

TENANTS QUEENSLAND
COMPLAINTS MANAGEMENT
POLICY AND PROCEDURES

PURPOSE:

To ensure Tenants Queensland has clear procedures in place for adequately and appropriately responding to client and stakeholder complaints.

RESPONSIBILITY FOR OVERSIGHT AND REVIEW:

Steering Committee
Statewide Coordinator

RESPONSIBILITY FOR IMPLEMENTATION:

Steering Committee
Statewide Coordinator
All Staff Members

RELATED POLICIES:

Staff Grievance and Discipline
Privacy and Confidentiality
Organizational Decision Making
Staff Induction

RELEVANT FORMS AND DOCUMENTS:

Complaint Form
Client version of Client Complaints Process

DATE OF ENDORSEMENT:

14/10/2015

FREQUENCY OF REVIEW:

Following resolution of each client complaint

DATE OF ENDORSEMENT:

FREQUENCY OF REVIEW:

15/10/2015

Every two years

Version Number:

Date Approved:

Notes:

1.0

1.1

(14/10/2015)

1. Introduction

Tenants Queensland (TQ) is funded under the Statewide Tenants' Advice and Referral Service (STARS) Program to achieve two overarching outcomes:

- ☆ Queenslanders are aware of their rights and responsibilities and support services available to assist them to resolve tenancy and residency issues.
- ☆ Queenslanders can exercise their rights to resolve tenancy/residency issues, particularly in relation to security of tenure, safe and appropriate accommodation and contractual matters.

The Principles of the STARS Program will be supported by Tenants Queensland through the Complaint Management Policy, namely:

- ☆ Only services and activities that contribute to the achievement of the program's objectives may be delivered through this program.
- ☆ Services funded through this program may only be provided to Eligible Persons.
- ☆ Services funded through this program will be provided free-of-cost to Eligible Persons.
- ☆ Services will be delivered flexibly to meet individual needs and circumstance.
- ☆ The STARS program will provide assistance to all eligible Queenslanders and all reasonable efforts will be made to ensure appropriate levels of service are available in all locations.
- ☆ The STARS program encourages innovation and the Program Requirements will be regularly reviewed to ensure service responses and service delivery models and methods are effective and efficient.
- ☆ Services will be delivered to a high standard.
- ☆ All STARS Providers will ensure priority is given to vulnerable and disadvantaged Queenslanders.
- ☆ All STARS Providers will work collaboratively with other community and government agencies in the best interests of Eligible Persons.
- ☆ All STARS Providers will be accountable to the users of the service and the Queensland government.

TQ ensures clients and stakeholders have access to open processes for making complaints about the organisation as a whole, individuals within it and/or services provided. For the purposes of this policy, stakeholders including sub-contractors and project partners are considered as clients and it provides direction for responses to internal and external complaints.

Clients are encouraged (not deterred) to make complaints about any aspect of the service with which they are dissatisfied. All client complaints are taken seriously and thoroughly considered

TQ recognises the benefit of receiving complaints as an opportunity to enhance service provision.

2. Principles of natural justice

The following principles of natural justice are applied by TQ in addressing client complaints to ensure a fair and equitable response which is objective and impartial

- Clients have the right to complain
- Workers have the right to know of complaints made against them and offer a response
- Clients are not denied continued service having made a complaint
- All complaints are appropriately investigated in a timely manner
- All parties to a complaint have the right to be heard
- All parties can be represented or supported by an advocate at any time if preferred
- All relevant submissions and evidence are considered in making determinations
- Complainants and respondents can appeal if dissatisfied with the grievance outcome

3. Grounds for complaints

Clients can make a complaint about any experience with TQ they consider problematic, including but not limited to:

- Breach of confidentiality or privacy
- Inadequate standard of service provision and/or professionalism
- Denial of personal rights
- Discrimination or harassment
- Conflict arising from lack of communication or misunderstanding
- Organisational policy issue
- Problem with advice or action recommended

4. Making a complaint

Where a complaint is made by a partner organisation under the STARS program and relevant to the formal agreement between the two organisations, TQ will initially refer the complainant to the relevant section of the contract covering dispute resolution.

Other clients can make a complaint verbally or in writing, by approaching either:

- A permanent staff member of their choice
- The Statewide Coordinator
- The Steering Committee
- An external body (e.g. Department of Housing and Public Works, Residential Tenancies Authority, Legal Aid, ombudsman)

Clients may also request an advocate to make a complaint to Tenants Queensland on their behalf.

Any person taking a complaint completes a Complaint Form (Appendix A).

Tenants Queensland organises interpreter assistance for any person who requires it to make a complaint, and supports and assists clients to make written complaints if they wish to do so.

The person taking the complaint assesses whether the grievance is a:

- Level 1 complaint: relating to a simple and easily resolvable misunderstanding or miscommunication
- Level 2 complaint: relating to a conflict between clients or workers or a Level 1 complaint which has not been satisfactorily resolved via an informal process
- Level 3 complaint: relating to harassment, unprofessional conduct, abuse, mistreatment, infringement of rights

The person taking the complaint can attempt to immediately resolve a Level 1 complaint informally and verbally. In such an instance, the process is completed once the client is satisfied with the resolution, the outcome is documented and attached to the Complaint Form and the Statewide Coordinator is informed.

In the case of Level 2 and Level 3 complaints, the person taking the complaint:

- Offers to send the client a copy of client version of the grievance procedure, as per section 11
- Offers the client the option of having the complaint addressed by either the Steering Committee or Statewide Coordinator (if the Statewide Coordinator is on leave, the matter is automatically referred to the Steering Committee)
- Refers the matter to the Steering Committee or Statewide Coordinator, depending on the client's stated preference
- Refers any complaint made against the Statewide Coordinator to the Steering Committee

Upon receipt of a complaint, the Statewide Coordinator or Steering Committee determines whether the complaint relates to:

- An individual staff member
- Services and programs provided by the organisation
- An external issue outside the control of the Tenants Queensland.

In cases where it is determined a complaint relates to an external issue, clients are referred to the appropriate external body.

The Statewide Coordinator immediately informs the Steering Committee of any Level 3 complaints received.

If the potential exists for legal action to be taken against TQ with respect to the complaint, the Statewide Coordinator or Steering Committee must immediately inform the appropriate insurers.

5. Anonymous complaints

TQ supports clients making informal complaints and remaining anonymous.

Requests for anonymity are only breached where the complaint is assessed at Level 3 and relates to a serious duty of care issue which could potentially place other clients or organisational members at risk.

Any decision to breach a client's request for anonymity is made by the Statewide Coordinator or Steering Committee, and clearly explained to the client.

6. Informing staff of complaints

In the event that clients make a complaint against an individual staff member, the person taking the complaint consults with the Statewide Coordinator to determine who will inform the staff member concerned.

If a Level 1 or Level 2 complaint is made against the Statewide Coordinator, the person taking the complaint can either:

- inform the Statewide Coordinator directly that a complaint has been made
- refer the matter initially to the Staff Liaison Person to determine who will inform the Statewide Coordinator

If a Level 3 complaint is made against the Statewide Coordinator, the person taking the complaint must refer the matter immediately to the Steering Committee. In such an instance, the Steering Committee informs the Statewide Coordinator of the complaint.

Any staff member against whom a complaint is made is instructed not to directly or indirectly contact the client. Staff members must not attempt to persuade or pressure clients to withdraw a complaint made against them or another person in the organisation.

7. Resolution of Level 2 and Level 3 complaints

7.1 Stage 1 resolution

Upon receipt of a client complaint, the Statewide Coordinator or delegated Steering Committee member initially informs any staff members involved and obtains their response. Staff members have the option to document a response in writing within 24 hours, prior to the client being contacted by the organisation.

The Statewide Coordinator or a delegated Steering Committee member contacts the client within two working days to acknowledge receipt of the complaint and listen to their issues of concern.

If the Statewide Coordinator or Steering Committee member does not believe there are grounds for a complaint, they communicate their reasoning to the client and provide options for further progressing the complaint if not satisfied (e.g. taking the complaint to the Steering Committee or an appropriate external body).

If the Statewide Coordinator or Steering Committee member believes there are grounds for a complaint, they attempt an immediate resolution of the complaint, if possible, by suggesting an appropriate solution or course of action.

Having discussed possible resolutions, the Statewide Coordinator or Steering Committee member outlines the range of options available to the client for proceeding with the complaint. This may include finalising the complaint on the basis of suggested resolutions or progressing the complaint further.

Outcomes are recorded and attached to the Complaint Form.

In the event that the complaint is resolved during this contact, the Statewide Coordinator or delegated Steering Committee member:

- may elect to write to the client acknowledging the complaint and agreed actions to be taken
- may elect to write to staff members involved to clarify outcomes
- implements agreed actions to be taken
- ensures all paperwork is completed and filed confidentially as per the Privacy and Confidentiality Policy

In the event that the complaint is not resolved during this contact, the Statewide Coordinator or delegated Steering Committee member:

- sends a letter to the client acknowledging the complaint and processes to follow, including a copy of the grievance procedure if this has not been previously provided

- refers the matter to the Steering Committee for a Stage 2 resolution, with the consent of the client
- ensures all relevant paperwork is completed and forwarded to Steering Committee

7.2 Stage 2 resolution

Once the complaint has been referred to the Steering Committee, the Committee convenes a special meeting within fourteen days to develop a plan for resolution.

The Steering Committee may delegate responsibility for investigating and resolving the complaint to select Steering Committee members, the General Disputes Subcommittee or an external person.

The appointed persons investigate the complaint by separately meeting with the client, staff members involved and any other relevant persons, within ten working days.

Within the following five working days, the appointed persons recommend a course of action based on their investigation, and report to the full Steering Committee for decision making.

The Steering Committee decides on a course of action as per the Organisational Decision Making Policy, and writes to the client and any staff members concerned detailing the decision.

In the event that the Steering Committee is unable to resolve the complaint, or the client is not satisfied with the outcome, the client is referred to an appropriate external body (e.g. Legal Aid Program, Department of Housing and Public Works, Queensland Law Society, Office of Fair Trading, relevant ombudsman or commission).

The Steering Committee ensures all relevant paperwork is completed and filed confidentially as per the Privacy and Confidentiality Policy.

8. Possible resolutions

Persons appointed to resolve complaints can suggest any actions deemed appropriate or necessary. Possible remedies may include but are not limited to:

- no further action if grounds for complaint not substantiated
- explanation of TQ policies and/or practices to client
- additional service, support and assistance for client
- change to TQ policies and/or practices
- training and/or supervision for staff members concerned
- formal written apology to client
- mediated agreement between Tenants Queensland and client

- recommendation to Steering Committee for disciplinary action against staff member(s), as per Staff Grievance and Discipline Policy
- any combination of the above

9. Training

Any person appointed to resolve a complaint is provided with relevant training and support where required and within available resources. This support will include if required, direction on relative culturally sensitive considerations.

10. Record Keeping

Records of client complaints, including Complaint Forms and all attached documentation, are stored in the Sensitive File in the Brisbane Office as per the Privacy and Confidentiality Policy.

In the event that a complaint against a staff member is substantiated and formal action taken, a record is kept on the staff member's file.

If the complaint is not substantiated and/or is resolved informally, a record is not kept on the staff member's file.

11. Informing clients and staff members of complaints procedures

The TQ Complaints Management Policy is publicly available to clients, funding bodies and any other person as requested.

TQ service brochures and website state that the organisation welcomes feedback from clients, both positive and negative, and clearly outlines steps for making complaints. An agreed timeframe for resolution of the complaint will be discussed with the complainant.

TQ ensures all new staff members are introduced to the Client Complaints Policy as part of their induction process.

12. Monitoring of client complaints

Prior to the Annual Planning Weekend, the Statewide Coordinator collates information from the previous twelve months of Complaint Forms to report on the number and nature of client complaints received.

This information is to be used to plan and improve TQ services where required.

Appendix A: Complaint Form (NB: This form has been condensed)

COMPLAINT FORM

NB: If more space is required, please attach additional pages to this form.

Date:

Name of person taking complaint:

Name of complainant:

Name of respondent:

Type of complaint:

- Client complaint
- Staff grievance
- Workplace discrimination or harassment
- Complaint re: recruitment and selection process

Outline circumstances of complaint: (including date/s of incident; description of incident; any follow-up action taken by complainant)

Outline any information/ advice provided to complainant:

Outline complainant's preferred method for resolving/ proceeding with the complaint:

Outline actions to be taken:

Signature of person taking complaint: _____

Any further documentation arising from the resolution of the complaint is to be attached to this form. This form is to be stored confidentially as per the Privacy and Confidentiality Policy.

Appendix B: Process Outline

COMPLAINTS PROCESS

This document provides information on the process for lodging a complaint with TQ and also the process that we will follow in response to being notified of a complaint. A full copy of our complaints policy can also be requested.

TQ seeks to ensure clients have access to open processes for making complaints about the organisation as a whole, individuals within it and/or services provided. Complaints are taken seriously and thoroughly considered and all attempts are made to resolve the matter as quickly as possible. TQ seeks feedback from clients and recognises client complaints as a way of improving its services.

As a client of TQ, you have grounds for complaint where you feel there has been:

- A breach of confidentiality or privacy
- Inadequate standard of service provision and/or professionalism
- Denial of personal rights
- Discrimination or harassment
- Conflict arising from lack of communication or misunderstanding
- Organisational policy issue
- Problem with advice or action recommended

You can make a complaint in writing or verbally and you can ask an advocate or someone else on your behalf to make the complaint, by approaching either

- A permanent member of staff
- The Statewide Coordinator
- The Steering Committee

CONTACT DETAILS

Phone: 3832 9447, Fax: 3910 1108

Email: mail@tenantsqld.org.au

Address: 3/67 St Paul's Tce, Spring Hill 4000

In resolving the complaint the following steps will be followed.

STEP 1

Within two days of making your complaint the Statewide Co-ordinator or a member of the Steering Committee will contact you to listen to your issues of concern. They may be able to work out an appropriate solution or course of action to resolve your concerns. You may receive a letter detailing the nature of the complaint, the agreed actions and resolution.

STEP 2

If the matter is not resolved, you can ask that it be referred to the Steering Committee who may delegate a few members to investigate and resolve the complaint by separately meeting with you, staff members involved and any other relevant persons, within ten working days.

STEP 3

Within the following ten working days, the delegated people will recommend a course of action based on their investigation. The Steering Committee will write to you and any staff members concerned detailing the decision.

STEP 4

In the event that the Steering Committee is unable to resolve the matter or you are not happy with the outcome you will be referred to the appropriate external body such as

- The Department of Communities
- Legal Aid
- A mediation service
- Or other body

The following principles of natural justice are applied by TQ in addressing client complaints;

1. Clients have the right to complain
2. Workers have the right to know of complaints made against them and offer a response
3. Clients are not denied continued service by making a complaint
4. All complaints are appropriately investigated in a timely manner
5. All parties can be represented or supported by an advocate at any time if preferred
6. All relevant submissions and evidence are considered in making determinations
7. Decisions are fair, just and free from bias
8. Complainants and respondents can appeal if dissatisfied with the grievance outcome

An anonymous informal complaint can also be made to TQ.