

Purpose of this procedure

This procedure defines how complaints from consumers, stakeholders, providers and employees are received, responded to and resolved at EMPHN. It directly supports EMPHN's Feedback and Complaints Policy.

Scope

This procedure explains how to lodge a complaint with EMPHN, and how that complaint will be managed. It sets out the roles and responsibilities of EMPHN employees in managing complaints received by organisation.

Obligations

Complaints must be handled impartially, confidentially and in a reasonable timeframe.

Policy

This procedure is pursuant to the Feedback and Complaints Policy.

Procedure

Making a complaint

Where possible, and aligned with EMPHN's values of courage, integrity and working together, it is our organisational preference that the first resolution option is a conversation with the person or team who works in or is responsible for the area of the complaint.

Where informal resolution is unsuccessful, or not suitable in the circumstances, formal complaints can be lodged with EMPHN via the feedback portal on the website, the internal intranet or directly into the organisation's risk system, TICKIT.

Complaints can be lodged anonymously – however this may hamper EMPHN's capacity to investigate and resolve a complaint.

Include sufficient detail to enable EMPHN's investigation officer to fully address the complaint or conduct an investigation, such as:

- A clear statement of the complaint, and who is involved
 - also include, dates, times, witnesses, other evidence
- Any resolution attempts that have already been made
- How you want the complaint managed – for consideration by the investigator
- What outcome would be acceptable to you

How EMPHN manages complaints

1. Once a complaint is lodged online, acknowledgement of receipt is system-driven and immediate. Complaints received by employees, either verbally or written must be acknowledged by the employee; and then entered into the risk management system, TICKIT.
2. The Risk Manager is notified by the system. Where the complainant is an employee, the Risk Manager may make the assessment that the complaint should be handled as a workplace grievance. In this case, the manager makes contact with the complainant to explain the alternative management paths; and to check on the employee's well-being and immediate safety.
3. Within 3 working days of receipt, the Risk Manager assigns an appropriate and impartial (based on the nature of the complaint) investigating officer. In the most serious cases, or where there is a potential conflict, this decision is made in consultation with Legal Counsel.

NOTE: For serious allegations by an employee, the investigating officer must be senior to the complainant. Where necessary, an external investigator is appointed.

4. The appointed investigator meets with the complainant within 6 working days of the complaint being lodged, to explain the process and their rights and responsibilities.

These initial discussions must include:

- The expected timeframe for the investigation and resolution of the complaint
- How the complaint will be investigated
- Who will receive copies of any statements and records of interviews
- Who can be present at the interviews (interviews have the right to have a support person in attendance)
- Whether parties can refuse to participate
- If required, what interim measures will be taken to support and ensure the safety and welfare of the complainant

The investigation

1. The investigation is conducted, including:
 - Interview all relevant parties
 - Enable any respondent to respond to the complaint
 - Provide a written summary of the points of view from each relevant party to the other parties
2. A determination is made – within 20 working days of receipt of the complaint – assuming availability of all relevant parties. Where the outcome is delayed, for this or any other reason, the complainant must be kept informed of the expected date of outcome.
3. The investigator provides a written report of the findings and outcomes of the investigation to the relevant Executive Director. The determination must include whether the complaint was justified, and a recommendation on whether any further action needs to be undertaken.

4. The complainant is notified of the outcomes in writing – although where appropriate, they may receive an abridged version of the full report.

Potential Outcomes

In the event a complaint cannot be substantiated, the investigator will make recommendations to remedy the issue via mediation. However, the investigator may also rule that no further action is taken.

Where a complaint is substantiated, one or a combination of responses may be recommended:

- The complainant receives an apology
- Change to an EMPHN program or process
- Remedial training for EMPHN employees where improvements are required
- Disciplinary measures taken against an employee

Appeal Process

If the complainant disputes the decision made by the investigator, they can appeal the decision in writing – within 10 working days of being formally advised of the investigation the outcome. All appeals must be directed to the CEO, who will assign an appropriate officer to conduct a review.

When an appeal triggers a review, this is not a fresh investigation of a complaint. The review considers:

- the process adopted by the investigating officer and whether it was appropriate to address the issues raised
- the merit of the initial conclusions and whether they were clearly and appropriately explained to the complainant

The reviewing officer may:

- uphold the original outcome; or
- refer the matter back to the original assessment officer or another officer for further review/action.

An internal review can only be conducted once, subject to the finalisation of any matters referred back to an assessment officer for consideration.

The response to any appeals made will be made within 10 working days, with the expectation that if the appeal requires further investigation, all parties will be advised of the expected timeframe.

Application of determination

A senior manager, as appointed in the determination will implement the recommended outcomes with the appropriate supports, such as Human Resources.

Reporting

All feedback incidents are reported quarterly through EMPHN's risk and incident report to the Executive and the Board – these include complaints and complaint management and closure, trend data and preventative measures.

Where to get help?

- For enquires about this procedure, contact the owner: Privacy Officer
privacyofficer@emphn.org.au
- You can provide feedback on this procedure, or EMPHN's handling of a complaint by using the feedback option on our website or internal intranet