

# Complaints Management Policy

Policy version: 1.1

## Acceptance Certificate:

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## 1. Background

SWOP views a complaint as an expression of dissatisfaction about our organisation, our Executive Committee, our staff, our volunteers, our partners, our contracted service providers or anyone else acting on our behalf. While complaints may address an issue with SWOP or its services, they also provide an opportunity for SWOP to continually improve and to address any dissatisfaction among our service users, stakeholders or the broader public.

## 2. Policy Statement

The purpose of this document is to provide guidelines for effective handling of complaints from service users, stakeholders, and other members of the public. As well as the principles and procedures outlined in this policy, SWOP's response to complaints must also comply to the requirements of our funding bodies. As such, this policy must be read in conjunction with SWOP's current funding agreements. This policy does not cover internal complaints or whistleblowing. Internal complaints (grievances) are resolved using the procedures outlined in the SWOP Enterprise Agreement and the Resolving Conflicts in the Workplace Policy.

## 3. Key Principles

SWOP is committed to supporting, and applying the key principles of an effective complaints procedure:

- Complaints policy and procedures will be easy to use and publicly accessible through the SWOP website, along with the Complaints Form (see Appendix A). The policy complies with legislative requirements.
- Complaints should be acknowledged as received and acted on as quickly as possible. Parties should be kept informed about any follow up action relating to the complaint.
- The confidentiality of the complaint, the person making the complaint and related parties should be respected throughout the complaint resolution process.
- Wherever possible, complaints should be resolved informally at the lowest possible operational level, and should be resolved as quickly as possible.
- The person making the complaint has the right to be supported by another person, as appropriate.
- Complaints should be carefully considered to ensure procedural fairness and natural justice, and should allow for:
  - A reasonable opportunity for the involved parties to explain their position in relation to the complaint
  - An objective assessment of the information supplied by all parties
  - The provision of reasons for decisions or conclusions made, with enough information supplied to enable a party to decide if they want to challenge this outcome.
- Responses to a complaint should be guided by what the person making the complaint is seeking as a remedy (accepting that this may not always be possible).

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- Complaints are a learning tool for the organisation and should always be documented and used to further quality improvement (see the Quality Improvement Policy).

## 4. Responding to Complaints

### 4.1. **General Complaints Handling**

Some guidelines for handling complaints:

- Complaints should be able to be made in a form which suits the person making the complaint – i.e. verbal or written (e.g. using the [online complaints form](#), a paper form, or via email).
- In responding to complaints, our goal is to listen to what the person making the complaint is telling us and to respond in an appropriate and supportive manner, staff should endeavour not to become defensive. If this is an issue, or a staff member does not feel equipped to handle the complaint, then staff should refer the matter to their line manager immediately. If needed, staff may access support in complaints handling, for example through their line manager and/or Learning and Development courses.
- If relevant, staff may express that abusive or personal feedback from the complainant as unacceptable while continuing to hear out the complaint.

### 4.2. **Handling Informal Complaints**

SWOP aims to resolve complaints at the lowest possible level and at the earliest opportunity. Staff should respond as quickly as possible to complaints, including providing advice as to when the person making the complaint should expect a response. If you are unsure if they want their complaint handled informally, or formally, ask them directly.

Informal complaints are taken where an individual may complain about some aspect of their experience with SWOP but doesn't want to take formal action or lodge a written complaint. In general, these are likely to be of a less serious nature and made in the spirit of constructive feedback. An informal complaint is likely to be verbal or in an email or on social media.

Informal complaints should be responded to by the relevant line manager or the person that is the subject of the complaint. If the person making the complaint is satisfied with the response, there is no need to take further action. However, your line manager should be advised by email.

If a complaint is unable to be resolved at the informal level, then it progresses to be handled in the same way as a formal complaint. However, if a verbal informal complaint is of a more serious nature (e.g. a breach of policy or inappropriate behaviour), the complainant should always be encouraged to put this in writing. If they are unable to do this due to literacy, language or disability issues, then these complaints should be taken verbally by a line manager who will follow the procedure outlined in section 4.4.

### 4.3. **Anonymous Complaints**

There are a number of possibilities for receiving anonymous complaints – for example via the [feedback form](#) on the SWOP website, or on an anonymous feedback form for a SWOP service (e.g. a workshop). This is not ideal, as there are no ways to respond to the person or ask for further information. At the same time, it's important that sex workers are able to remain anonymous if they wish to. Complaints received anonymously

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will be resolved at the lowest operational level, and as quickly as possible. In the case of anonymous complaint involving allegations of a serious nature (e.g. misconduct, harassment), then these will be processed in the same way as a formal complaint (so far as is possible, for example the response will not be able to be sent to the complainant). A complaint form should be completed for all anonymous complaints for record keeping, this should be given to the CEO for addition to the Complaints Management Register.

#### 4.4. **Handling Formal Complaints**

Formal written complaints are likely to be one of the following:

- A verbal complaint which has not been able to be resolved to the complainant's satisfaction and they want to pursue the matter further
- Serious allegations about a staff member or volunteer's behaviour
- Complaints about standards of service received or the failure of a service to meet service user needs
- Complaints about policy and procedures
- More serious matters such as allegations of harassment or discrimination.

The person making the complaint should be encouraged to complete the SWOP Complaints Form – but note that written complaints will be accepted in any form e.g. via email. If a complaint is received by email, there is no need to ask the person to fill in another form – simply attach the email to the Complaints Form.

Some service users may need further assistance to make a complaint, and staff should help the person to make their complaint. Complaints may be made in the person's preferred language. If a service user requires English language assistance, then staff from the Multicultural Outreach Team or the Telephone Interpreter Service can help (note there is a charge for using this service). Where a service user is making a complaint, SWOP should cover all reasonable costs of this service.

If the complaint is about the conduct of you as a member of staff, you should not take the complaint yourself, but refer the service user to the relevant line manager or the CEO to lodge their complaint.

'Relevant' in this case means the line manager of the staff member who is the subject of the complaint. If the complaint is about the CEO, the service user should be referred to the President of the Committee using the online complaint form. If the complaint is about member(s) of the Executive Committee refer to Section 5.0.

Once the complaint has been documented, the following steps should be taken by the person handling the complaint (i.e. either the line manager, the CEO, President of the Committee or external investigator). All steps taken in handling the complaint must also adhere to the requirements set out in SWOP's current funding agreements.

1. Create a file for the complaint, including the Complaint Form and any other evidence or documentation. Evidence should be as detailed as possible, for example including date/time and form of attempted contact.
2. Within one week of having received the complaint, the CEO (or President of the Committee) will acknowledge receipt of the complaint and advise the person making the complaint that the matter will be investigated with a preliminary time frame for the response.
3. The CEO will either investigate the complaint directly or delegate this task to someone else. Any new information or evidence uncovered through the investigation may be considered in determining any actions to be taken in relation to the complaint.

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4. The complaint should be investigated as quickly as possible and a draft official response prepared. All parties named in the complaint should be consulted and the response should provide reasons for any decisions made in relation to the complaint. Where possible, complaints should be investigated and resolved within three weeks of receipt.
5. The draft response will be submitted to the CEO for approval prior to being sent to the person making the complaint. In cases where the CEO has drafted the response, then the President of the Committee will approve the draft. In cases where the President of the Committee or an external investigator has drafted the response, then this will be approved by the Executive Committee. The person reviewing the draft response should consider any possible impacts, such as compromising the organisation or impacting SWOP's insurance cover (e.g. when admitting culpability). This should include a risk assessment (see the Risk Management Plan), and if the risk receives a rating of 1-3, then the draft response must be approved by the Executive Committee. The results of the risk assessment will be supplied to the Executive Committee for consideration, along with the draft response.
6. Once the official response has been sent, the file will be stored in the CEO's office and the details entered into the Complaints Management Register (see Section 4.2). If the CEO or another identified party will be responsible for implementing any actions identified in the response, this will be recorded in the complaint file. The Executive Committee will receive a report on the complaint, the investigation process and the outcome at the next meeting of the Committee (if they were not already involved in the process).

#### **4.5. *Withdrawal/Lapsing of Complaints***

People making complaints can withdraw their complaint at any time. Formal complaints should be withdrawn in writing.

If a person that has lodged a complaint fails to provide requested information, or participate in the resolution process without a valid reason, then written notification will be sent to them letting them know that their complaint will lapse if they don't respond within 14 days. If they do not respond, then the complaint is considered lapsed. Lapsed or withdrawn complaints can only be reinstated if there is good cause.

In the event of a lapsed or withdrawn complaint, all parties should be informed and all documents filed in a secure, confidential location (e.g. M:\Management Files).

Notwithstanding the withdrawal or lapsing of a complaint, SWOP reserves the right to continue any investigation into the complaint or refer the matter to another agency for investigation.

#### **4.6. *Vexatious Complaints***

SWOP acknowledges that most complaints made to us are not frivolous in nature and are made in good faith and after much consideration by the person making the complaint, who is not behaving in a vexatious manner. Occasionally matters may be brought to SWOP that are deemed to be frivolous or made by a vexatious complainer. The SWOP CEO, President, Executive Committee or external investigator may determine a complaint to be frivolous or made by a vexatious complainer, and the Committee may decide to

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dismiss the complaint. This decision is final but should be communicated to the person making the complaint, with documentation held in the Complaint Management Register (see Section 4.8).

#### 4.7. **Resolving a Complaint**

Examples of possible outcomes to any investigation may include\*:

- no further action is warranted
- the complaint is upheld and an apology and/or further action is required, for example mediation or conciliation
- the original decision or action that was the subject of the complaint should be reconsidered in light of new information
- further investigation/management is warranted.

\*this list is not exhaustive

Management of the complaint must include the completion of the attached Complaint Form. Copies of all correspondence including the Complaint Form will be kept with the Complaints Management Register held in the CEO's office. Access to this register is restricted to the CEO. For complaints involving the CEO, all documentation will be submitted to, and held by, the President. Documentation from externally handled complaints, including complaints about the executive committee, should be held by the CEO.

#### 4.8. **Complaints Management Register**

It is essential that written complaints are logged into the Complaints Management Register. Where complaints are received other than in writing, a Complaints Form (Appendix 1) should be completed by a staff member and a copy forwarded by the relevant line manager to the CEO who maintains the Complaints Management Register.

At a minimum, entries should identify the following:

- Date and time of complaint
- Nature of complaint
- The person making the complaint's desired outcome
- SWOP's response, including any suggestions for change in practice
- The person making the complaint's response
- Any follow up action, outcome and/or resolution
- Name and contact details of client (provided they have consented to have this noted)

This register is a useful tool for SWOP when reflecting on practice and for future planning, as it may help to identify any systemic issues that elicit complaints. It is also important to have a record of SWOP's response to the complaint in the event the person chooses to take the matter up again at a later date.

An annual audit of the Complaints Management Register will be undertaken by the Policy and Risk Management Working Group to determine consistency and best practice in record keeping. A statistical summary of complaints will also be prepared by the Policy and Risk Management Working Group annually

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for review by the Executive Committee and used to inform decisions and quality improvement (see Appendix 2).

## 5. Complaints About Committee Member(s)

SWOP members and constituents are entitled to a high standard of governance from the Executive Committee. Members and constituents are entitled to make complaints against Committee members who fail to meet this governance standard.

The reputation of SWOP is an important consideration at all times. SWOP will take very seriously any complaints that allege Committee members have, in their official capacities, behaved unprofessionally, unethically or in ways that threaten SWOP's reputation, ongoing viability or the support of the sex worker community.

Committee members are entitled to their own lives separate to their roles as Committee members. At the same time, Committee members must be aware that, in rare circumstances, actions undertaken in their private lives that directly contradict SWOP's core values may impact on their capacity to undertake their governance role.

SWOP recognises that lateral violence is a component of many marginalised communities, including the sex worker movement. Regrettably, it is possible that SWOP members or constituents may make false complaints or allegations against Committee members. SWOP will approach each situation with an open mind and will not assume that just because an allegation has been made, that it is true.

Committee members are valued SWOP volunteers. They take on very important and public responsibilities on behalf of SWOP, which can leave them exposed to the risk of community criticism and attack. Committee members deserve to be supported by SWOP, especially at times when they are under extra pressure.

Serious complaints against Committee members must be investigated using a process that as far as is reasonably possible:

- a. Is expeditious
- b. Affords natural justice to those against whom complaints have been made
- c. Treats complainants respectfully and affords them a proper opportunity to make their complaints
- d. Is confidential to the extent possible and/or reasonable
- e. Is fair and is seen to be fair.

### 5.1 ***Process for a Complaint About a Committee Member(s)***

1. As a general rule, complaints should be in writing and the person making the complaint should put their name to the complaint. In exceptional circumstances the Committee may decide to waive either or both of these requirements.

2. In cases where a serious complaint has made against a Committee member, the Committee will consider the complaint at the earliest opportunity and will endeavour to deal with the complaint as efficiently as possible.

3. The Committee will establish a sub-committee to investigate the complaint which:

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- a. Will be chaired by the President or, if the complaint relates to the President, by the Vice-President or, if the complaint relates to both the President and the Vice-President, by a Committee member nominated by the Committee
- b. Will include at least one other Committee member
- c. May include the CEO if the Committee deems this appropriate
- d. May include an independent party, if the Committee deems this appropriate.

4. The Committee can also contract out complaints to an external investigator if deemed more appropriate.

5. The sub-committee or external investigator may invite parties to speak with it directly:

- a. The person making the complaint may be invited to address the sub-committee. If the person chooses not to accept this invitation, they should formally advise the sub-committee as soon as possible.
- b. The Committee member against whom the complaint has been made will be invited to respond to the complaints. If the Committee member decides to decline this invitation, they should formally advise the sub-committee as soon as possible.
- c. The person making the complaint and Committee member may be interviewed separately or together, whichever the sub-committee thinks is most appropriate and likely to produce the best outcome.
- d. Both the Committee member and the person making the complaint will be entitled to bring along a support person if they are required to attend an interview.

6. The sub-committee or external investigator may seek the views of others properly positioned to comment upon the matter. These views may be sought in writing or in person.

7. The sub-committee or external investigator will make a recommendation to the whole Committee on the best way to proceed. The whole Committee may:

- a. Accept the recommendation, in which case it becomes the recommendation of the whole Committee
- b. Reject the recommendation, in which case it shall be required to substitute its own recommendation regarding a way to resolve the complaint
- c. Direct the sub-committee or external investigator to make further investigations and report back at a specified time.

8. The Committee shall notify the Committee member and the person making the complaint of its decision. The Committee's decision is final.

9. While the investigation is being conducted the Committee may:

- a. Ask the Committee member against whom the complaint has been made to stand aside.
- b. Direct the Committee member not to communicate directly with the person making the complaint.
- c. Request that all parties respect the importance of maintaining confidentiality.
- d. Request that the person making the complaint not to communicate directly with the Committee member.

## 6. Miscellaneous

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Any questions relating to this policy from SWOP Staff should be addressed first to your line manager.

## 7. Review of this Policy & Procedure

This policy will be reviewed at least once every two years by the CEO.

## 8. Related Documents

- Resolving Conflicts in the Workplace Policy
- Service User Rights & Responsibilities Policy
- Quality Improvement Policy
- SWOP's current funding agreements

## 9. Policy History

Date	Reason for Change	Change Description	Author	Issue No:
06/10/16	Creation		Michelle Wood	0.1
08/11/16	Editing	Incorporated Executive Committee Feedback	Michelle Wood	0.2
17/11/16	Approved		Cameron Cox / SWOP Committee	1.0
24/09/19	Reviewed	Complaint exposed policy gap. Redundant SWOP positions also removed.	Jackie McMillan / SWOP Committee	1.1

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## APPENDIX A: COMPLAINT FORM

*This form may also be filled in by a staff member if they are taking your complaint face-to-face or over the phone.*

### Privacy Statement

Client confidentiality has been an underpinning philosophy and foundation of SWOP's work since our inception. SWOP supports the spirit of intent, and complies with, and where possible strives to exceed the requirements of the Privacy Amendment (Private Sector) Act 2000.

This form was filled out by (please tick one):

SWOP staff member  
 Person making complaint

#### Details of Person making complaint

Preferred Name: .....

Email/Postal Address: .....

Contact Number/s: .....

Preferred time to call: .....

*Please note that SWOP calls are from a **private number**.*

*Please note that SWOP will not share your details outside of the organisation and sharing this information within SWOP is purely on a 'need to know' basis. You have the option to make your complaint anonymously, however this will mean that SWOP will be unable to contact you if needed – and we would like to contact you to if we need to ask for more information, or to advise you of the outcome of your complaint.*

#### Office use only – Complaint and Follow Up Record

Date received: \_\_\_/\_\_\_/\_\_\_

Received via: phone / face to face / email / post / online / other (please describe)

*Please attach any written records of the complaint (e.g. the email)*

Taken by:.....

Referred to:.....

Follow up/action:

*Attach additional pages or copies of correspondence if required*

Date conclude: \_\_\_/\_\_\_/\_\_\_ Authorised by: \_\_\_\_\_

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### DETAILS OF COMPLAINT

*If you need more space you can attach more pages.*

Who is this complaint about (if anyone)?

What happened?

When did the incident happen?

Who else was there when the incident happened?

What would you like the outcome of your complaint to be?

Any other comments or suggestions?

Please tick if you have attached more pages. How many extra pages have you attached? \_\_\_\_\_

**Date you are making this complaint:** \_\_\_\_/\_\_\_\_/\_\_\_\_ **Signature:** \_\_\_\_\_

*(Note: if there are multiple signatories, please attach an additional page with these details)*

### What will happen now?

Once your complaint has been received, the following steps will be taken

1. SWOP will create a file for your complaint. All information will be stored securely and only shared with people that need to know about the complaint (either because they are named in the complaint, are investigating the complaint or are responsible for approving SWOP's response).
2. SWOP will acknowledge receipt of your complaint and advise you that the matter will be investigated and we will respond to you as soon as possible.
3. Your complaint will be investigated by a person that is not involved and will assess it objectively, this will often by the CEO or the President of the Executive Committee. Who investigates the complaint depends on the seriousness of the complaint and who is named in the complaint.
4. Your complaint will be investigated as quickly as possible and a draft response prepared. All parties named in the complaint will be consulted.
5. The draft response will be submitted to the CEO and/or the SWOP Executive Committee for approval prior to being sent to you.
6. The complaint file will be lodged with the CEO's office for storage in our secure filing system.

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## APPENDIX B: COMPLAINTS MANAGEMENT REGISTER

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