



Complaints Handling Policy

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Relevant Document Reference	<ul style="list-style-type: none"> - EHA Whistleblowers Protection Policy D14/10620[v3] - EHA Employee Code of Conduct D14/5685[v2] - Code of Conduct for Board Members D12/1640[v3] - Customer Service Policy D14/1003
Applicable Legislation	

1. Introduction

Eastern Health Authority (EHA) is committed to the provision of quality service to customers and regards complaints as an opportunity to improve practices and procedures as well as resolve the matter.

Emphasis will be placed on resolving complaints as quickly as possible. However where complaints cannot be settled in the first instance EHA will ensure that they are dealt with through appropriate, more formal procedures by staff with the authority to make decisions.

2. Purpose

The purpose of the Complaints Handling Policy (the Policy) is to provide a fair, consistent and structured process for EHA customers if they are dissatisfied with EHA's actions, decisions or services. Lessons learnt from complaint investigations will be used to directly inform service improvements.

This Policy also aims to provide guidance to the EHA Board of Management, EHA and Constituent Council Staff and the Community on:

- Distinguishing between requests, complaints and feedback to EHA and giving direction on management of these issues
- How EHA assesses and processes requests and complaints including the collation of information which can be used to directly inform service improvements

3. Scope

This Policy applies to complaints received from customers regarding EHA's operations or service delivery by employees, contractors and volunteers.

This Policy does not apply to:

- Complaints regarding EHA's Board of Management: these will be dealt with in accordance with the Code of Conduct for EHA Board Members – Dealing with Complaints Procedure.
- Requests for a review of EHA decision will be dealt with under the Internal Review of EHA Decisions Procedure.
- Matters covered by the *Whistleblowers Protection Act 1993*: these will be dealt with in accordance with the EHA's Whistleblowers Protection Policy.
- Allegations of criminal activity: these must be referred to the South Australian Police.

4. Definitions

Staff means a person performing work on behalf of EHA, including the Chief Executive Officer (CEO), Team Leaders and staff employed on a full time, part time, casual or contract basis.

Employee means any person performing work on behalf of EHA, either paid or unpaid, including the Chief Executive Officer (CEO), Team Leaders and staff employed on a full time, part time, casual or contract basis, work experience students, agents, consultants and contractors employed by EHA.

Business Day means a day when the EHA is normally open for business; that is Monday to Friday between 9:00am and 5.00pm, excluding public holidays and the period between Christmas and New Year's Day when the EHA office is closed.

Definition of a Complaint for the purposes of this policy, a complaint is defined as:

'An expression of dissatisfaction with a product or service delivered by EHA or its representatives that have failed to reach the standard stated, implied or expected. This includes complaints about a service that has been, or should have been delivered.'

Feedback can take the form of comments, both positive and negative, about services provided by EHA without necessarily forming the basis of a request for service or general complaint. EHA welcomes feedback of all types as an important way of continually monitoring its service standards.

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Request for Service is an application to have EHA or its representative, take some form of action to provide or improve EHA's service.

EHA Board of Management comprises of two elected members from each Constituent Council. The Board is responsible for ensuring EHA acts in accordance with its Charter established under the *Local Government Act 1999*.

EHA Constituent Councils - City of Burnside, Campbelltown City Council, the City of Norwood Payneham St Peters, the City of Prospect and The Corporation of the of Town of Walkerville.

5. Principles

EHA acknowledges that treating customers fairly requires impartiality, confidentiality and transparency at all stages of the process.

- EHA will promote to its customers the methods by which they can request services and make general complaints.
- EHA is committed to providing sufficient resources and well trained staff to manage service and complaint matters, and to review its systems for opportunities for improvement
- Customer requests and complaints will be dealt with in accordance with this Policy in a timely manner that takes into account a response that is considerate of the matter's complexities, and takes up opportunities for improvement across the organisation where appropriate.
- In processing requests for service emphasis will be placed on:
 - Public safety and emergencies
 - Fulfilling EHA's Business Plan
 - Using EHA resources effectively

6. Policy

6.1 General Complaints Handling

6.1.1 Making a complaint

EHA welcomes complaints as a way of improving its services and programs as well as providing an opportunity to put things right.

This policy will be made widely accessible to ensure that customers are fully aware of their right to complain. Information about how to lodge a complaint will be placed in a prominent position on EHA's website.

Except for minor level 1 responses, (See 6.1.5 Procedures for resolving complaints) EHA will try to ensure that, whenever possible, complaints will be

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handled independently of the original decision-maker or officer involved in the matter that is the subject of the complaint.

A person can make a complaint in a number of ways:

- Complete the appropriate form on EHA's website www.eha.sa.gov.au
- Telephone - 8132 3600
- Fax – 8132 3623
- Email – eha@eha.sa.gov.au
- Letter - PO Box 275, Stepney SA 5069
- Visit EHA:
101 Payneham Road
St Peters SA 5069
Mon - Fri 9:00am – 5:00pm

6.1.2 Processing a complaint

EHA's response to general complaints received will be managed in accordance with the General Complaint Handling Procedure. This ensures that, whenever possible, complaints are handled independently of the original decision-maker or staff member involved in the matter that is the subject of the complaint.

Staff will be trained to manage complaints efficiently and effectively, and provided with a level of delegated authority appropriate for the nature of complaints they are expected to resolve.

Staff will record all general complaints received in EHA's records management system in such a way that the information can be utilised to respond to the complaint and analysis complaints by category for service improvement opportunities.

6.1.3 Steps to resolving a complaint

The following steps will be followed by staff to ensure complaints are dealt with efficiently and effectively:

- Acknowledge complaints promptly
- Assess the complaint
- Plan the investigation where one is warranted
- Investigate the complaint
- Respond to the complainant with a clear decision
- Follow up any customer service concerns
- Consider whether there are systemic issues which need correction.

6.1.4 Timeframes for response

Upon receiving a general complaint, EHA will respond within **[10] business days**, acknowledging receipt of the complaint and, where possible, resolving it at that time. Where a complaint cannot be resolved immediately the complainant will be advised of the process to be undertaken, the likely timeframe required to investigate and resolve the matter, and regularly updated by email / letter as to progress that is being made to resolve the complaint (as per General Complaint Handling Procedure).

6.1.5 Procedures for resolving complaints

Complaints may vary greatly in their level of complexity and seriousness. Wherever possible complaints will be resolved when first reported, but if necessary officers will escalate complaint handling as set out below.

The complaints procedure consists of a three tiered scheme.

1. Immediate response to resolve the complaint - All staff are empowered to handle complaints in the first instance and it is preferable that they are dealt with promptly at the initial point of contact and at the appropriate officer level.
2. Complaint escalated to a more senior officer - A complaint will be directed to the appropriate Team Leader in EHA, where circumstances indicate that the complaint would be more appropriately handled at a higher level. The Team Leader will assess the complaint and determine if it is appropriate to handle the complaint or direct the matter to the CEO. This may occur, for example, where an officer has been involved in the matter that is the subject of the complaint, where the complaint is about an issue that requires a decision to be made at a more senior level.
3. Internal review of a EHA decision (see EHA's Internal Review of a EHA Decision Policy and Procedure). This is a process established that enables EHA to reconsider all the evidence relied on to make a decision, including new evidence if relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision of the CEO.

EHA's detailed Complaints Procedure is available to the public. See Further Information

6.2 Complex complaints

In some instances, an alternative complaint handling process must be used due to legislative restrictions. In these instances, EHA will advise the complainant of the alternative process requirements, and assist them to seek resolution of their concerns. Examples of alternative complaint handling processes include:

- Code of Conduct complaints about EHA Board of Management members or Employees
- Freedom of Information applications
- Internal review of a decision made by EHA on behalf of a Constituent Council is available under Section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence is relevant.
- Decisions made under legislation other than the *Local Government Act*, such as the *Food Act 2001*, *SA Public Health Act 2011*, *SRF Act 1992*, the *Housing Improvement Act 1940* or *Expiation of Offences Act 1996*.

On occasion, it may be appropriate to consider mediation, conciliation or neutral evaluation. Costs and expenses of the appointment and work of a mediator, conciliator or evaluator will be shared equally between EHA and the other party.

6.2.1 Complainant rights to external review

While EHA prefers to work with its customers to resolve complaints quickly and effectively, a complainant will always retain the right to seek other forms of resolution, such as contacting the Ombudsman, or taking legal action at any time.

Note: As a general rule, the Ombudsman prefers a complaint to be addressed by EHA in the first instance, unless this is not appropriate in the circumstances.

6.2.2 Unreasonable complainant conduct

All complaints received by EHA will be treated seriously and complainants will be treated courteously. However, occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behavior. What can be termed 'unreasonable' will vary depending on a number of factors and EHA aims to manage these situations in a fair and equitable manner.

Where a complainant's behavior consumes an unwarranted amount of EHA resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behavior(s) or actions continue, restrictions may be applied.

Any decision to suspend action on a complaint will be made by the CEO or their delegate and communicated in writing to the complainant.

6.2.3 Using complaints to improve service

Quality of service is an important measure of EHA's effectiveness. Learning from complaints is a powerful way of helping to develop EHA and increase trust among the people who use our services.

In addition to making changes to procedures and practices where appropriate, EHA will review and evaluate the information gained through its complaints handling procedure on an annual basis to identify systemic issues and improvements to service. Where appropriate, complainants will be provided with an explanation of changes proposed or made as a result of the investigation of their complaint.

6.2.4 Privacy and confidentiality

Complainants have a right to expect that their complaint will be investigated in private, to the extent possible. The identity of complainants will be made known only to those who need to know in the process of investigating and resolving the complaint. The complaint will not be revealed or made public by EHA, except where required by law.

Note: All complaints lodged with EHA are subject to the *Freedom of Information Act, 1991* and confidentiality cannot be guaranteed under the provisions of that legislation.

6.2.5 Remedies

Where complaints are found to be justified EHA will, where practicable, remedy the situation in a manner which is consistent and fair for both EHA and the complainant. The solution chosen will be proportionate and appropriate to the circumstances.

As a general principle the complainant should so far as possible, be put in the position he or she would have been in, had things not gone wrong. This may mean providing the desired service or changing a decision. Sometimes, however, it may only be possible to offer an apology.

6.2.6 Alternative remedies

EHA may seek to use alternative dispute resolution methods such as mediation to resolve a complaint in circumstances where the CEO or their delegate deems such a course of action appropriate and the complainant is amenable to that process.

When advising a complainant of the outcome of an investigation of a complaint, EHA will provide information about alternative remedies, including any rights of

appeal and the right to make a complaint to an external agency such as the SA Ombudsman.

7. Review and evaluation

This policy will be reviewed at least once every two years. However, EHA may revise or review this Policy at any time (but not so as to affect any process that has already commenced). The CEO will report to EHA Board of Management on the outcome of the review and make recommendations for amendment, alteration or a substitution of a new Policy if considered necessary.

8. Documentation

To assist in demonstrating that Complaint Handling processes are fair, transparent and accountable, cost effective and meet community needs, EHA will document all complaints received, the process undertaken to resolve the complaint and the outcome of the complaint.

9. Further Information

This policy will be available for inspection at EHA offices during normal business hours and available from EHA's website www.eha.sa.gov.au.

10. Statement of Adoption

The Policy was adopted by the Board of Eastern Health Authority on 31 August 2016.