

Complaints Management

Responsibility: ED / Senior Lawyers

Policy Statement

JobWatch recognises the important role of complaint handling, as a key part of the service provided to Victorian, Queensland and Tasmanian workers and as a tool for monitoring our services. All concerns that are raised will be addressed in ways that ensure access and equity, fairness, accountability and transparency.

The following procedures enable JobWatch to identify, investigate and respond appropriately to complaints.

What is a Complaint?

A complaint is any expression of dissatisfaction with JobWatch services that cannot be immediately addressed to the complainant's satisfaction (for example by the provision of information or explanation) that warrants response or resolution.

A person is not required to specifically state that they have a complaint in order for a matter to be dealt with as a complaint. However, if the person is unclear about the reasons for raising the concerns, their agreement should be sought before passing on details of the complaint for investigation and/or response.

Principles

JobWatch will:-

- ensure that all service users, their families, friends, carers or advocates are encouraged and supported to raise any concerns they have about the service or organisation and protects them against retribution
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution. Information will only be disclosed if required by law, or if otherwise necessary
- allow the participation of a support person or advocate to assist service users who make a complaint and require support.
- resolve complaints, where possible and appropriate, to the satisfaction of the complainant
- resolve complaints at the local level, so far as is possible
- legal practice clients, families and advocates have access to the organisation's complaints management procedures in an accessible format

- deal with all complaints in a timely manner, and aim to provide a formal resolution to the complaint within 30 days of the complaint being received
- keep parties to the complaint appropriately involved and informed of progress of the complaint
- ensure that Committee of Management members, staff, are given information about the complaints procedure as part of their induction and are aware of procedures for managing client feedback and complaints.
- ensure that all complainants are aware of how to escalate their complaint to the relevant external body
- ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements
- review and evaluate the accessibility and effectiveness of the complaints management system and continually improve its processes

Training Procedures

Staff will be trained on the complaints management procedures during their induction, and as part of ongoing refresher training.

JobWatch Complaints Procedure

Making a Complaint

A person wishing to make a complaint may do so in writing or verbally to:

- the staff member, intern or volunteer they were dealing with at the time
- a senior lawyer
- the Executive Director
- the Committee of Management

Complaints may be made by:

- Written complaints may be sent via post to Level 10, 21 Victoria Street, Melbourne Vic 3000 or via email to jobwatch@jobwatch.org.au The office manager will be responsible for receiving this correspondence and directing it to the appropriate person

- Feedback and complaints via telephone may be made on (03) 9662 9458
- Anonymous complaints may be made in writing via post to Level 10, 21 Victoria Street, Melbourne Vic 3000.

If the complaint is about:

- An intern or volunteer the complaint will normally be dealt with by a senior lawyer
- A staff member, the complaint will normally be dealt with by the Executive Director
- If the complaint relates to the Executive Director the complaint will be directed to the Chair of JobWatch's Committee of Management
- If the complaint relates to the legal practice, a Senior Lawyer will investigate and respond to the complaint in accordance with JobWatch's Terms of Engagement.
- If the complaint relates to other aspects of the service, then the ED will investigate and respond to the complaint

Complaints made by workers who have found it difficult to access the JobWatch Telephone Information Service will not be dealt with in accordance with the procedures in this policy. Workers who have found it difficult to access the JobWatch Telephone Information Service are able to leave a review on Google. JobWatch will regularly monitor its reviews on Google.

Procedure for Complaints

1. Receiving the Complaint:

- listening to the complainant, acknowledging the concern raised, and explaining the next steps to the complainant
- depending on the type and severity of the complaint, either discussing with the complainant an agreed upon resolution (for smaller matters), or referring the complaint on to a senior lawyer for further investigation and action

The person managing the complaint will be responsible for:

2. Processing the complaint (or review/appeal):

- registering the complaint in the Complaints and Appeals Register
- informing the complainant that their complaint has been received and providing them with information about the process and time frame

3. Investigating the complaint or appeal:

- examining the complaint within 30 days of the complaint being received

- investigating the complaint and deciding how to respond
- informing the complainant within 14 days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution

As far as possible, complaints will be investigated and resolved within 30 days of the complaint being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

4. Responding to and resolving the complaint:

- Making a decision or referring to the appropriate people for a decision within 30 days of the complaint being received
 - informing the complainant of the outcome and the reasons for any decisions made in writing
 - upheld (and if so, what will be done to resolve it)
 - resolved (and how this has been achieved); or
 - if no further action can be taken, the reasons for this

5. In advising the complainant of the outcome of the complaint, advice will also be provided about:

- (a) In the case of a complaint relating to JobWatch's legal practice, the complainant's right to complain to the Legal Services Commissioner
- (b) In the case of a complaint relating to other aspects of our service, any right the complainant has to complain to another body

Actions arising from the complaints process and/or resolution will be implemented. The details of all actions arising from the complaints process and/or resolution are to be recorded in the Complaints and Appeals Register.

JobWatch Complaints Procedure – Complaints regarding JobWatch Legal Practice Services

Information about how to complain about JobWatch's legal services is included in JobWatch's Terms of Engagement which is provided to clients as soon as possible after a client file is opened or at another appropriate time as decided by the Senior Lawyer/s.

The Terms of Engagement will contain information on the following:

- how to make a complaint or lodge an appeal, including an anonymous complaint
- contact person for lodging complaint or appeal

- how the organisation will deal with the complaint or appeal, the steps involved and the timelines
- the rights of a complainant to an advocate, support person or interpreter
- how the person will be informed about the outcome of their complaint or appeal
- how to make a complaint to an external body including contact details

Lodging an Appeal / Request for Review

Clients or their advocates may lodge an appeal if they disagree with a decision made by the organisation, or by a staff member. An appeal should be made in writing via post to Level 10, 21 Victoria Street, Melbourne Vic 3000 or via email to jobwatch@jobwatch.org.au The office manager will be responsible for receiving this correspondence and directing it to the appropriate person.

An appeal/review will be conducted following the procedures outlined above.

1. Reviewing the Complaint:

- If the complainant is not satisfied with the investigation and proposed resolution of their complaint or appeal they can seek a further review of the matter by the Executive Director.

2. Referral to External Procedure:

- A formal external complaints procedure may be pursued if the complainant is still not satisfied with the outcome. The complainant will be referred to the relevant body and provided information to make the complaint externally if necessary

Complaints involving specific staff members or interns/volunteers

Internal complaints, where a staff member or intern/volunteer makes a complaint concerning another staff member, intern or volunteer, will be dealt with in accordance with the Working in a Safe Environment Policy and the JobWatch Enterprise Agreement.

External complaints by clients or stakeholders made against a staff member (or intern/volunteer) will be managed by the Executive Director who will:

- notify the staff member (intern/volunteer) of the complaint and its nature
- investigate the complaint and provide the staff member (intern/volunteer) with an opportunity to respond to any issues raised
- attempt to resolve the matter to the satisfaction of the outside party

- take any other action necessary to resolve the issue

Cooperation in external investigations

If any person makes a complaint about JobWatch to an external body (including police, Ombudsman), the Executive Director will be responsible for liaising with the body responsible for investigating the issue. JobWatch will fully cooperate in any investigation which may take place. This includes participating in early resolution, conciliation, and/or reporting to the body about resolution and corrective actions if required.

Record Keeping

A Register of Complaints and Appeals will be kept in a locked cabinet for a minimum of seven years after the complaint has been made. The register will be maintained by the Office Manager and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

Copies of all correspondence will be kept in a locked cabinet

The Complaints and Appeals Register and files will be confidential and access is restricted to the Executive Director, Senior Lawyers and the Office Manager.

The Complaints and Appeals Register will be reviewed by the Senior Lawyers and used to:

- Inform service planning by including a review of complaints and appeals
- Inform decision making

Continuous Improvement of the Complaints Management System

The complaints management system will be reviewed and evaluated every 2 years. This will include:

- review of all complaint and feedback policies and procedures