



### **8.3 HCCA Complaints Procedure**

#### **A. Introduction**

1. The Health Care Consumer's Association ACT (HCCA) aims to provide services of a high standard and quality, and which are consistent with its strategic directions, vision and mission.
2. HCCA acknowledges that its members, committee and reference groups members, consumer representatives, agencies and all people who have dealings with the organisation, have the right to complain about HCCA, its policies and personnel; and to make suggestions about how services can be improved. It also recognises the importance of privacy, confidentiality and fairness in dealing with any complaint.
3. Complaints are usually concerns that people have about services, the actions of staff, volunteers, members (including consumer representatives), committees and the policies of HCCA.
4. Anybody who deals with HCCA can complain about any aspect of the organisation's operation that he or she is not satisfied with, which may include:
  - a. treatment by staff and management;
  - b. quality of service;
  - c. time taken to respond to requests for service; and
  - d. decisions of HCCA committees.

#### **B. Objectives of this complaints procedure**

5. This complaints procedure provides a framework for raising and dealing with complaints or grievances which arise from the work of HCCA. It aims to provide an efficient, clear, non-threatening, fair and accessible mechanism for dealing with problems which arise and for ensuring that HCCA applies quality processes to manage complaints. HCCA is committed to fostering a collaborative culture for the informal resolution of complaints so as to minimise the risk of complaints developing into grievances.
6. As a consumer organisation, HCCA is committed to seeking and incorporating feedback from its members.
7. HCCA is also committed to providing an environment and complaints process where consumers can provide feedback and/or lodge formal complaints, without

fear of retribution. This complaints procedure forms a part of HCCA accountability and quality improvement processes.

8. In order to achieve this, HCCA is committed to providing training as appropriate for staff and members involved in resolving complaints.

### **C. Overriding Principles**

- i. Honest and respectful communication between all those associated with HCCA will in most instances prevent grievances from arising.
- ii. These procedures do not override the rights of all parties involved, including natural justice, fairness, freedom from bias and the industrial rights of staff and management;
- iii. These procedures do not override the HCCA Constitution;
- iv. Confidentiality and privacy will be respected throughout the process;
- v. Every effort will be made to resolve matters promptly and as close to the source as possible;
- vi. People making complaints can expect freedom from unfair repercussions; and,
- vii. Complaints and feedback generally will be used to improve the operations of HCCA

### **D. Who can make a complaint?**

9. With the exception of employees and members of the Executive Committee, any person who has dealings with HCCA can make a complaint through the complaints procedure. This includes people who rely on HCCA for information, advocacy and policy advice, volunteers, members of HCCA, members of HCCA working groups and committees and other service providers and agencies.
10. This Procedure also applies to unresolved complaints that develop into grievances. These can include the breakdown of working relationships due to personality conflicts, misunderstandings about the nature of roles (for example the boundaries of consumer representative roles), differing treatment between groups of members (or perceptions of such differing treatment), inappropriate behaviours such as bullying or harassment.

### **E. When does this Procedure not apply?**

11. This Procedure does not apply to concerns which members or Executive Committee members may have in regard to decisions made by the Association. The appropriate mechanism for dealing with these concerns is that they be raised at a subsequent Executive Committee meeting.
12. This Procedure also does not apply to concerns particular members of the Executive Committee may have about one or more employees. These concerns

should be discussed with the President of the Executive Committee, and managed via the staff appraisal process.

13. Finally, this process does not apply to grievances between employees, (between staff and between a staff member and management), which are covered in a separate policy: 5.4 Staff Complaint and Dispute Resolution.

## F. Procedure

- i. Whilst the complaint is being determined, HCCA work shall continue normally in accordance with the custom and practice existing before the complaint arose.
- ii. A copy of all relevant documents, including document 8.3 HCCA Complaints Procedure, should be provided to the complainant.
- iii. Before proceeding with a complaint, the person should attempt to resolve the matter with the other person/s involved. If the matter is in relation to a decision made by a HCCA committee, the first contact should be with the Chair of that committee. If the matter cannot be satisfactorily resolved at that level, or if the matter is about the Chair in particular, then the complaint should be directed to the Executive Director.
- iv. If the matter is not resolved, the person should notify the Executive Director - unless the complaint is against the Executive Director in which case the matter should be referred to the President of the Association. The ED (or President) should decide how to proceed, and may choose to:
  - a. investigate the matter;
  - b. appoint a mediator or counsellor to resolve the grievance in consultation with the complainant; or,
  - c. take no action on the grounds that the grievance is not within the scope of this procedure
- v. If proceeding, this notification should include the nature of the grievance (including where, when, what, how and why), who (or what party) was involved, and how the person would like to see the complaint resolved.
- vi. Ideally the complaint should be in writing, but where this is not possible, the Executive Director shall arrange for the complaint to be transcribed.
- vii. Due care will be taken to protect the confidentiality of all parties to the complaint throughout this procedure.
- viii. The organisation or individual making the complaint (the complainant) may have an advocate or another person to provide them with support throughout the process.
- ix. After receiving written notification of the grievance, the Executive Director will acknowledge receipt of the complaint in writing to the complainant, within five working days.

- x. The complainant may request that a person not directly involved in the matter be appointed to deal with the complaint. This person would have to be agreed upon by HCCA before the complaint could proceed.
- xi. The Executive Director may delegate another person eg the President, to continue the complaint process. This person would need to be agreed upon by the complainant before the complaint could proceed.
- xii. The Executive Director, (or the person identified at 8 or 9 above), will meet or discuss with the complainant to collect any additional information that may be needed.
- xiii. If the complaint relates to the actions of a particular individual/s, (the respondent/s), the Executive Director, (or the person identified at 9 or 10 above), will meet or discuss with the respondent/s the nature and details of the grievance, and seek their understanding of what occurred and what resolution they believe is fair.
- xiv. Principles of natural justice will apply, and the respondents may have an advocate or some other person to support them during the process.
- xv. The Executive Director, (or the person identified at 9 or 10 above), will then offer to facilitate a meeting with the two (or more) parties to the complaint in an attempt to resolve the matter.
- xvi. Either party may decline this option, or request that this meeting be facilitated by an external organization skilled in conflict resolution and/or mediation. Should this option be exercised, HCCA will meet all reasonable costs associated with this process.
- xvii. Parties involved in the complaint may choose to have an observer or advocate attend this discussion with them.
- xviii. A written report will be made of this meeting and all parties will be asked to sign this report.
- xix. If the complaint remains unresolved, (or if the option of a meeting is not agreed to by either party) the matter, (including the written report of any discussion between the parties), will be passed to the HCCA Executive Committee.
- xx. The Executive Committee may,
  - a) propose alternative methods for resolving the grievance; or
  - b) make a timely decision on the information before them.
- xxi. If no resolution is achieved through an alternative process, the Executive Committee shall make a decision on the information before them.
- xxii. The President shall write to the complainant and respondent/s within 10 working days of the decision being made, informing them of the Executive Committee's decision and reasons for the decision. The President shall advise both parties of their respective appeal options.
- xxiii. The complainant may at any time, and/or if they not satisfied with the decision or the process, lodge a complaint with the ACT Commissioner for Health Complaints.

- xxiv. All other respondents who are dissatisfied with the decision or process should first discuss their concerns with the President.

### **G. Quality assurance**

14. At the conclusion of the process, eg when a complaint has been resolved, or the matter has been withdrawn, the ED shall review the issues raised in the complaint and consider whether any changes to HCCA operations are warranted.
15. If the ED decides changes to HCCA operations are required, including counseling of staff, the ED shall report the matter to the Executive Committee for their endorsement.
16. The ED shall maintain a private and confidential record of all complaints, detailing the nature of the complaint and any corrective action taken by HCCA.
17. Records will be kept in accordance with statutory requirements.

### **H. Relevant Policies and Procedures:**

- i. HCCA Constitution
- ii. HCCA Code of Conduct
- iii. Staff Complaint and Dispute Resolution
- iv. Managing Unreasonable Conduct