lodgement of the complaint, the Assigned Manager will consult with the complainant and the respondent to identify whether they agree to conciliate the complaint. Where conciliation is agreed the Assigned Manager will identify a conciliator acceptable to both parties.
- 3.6.4 The Assigned Manager will assist the conciliator by explaining the application of this policy and planning the steps to be taken in attempting to resolve the Complaint.
- 3.6.5 The complainant and respondent will be required to agree that any statements made in the course of the conciliation process shall be confidential and without prejudice.
- 3.6.6 As soon as possible but within no more than 10 working days of the lodgement of the complaint, the conciliator will discuss possible resolutions with both the complainant and the respondent and seek to achieve a resolution satisfactory to both parties.
- 3.6.7 Where a resolution is agreed the complainant and respondent will sign a statement to indicate complete and final settlement of the Complaint.

### **3.7 An Agreed Conciliation Resolution May Involve:**

- 3.7.1 A compulsory counselling session to be attended by the respondent and / or the complainant, whichever is appropriate, and/or;
- 3.7.2 An acknowledgment by the respondent that their behaviour caused offence even if it was unintentional and an undertaking to modify their behaviour; and/or;
- 3.7.3 Respondent attends equal opportunity and bullying awareness training (if appropriate) and/or;
- 3.7.4 Any other outcome agreed to by the parties to the complaint.
- 3.7.5 Both parties are to be advised that victimisation or some other form of reprisal by them that affects the other party is unacceptable and is a potential cause for separate disciplinary action.

### **3.8 Monitoring Outcomes of the Conciliation Process.**

- 3.8.1 Where agreement to resolve the Complaint is reached a monitoring process should be put in place to ensure compliance with the terms of the agreement.
- 3.8.2 An appropriate person should be agreed to by the parties to monitor progress of the agreement.

3.9 Where a resolution to the complaint cannot be conciliated between the complainant and the respondent, the matter will proceed to the investigation stage of the process.

### **4.0 Investigation – An investigation is conducted to determine the facts associated with a complaint.**

- 4.1 Investigators will be assigned to a particular complaint by the CEO / Operations Manager / Division Manager. Investigators should have no prior knowledge of the case and must be impartial. Every effort will be made to expedite the process.
- 4.2 An investigation will be commenced as soon as possible following an unsuccessful conciliation process and not more than another 2 working days. In the case where a complaint is not taken to conciliation, the investigation will be commenced as soon as possible after the lodgement of a complaint or within not more than 5 working days.

- 4.3 Person delegated the responsibility of the investigation should ensure any special needs of parties are met, e.g. carer / support worker, interpreter.
- 4.4 Clients/students to be advised of their right to have a third party witness (of their choice) present during the investigation and resolution processes.
- 4.5 Written records must be maintained during the investigation and resolution processes.
- 4.6 The findings of the investigation will be referred to the CEO and/or Operations Manager to determine an appropriate course of action and resolution. This referral is to be made within not more than 5 working days from the start of the investigation.
- 4.7 The CEO and/or Operations Manager are to determine and advise on the outcome within 3 working days of receiving the investigator's report.

## **5.0 INVESTIGATION – POSSIBLE OUTCOMES**

- 5.1 The complaint is upheld and appropriate corrective action is determined. This may or may not include counselling and/or disciplinary action.
- 5.2 The complaint is unable to be substantiated. Both parties will be advised accordingly; this may also include appropriate counselling.
- 5.3 The complaint is not substantiated and is identified as being vexatious, misconceived or without substance; further action may need to be taken by Encompass management.
- 5.4 It is the responsibility of the Division Manager to ensure that the recommendations of the investigation are implemented.

## **6.0 FORMAL COMPLAINT - EXTERNAL**

- 6.1 In all cases, client/students are entitled to take any complaint directly to the relevant external authority or have any complaint referred to the relevant external authority in the case where the client/student is not satisfied with the result of the internal Encompass process.
- 6.2 Encompass staff are obliged to support any client/student to refer any complaint to the relevant external authority.
  - 6.2.1 Client/students enrolled in DHS sponsored programs have the right to make a complaint directly to the Department of Human Services Disability Services Commissioner who is responsible for addressing any complaint so made.
  - 6.2.2 For client/students of Employment Services, the complaint may be directed to the relevant State or Federal Ombudsman or the Department of Education, Employment and Workplace Relations (DEEWR) or the Equal Opportunity Commission or the Australian Industrial Relations Commission or the relevant program funding body.
  - 6.2.3 For client/students of the Encompass College of Education & Training Division, the complaint may be directed Skills Victoria or the Australian Skills Quality Authority (ASQA).

## **7.0 Complaints Review**

- 7.1 The Operations Manager is responsible for the annual review of the Client/student Complaint Procedure in conjunction with the CEO.
- 7.2 A summary of all complaints lodged and the outcomes or status, including formal and informal complaints will be reviewed at the Board meetings.

# Working Guide Instructions for completing Sections 1 – 4 of the Form.

## SECTION 1

**INITIATOR** (Refers to the person lodging the complaint)

Client  Employer  Staff  Other

Name:

Contact Phone Number:

Address:

Refers to the person lodging the complaint  
Please make sure all fields are completed

Please provide an address for written correspondence if required.

To be completed by the staff member receiving the complaint

If you are a staff member receiving the complaint, please complete the following section

| Information Received               | Staff Member                   |
|------------------------------------|--------------------------------|
| Phone <input type="checkbox"/>     | Name: <input type="text"/>     |
| Interview <input type="checkbox"/> | Division: <input type="text"/> |
| Email <input type="checkbox"/>     | Date: <input type="text"/>     |
| Letter <input type="checkbox"/>    |                                |
| Other <input type="checkbox"/>     |                                |

Please provide the details of the Complaint received.

To be completed by the staff member receiving the complaint, or by person making the complaint.

Name:

Date:

Signature:

Signature of Complainant or staff member taking complaint.



Please assess the issue and decide which one of the following 2 paths you need to follow.

| <b>Issue Resolved</b>   | <b>Issue requires further action</b>   |
|---|--|
| Please fill the <b>Outcome report</b> below and provide a copy to your manager  | Does this issue need to be referred to:<br>(Chose only one)  |
| Have you recorded issue in the register of your division?<br>Yes <input type="checkbox"/> No <input type="checkbox"/> | Division Manager <input type="checkbox"/><br>Operations Manager <input type="checkbox"/><br>CEO <input type="checkbox"/> |
| End of Process  | Please fill the referral form in section 3   |

Tick the appropriate box if the issue is resolved and fill out all fields in Section 2.

Tick the relevant box if issue is to be referred. Then go to Section 3.

*Please note: All complaints should go to the relevant division manager in first instance. If the complaint involves the division manager as a party, the Operations Manager should be considered the first instance to lodge the complaint. Only matters related to harassment and abuse should go directly to the CEO.*

**SECTION 2**

Outcome Report – Completed by: Name:

Signature:

Staff member completing the report to sign here.

| Actions Taken | Action By | Outcome | Date |
|---------------|-----------|---------|------|
|               |           |         |      |
|               |           |         |      |
|               |           |         |      |
|               |           |         |      |
|               |           |         |      |

**SECTION 3 Referral Form**

|                                   |                      |
|-----------------------------------|----------------------|
| <b>Issue Referred to:</b>         | <input type="text"/> |
| <b>Date of Referral:</b>          | <input type="text"/> |
| <b>Action Requested:</b>          | <input type="text"/> |
| <b>Expected Outcome date:</b>     | <input type="text"/> |
| <b>Referring Staff Signature:</b> | <input type="text"/> |
| <b>Date:</b>                      | <input type="text"/> |

Only complete if Issue requires further action.

**SECTION 4**

This section is to be completed only by the Division Manager, the Operations Manager or the CEO

| Actions Taken | Action By | Outcome | Date |
|---------------|-----------|---------|------|
|               |           |         |      |

To be completed by whom the complaint was referred too. (Division Manager, Operations Manager or CEO Only.)

Print Name:

Position:

Signature:

Date:

To be signed by the person filling in Section 4 only.

# MAKING A COMPLAINT FORM

## SECTION 1

**INITIATOR** (Refers to the person lodging the complaint)

Client       Employer       Staff       Other

Name:

Contact Phone Number:

Address:

If you are a staff member receiving the complaint, please complete the following section

| Information Received               | Staff Member                   |
|------------------------------------|--------------------------------|
| Phone <input type="checkbox"/>     | Name: <input type="text"/>     |
| Interview <input type="checkbox"/> | Division: <input type="text"/> |
| Email <input type="checkbox"/>     | Date: <input type="text"/>     |
| Letter <input type="checkbox"/>    |                                |
| Other <input type="checkbox"/>     |                                |

Please provide the details of the Complaint received.

Name:

Date:

**Signature:**

Please assess the issue and decide which one of the following 2 paths you need to follow.

| <b>Issue Resolved</b>   | <b>Issue requires further action</b>   |
|---|--|
| Please fill the <b>Outcome report</b> below and provide a copy to your manager  | Does this issue need to be referred to:<br>(Chose only one)  |
| Have you recorded issue in the register of your division?<br>Yes <input type="checkbox"/> No <input type="checkbox"/> | Division Manager <input type="checkbox"/><br>Operations Manager <input type="checkbox"/><br>CEO <input type="checkbox"/> |
| End of Process  | Please fill the referral form in section 3   |

**Please note:** All complaints should go to the relevant division manager in first instance. If the complaint involves the division manager as a party, the Operations Manager should be considered the first instance to lodge the complaint. Only matters related to harassment and abuse should go directly to the CEO.

**SECTION 2**

Outcome Report – Completed by: Name:

Signature:

| <b>Actions Taken</b> | <b>Action By</b> | <b>Outcome</b> | <b>Date</b> |
|----------------------|------------------|----------------|-------------|
|                      |                  |                |             |

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

**SECTION 3 Referral Form**

|                                   |                      |
|-----------------------------------|----------------------|
| <b>Issue Referred to:</b>         | <input type="text"/> |
| <b>Date of Referral:</b>          | <input type="text"/> |
| <b>Action Requested:</b>          | <input type="text"/> |
| <b>Expected Outcome date:</b>     | <input type="text"/> |
| <b>Referring Staff Signature:</b> | <input type="text"/> |
| <b>Date:</b>                      | <input type="text"/> |

**SECTION 4**

This section is to be completed only by the Division Manager, the Operations Manager or the CEO

| Actions Taken | Action By | Outcome | Date |
|---------------|-----------|---------|------|
|               |           |         |      |

**Print Name:**

**Position:**

**Signature:**

**Date:**



