



**Australian Government**

**Department of Social Services**

# **Better Practice Guide to Complaint Handling in Aged Care Services**

This booklet provides an evidence-based approach to complaint handling in a plain English, easy-to-understand format. It highlights the role of communication in effective complaint handling and the benefits of resolving complaints within a service.



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## Foreword

### Supporting better practice complaint handling in aged care services

Most aged care providers do their best to provide quality care and services for older Australians. When issues do occur, it's important that people can raise their concerns in a constructive and safe way.

This booklet aims to give guidance on how to create **an effective, resolution-focused complaint system** in aged care services or how to enhance existing processes.

An effective complaint handling system within an aged care service:

- allows many issues to be dealt with quickly and effectively
- can enhance the ongoing relationship between the service provider and the care recipient, their family and representatives
- contributes to continuous improvement in the service.

The Aged Care Complaints Scheme (the Scheme) supports industry in resolving complaints within their service where possible. Effective resolution of complaints leads to improved aged care services for older Australians. It is also a legislative requirement under the *Aged Care Act 1997* (the Act) that your service has an internal complaints resolution process.

The Scheme has produced this booklet and the accompanying tools, resources and templates to help encourage a **positive, blame-free culture** around complaint handling in aged care services by:

- fostering an understanding of the **complaints journey** and how it affects the people involved
- setting out the **essential elements for the effective management of complaints** within a service including skills, procedures and policies
- providing **adaptable templates, tools and resources** to support the implementation of a complaints system in aged care services.

Templates, tools and resources

This booklet is supported by template policies, tracking and analysis tools, forms, letters and learning resources on the included USB drive. A set of case studies and discussion notes are also available.

All resources, including this booklet, can also be accessed and downloaded on [the Scheme's website](https://www.health.gov.au/agedcarecomplaints) at [health.gov.au/agedcarecomplaints](https://www.health.gov.au/agedcarecomplaints).

## Terminology

This booklet aims to use plain language that is succinct and easy to understand. It has been written for aged care professionals in Australia. Although some familiarity with industry-related terms is assumed, some of the frequently used terms are defined below:

### Care recipient

Also known as a client, service user or customer. The term refers to a person receiving Australian Government subsidised aged care services. 'Care recipient' also refers collectively to the care recipient and their nominated and legal representatives.

### Service providers

Also known as services, organisations, approved providers, nursing homes and businesses. The term refers to an entity that receives Australian Government funding to provide residential or community aged care services.

### Complainant

A complainant is a person making a complaint. The term refers collectively to care recipients and their family, as well as representatives, carers and health professionals. It does not include staff of a service provider in the context of this guide.

## **Leaders**

Also known, for example, as managers, executives, team leaders, bosses, 2ICs (second in charge), Clinical Nurse Coordinators, CEOs (Chief Executive Officers) and directors. Refers to decision makers, senior staff and complaint handling staff working for service providers.

# **Section 1**

## **A positive approach to complaint handling**

Complaints help to improve the quality of aged care services in Australia.

Having a transparent and accessible complaint handling process is essential for aged care services. Effective processes for handling complaints can help service providers:

- improve the quality of care being delivered
- gain insights into the needs and wants of care recipients
- address minor issues before they become complaints
- build positive relationships with care recipients and their families, friends and representatives.

A positive attitude towards complainants and a commitment to resolving complaints will create a noticeable improvement in client satisfaction.

Resolving a complaint within the service prevents issues from being raised with the Aged Care Complaints Scheme (the Scheme) unnecessarily. Most complaints can be resolved without Scheme involvement.

## **A blame-free, resolution-focused complaints culture**

### **A healthy workplace culture is central to effective complaint handling.**

Complaints provide learning opportunities that look at why something happened and how it can be improved. The traditional approach of looking at what happened and who is to blame creates barriers to good complaints management.

A continuous improvement approach to complaints:

- encourages regular, ongoing feedback from care recipients about the quality of service they receive
- uses a collaborative approach with complainants to find timely resolutions to complaints through open communication and transparent processes
- learns from complaints by considering these in the development of risk management, service delivery and staff development systems.

## Section 2

### A Better Practice Approach to Complaint Handling

#### The stages of complaint handling

An effective complaint handling process is fair, accessible, responsive, efficient and contributes to continuous improvement in service delivery.

**The aim is for care recipients, families, representatives and staff to have confidence in the complaint handling system.**

Complaints resolved by the Scheme indicate that many cases can be resolved by following five steps:

- Acknowledge all complaints quickly.
- Assess the complaint, give it priority, and start to think about which resolution pathway you may take. Where required:
- Plan the type of information you may need to collect to assess the complaint, and how you will collect it
- Investigate the complaint to help inform your resolution approach.
- Respond to the complainant with a clear decision.
- Follow Up any concerns.
- Consider if there are any systemic issues.

Some complaints may require the service provider to investigate the issues involved. However, most of the time a complaint can be resolved using other means such as conciliation. No matter the approach, and especially when an investigation is required, it's important to have a plan.

Regular contact with the complainant should be maintained throughout the process. It is especially important to keep the complainant informed if their complaint is taking longer to resolve than first advised.

#### Acknowledgement

A complaint must be acknowledged quickly. This demonstrates that the complainant will be treated with respect, and can be an important tool in managing the complainant's expectations.

The acknowledgement should:

- outline the complaint process
- invite the care recipient and their representatives to participate in the resolution process
- provide contact details and where possible the name of a contact person
- reassure that confidentiality will be respected during the process

- give an estimate of how long it's likely to take to resolve the complaint and when the complainant will next be contacted.

Written acknowledgement can be beneficial, but is not always necessary. If the complaint is made by telephone and cannot be resolved straight away, it might be more efficient to talk to the complainant about how the complaint will be handled and when they will next be contacted. Ensure this phone call is documented.

Similarly, a complaint that is made by letter and can be resolved quickly can sometimes be acknowledged and resolved at the same time.

### **Assessment and assigning priority**

The nature of complaints differs widely.

Some complaints can be resolved quickly through open communication or an apology. Sometimes the scope of a complaint is not clear and clarification is needed.

More complex complaints may require service providers to investigate the underlying issues or make referrals to other organisations.

Early assessment of a complaint is essential for effective complaint handling.

The assessment should include:

- clarifying the concerns and issues raised by the complainant
- determining the level of risk to the wellbeing, safety and health of care recipients and staff identified in the complaint
- deciding whether priority should be given to dealing with one or more aspects of a complaint
- asking the complainant how they would like to see their complaint resolved.

Often what the complainant is seeking will be straightforward — for example, an apology or small change in services. Some complainants want to raise awareness of a problem or ensure that other people will not find themselves in the same situation.

The best way to establish a complainant's expectation is to ask them what they are trying to achieve. What would resolve this complaint for them? Understanding this may be key to managing a complaint well.

Some problems might not be easy to resolve, or the complainant may seek an inappropriate or disproportionate outcome. It's important to explain why a request cannot be met, and it's equally important to offer an alternative solution, if possible.

Staff should have the authority to resolve straightforward matters. They must also be able to escalate matters that present risks or require more detailed examination.

As noted, complaints that are straightforward with low risk to the care recipient can

often be resolved on first contact, or through conciliation with the complainant.

In fact, the Scheme resolves most complaints using techniques other than investigation.

Ask complainants what they need to fix the problem and discuss options like a conciliation discussion. The complainant may also offer solutions that are acceptable to the service provider.

## **Planning**

To assist in working out how to manage a complaint, it can be useful to prepare a plan.

The plan should:

- define the concerns that are to be examined
- identify the resolution the complainant is seeking and whether this expectation can be met
- list the possible source and types of information that need to be gathered
- include complainants, staff and the care recipient, if different to the complainant, to achieve a mutual resolution
- provide an estimate of the time it will take to resolve the complaint
- note any special considerations that apply — for example, if there is sensitive or confidential information involved.

The amount of detail in your plan should reflect the complexity and seriousness of the issues you are trying to resolve.

A written plan will focus attention and ensure that important matters are not overlooked.

It's important to remain flexible and make adjustments to the plan as circumstances change and new information becomes available.

## **Investigation**

The purpose of an investigation by a service provider is to gather relevant information that can be used to identify an appropriate solution which will resolve the complaint. Not all complaints require a formal investigation to be resolved.

Principles of fair investigation include:

- Impartiality. Each complaint should be approached with an open mind and findings should be objective.

- Confidentiality. A complaint should be investigated in private. The complainant's and care recipient's confidentiality needs to be respected at all times, and information should be shared on a 'need to know' basis only.
- Transparency. A complainant and care recipient should be told about the steps in the complaint process and be given an opportunity to participate in reaching a resolution. Maintain regular contact with all parties to the complaint.
- Timeliness. Conduct the investigation in a timely manner.  
Keep written records of any information or findings.

It's reasonable and good practice to ask complainants to assist by providing any documentation they may have in relation to the complaint.

It is critical that complainants have an opportunity to present their point of view. This includes being given an opportunity to comment on information or claims from other sources.

It is not always possible to resolve complaints that involve disputed matters.

This should be explained to the complainant. Service providers should consider alternatives in these situations including conciliation, mediation or external complaint mechanisms like the Scheme.

## **Response**

Once the service provider has reached a decision, this should be communicated clearly to the complainant. Often a response can be a conversation with the complainant.

A written explanation may be more suitable for serious, complex or disputed matters. It might be appropriate to talk with the complainant to let them know that a more detailed written explanation will be provided.

Thought should be given to providing the complainant and care recipient with an apology.

An apology can be an important step in achieving a successful outcome to a complaint and demonstrates empathy to the complainant. It has the power to positively enhance the ongoing relationship between the service provider and the complainant. When you make an apology it can be effective to:

- propose the action you plan to take to satisfy the complainant and
- communicate how the service is committed to ensuring that the action that was the cause of the complaint will not be repeated.

An apology is not an admission of guilt by service providers.



## **Follow up**

It's good practice to ask complainants for feedback on how their complaint was handled and resolved. Encourage complainants to consider providing feedback when responding to their complaint.

If a complainant is not happy with the outcome, consider other options.

Internal reviews should be carried out by staff who have not been involved previously in the complaint.

Mediation of an unresolved dispute between a complainant and a service provider is another option. A mediator can help clarify matters, provide an impartial perspective and propose solutions that both parties can agree to.

If a claim made by the complainant has not been accepted, this should be noted and explained.

Outline any alternative options available to the complainant, including internal review and external complaint mechanisms such as the Scheme.

## **Consider**

Complaints can point to issues or problems that could be repeated in a service.

This possibility should always be considered when finalising a complaint. For example, a complaint could expose a need to improve the service provider's record keeping, or a need for better training or support for staff who have given unsatisfactory service.

A review of procedures and policies can be another beneficial outcome.

The service provider, rather than complaint handling staff, usually has responsibility for systemic improvements. It is therefore important that complaint issues and trends are reported to and analysed by leaders in an aged care service.

## **Section 3**

### **Complaint Handling Policies and Procedures**

An efficient and effective complaint handling system requires written policies and procedures. These should be provided to care recipients when entering the service and readily available in printed formats within the service and on the service provider's websites.

A **good complaint handling policy** provides:

- a statement or rationale which guides decision-making and leads to action

- an essential link in the strategic planning process and overall management of the aged care service
- a commitment to receive complaints in good faith and treat all complaints fairly
- a commitment that the service proactively and transparently handles complaints
- written statements of values, principles and care philosophies of the service
- a guide to action
- information on staff with the authority to deal with complaints
- guiding principles and objectives for staff to follow
- a description of the services offered by the aged care provider.

**The policy should be supported by a set of complaint handling procedures.**

Procedures give details of how the policy will be put into practice. Procedures also detail what steps need to be followed when handling a complaint, who is responsible for handling different stages of the resolution process and the timeframes involved.

An important part of procedures is the mechanisms that support the procedure, such as forms, template letters, brochures about the complaint mechanism and tracking tools.

An effective procedures document or manual provides:

- information on how the complaint system works
- the means of implementing the policy
- details of what has to be done
- suggested timeframes
- definitions of terminology
- examples of how to apply the policy
- an outline of processes and mechanisms used in complaint handling such as forms and tracking tools
- details of who is responsible for each part of the process.

Template policy and procedure documents can be a good starting point for consultation with care recipients and their representatives, staff and others with an interest or connection to an aged care service. Service providers can use a consultation process to adapt templates so that policies and procedures reflect the values and needs of their service.

### **Recording and documenting complaints**

Complaints, comments, suggestions, problems and compliments need to be recorded and documented. Record all complaints, no matter how minor.

**All types of complaints and comments can help identify areas for improvement.**

Compliments and feedback can help identify what's being done right, and provide a balance to complaints. Compliments help staff feel motivated, rewarded and valued and can provide the opportunity for celebration.

Recording of complaints, comments, suggestions, problems and compliments does not have to be sophisticated or expensive. Service providers can:

- use manual systems using template forms and tracking tools
- use standard spreadsheet or word processing software
- acquire off-the-shelf complaints management software
- commission the development of a custom complaints database package.

With these tools a service can track feedback, complaints and compliments and analyse trends as part of continuous improvement activities. For example, regular reports can be created for review by staff and management to identify areas of improvement and what the service is doing well (see 'Analysing Trends' section). Whichever system is used in a service, it needs to be used consistently and staff need to be trained in its use.

### **Timeframe for resolution**

As discussed in the 'Stages of Complaint Handling' section, handling complaints as quickly as possible can help reduce the risk of a complaint escalating and becoming more serious. **A realistic timeframe for resolution** needs to be estimated and communicated to the complainant.

Determine guidelines about the timeframe needed to provide solutions for complaints in your service. Articulate these timeframes in the complaints policy. Some complaints can be resolved on the spot or within 24 hours, while more complex or serious complaints may take longer to investigate and resolve.

### **'Quick Fix' complaints**

It's good practice to **empower and train frontline staff to handle and resolve minor complaints** at the point of service ('on the spot'). This will help create a culture where problems and issues are addressed within the service, quickly and effectively.

One strategy that has been successfully adopted by some services to capture small problems is the 'quick fix form'. Suitable for non-confidential complaints, the 'quick fix form' is a short complaint form that outlines what the minor problem was, how it was fixed and by whom.

It's useful to keep these quick fix forms in a book or folder in a central place where they can be read by staff, care recipients and visitors. Senior staff keep a 'watching brief' over the information in the book or folder to ensure appropriate action has been taken.

It's also a good guide to staff on how they can quickly fix minor issues, and demonstrates to care recipients and visitors that **the service proactively and transparently handles complaints.**

## **Section 4**

### **Communications and complaint handling**

#### **The Complaints Journey**

At the centre of every complaint is someone receiving care – a person.

The journey a complaint takes – from being made to being resolved – generally involves dealing with and responding to **emotions and feelings of:**

- the care recipient, family or representative making the complaint
- staff handling the complaint, and sometimes their colleagues

This is especially the case for more serious issues and complaints.

**Understanding the complaint journey from an emotional perspective helps staff communicate effectively with complainants and can assist service providers in supporting their staff.**

Communicating with empathy, patience and respect can help resolve complaints quicker and enhance the ongoing relationship between the complainant and service provider.

The Quick Reference Cards in this kit provide information on the emotions at play when handling complaints and provide practical tips on communicating effectively with complainants, care recipients, their families and representatives.

#### **Effective communication skills**

**Open, regular communication is vital in effective complaint handling.**

People communicate in a range of styles and body language plays a role too. Positive language can assist cooperation from a complainant in resolving an issue or problem.

**Staff who are good communicators and demonstrate empathy are a valuable resource in an effective complaint handling system.**

Good communication practices can assist service providers in negotiating proportionate, timely resolutions to complaints.

Effective communication skills for complaint handling include:

- **Listening.** Focusing on the complainant without interrupting helps to build an understanding of the issues underlying the complaint and the feelings involved. Effective listening lets the complainant know that they have been heard. Confirming what has been heard by reflecting the complainant's information in your own words is a good way of offering reassurance that a complaint is being taken seriously. This is known as active listening. It can also help complainants feel validated and respected.
- **Body language.** An ability to understand and use nonverbal communication such as expressions, movement, gestures and eye contact can provide a better understanding of how a complainant feels and how they communicate. Most face-to-face communication actually occurs through body language. It helps to look at nonverbal communication cues as a group, rather than focusing on individual gestures or expressions. Awareness of the body language that you use with the complainant is also important as it impacts how the complainant responds to you. For instance, if you are crossing your arms across your body you could be seen by the complainant as not being open to their issue.
- **Managing stress.** Stress can hamper effective communication by disrupting the ability to think clearly. It often leads to misunderstandings. Signs of stress include sweating, clenched hands, tense muscles and shallow breathing. It can help for staff to respond to signs of stress in complainants and offer support or consider continuing the discussion later. Effective communicators also recognise stress in themselves and develop ways to deal with it.
- **Emotional awareness.** Emotions affect how people understand each other. A lack of awareness of the feelings involved in a conversation, including a lack of self-awareness, increases the chance for misunderstandings, which can make complainants and staff frustrated and angry. Service providers can reduce anxiety experienced by complainants by validating their concerns and committing to a timely resolution.
- **Patience.** It's important to give complainants enough time to express their concerns. Remaining focused and not interrupting shows an openness to listen to complaints and attempt resolution. Communication lines can be broken when complainants feel rushed, misunderstood or staff appear to want to get out of a conversation.

**Silence by a service provider can undermine confidence in the complaint handling process. Take complainants with you by making sure they know who to contact for updates even when there may be no progress report.**

It's important to make good communication skills an important consideration when deciding who should handle complaints in an aged care service. Many service providers also include communication competencies in job descriptions and selection criteria.

**Good communication skills can prevent minor issues from becoming more serious.**

Complaint handling staff need skills in a number of areas to help them handle complaints confidently and professionally including:

- interpersonal communication, active listening and reflective listening
- conflict resolution, mediation and negotiation
- consulting with complainants and care recipients
- quality improvement and policy development.

Service providers can support staff by improving their understanding and capacity to deal with complaints. Practical strategies include:

- a good orientation program when new staff join the service
- providing staff with professional training – perhaps in conjunction with other services nearby to share costs
- inviting guest speakers with expertise at no cost to your service, e.g. advocacy services
- using team meetings as a basis for running a discussion on complaint case studies and communication exercises
- discussing issues in the news, newsletters and industry publications
- introducing a buddy system to help new or existing staff members learn new skills
- developing a mentoring program – senior staff coaching and guiding other staff
- sharing ideas with other service providers nearby by hosting network meetings and service visits
- introducing ‘eat and learn’ lunches and afternoon teas, where short training sessions and food are provided for staff
- arranging participation in external training courses for complaint handling staff.

**Training is critical in helping staff handle complaints competently and effectively.**

Management, staff and care recipients all have expectations of how staff should perform their job, what they should know and how they should behave. An important way service providers can meet these expectations is to provide adequate and appropriate training for their staff in communication and complaint handling.

**Not investing in staff training is a risk for service providers.**

Staff training is an important part of risk management in complaint handling.

An effective risk management program means being proactive in preventing complaints, problems and critical incidents from occurring.

Service providers should consider the costs that may occur from poor complaint handling by under-skilled staff – including financial costs, damage to service reputation, poor publicity and reduced staff morale.

**Positive approaches to complainants**

Try the following approaches when interacting with complainants to create a positive, collaborative atmosphere:

- Thank the complainant for bringing the problem to your attention. Let them know that you are pleased to help and you want to fix the problem. Give them the impression you welcome their complaint. Show you care.
- Show a positive, professional and polite attitude.
- Ask the complainant what they need to fix the problem. While a complainant may not be happy with a proposed resolution, they may come up with a solution you have not thought of.
- Use empathy. Try to put yourself in the complainant's shoes and consider their point of view. How do you think you'd feel if you were in their position? Think about the feelings and emotions of the complainant.
- Ask the complainant to stop any unreasonable behaviours.
- Ensure complaint handling staff have good communication skills. A negative choice of words, tone, body language and attitude can fuel the anger of an already upset complainant. Complaint handling staff should be calm and in control of their feelings and temper.
- Consider the complainant's history in the service and what resolutions and strategies may have assisted this complainant in the past.
- Offer information that may help the complainant better understand the situation.
- Offer an apology. You can say "I'm really sorry about..." without accepting blame or admitting fault. Depending on the situation, be prepared to say "I made a mistake", "I don't know and I will find out", "What do you think?" and "Let's work together to resolve this problem".
- Mirror the language of your complainant (where the language is not abusive or threatening). This shows that you understand their level or degree of dissatisfaction. By mirroring language you are defining the problem in the same context as the complainant. This creates understanding and empathy with the complainant.
- Taking notes can show the complainant that you are taking the complaint seriously. Explain that you are taking notes to ensure that the facts are correct for your records. Notes may also help you clarify some of the issues and provide a framework and guide for other questions. The notes will also provide important documentation for your complaint file. You can also read your notes back to the complainant to confirm that you have understood the complaint.
- Respect the complainant's privacy and dignity, and confirm with them whether they agree to you raising their issue with others if necessary.
- Be flexible. Lack of flexibility can frustrate complainants. Be prepared to treat each complaint as an individual case. Be prepared to handle exceptional and unusual cases with exceptional and unusual solutions.
- Be honest. Tell the complainant what you can fix and what you cannot fix and why. Give the complainant realistic expectations about what can be done to address the problem. Do not make promises that cannot be delivered.

- Look for common ground and mutual interests when trying to resolve a complaint. For example, “I know that we both want this issue to be sorted out to ensure your mum gets the best level of care”.
- State the reason before you say “no”, e.g. when policies prevent you from fixing problems in the way a complainant wants you to. Inform the complainant what they can do if they are not satisfied with the outcome including information on internal review processes and options for external resolution, including the Aged Care Complaints Scheme.
- Be creative. Be imaginative. Create solutions which could at first appear impossible but that might work. Agree to a trial of the proposed solution for a period of time and then review its effectiveness.
- Escalate the complaint to a more senior staff member where appropriate. This can demonstrate to a complainant that the service is taking their issues seriously.
- Bring in external people or stakeholders to brainstorm possible solutions. They are not as close to the situation and may be able to offer fresh ideas and solutions.
- Bring in an external person to help provide some objectivity to the issue. An advocacy service or a professional mediator could help resolve the situation before it escalates.
- Where a complainant remains unhappy, offer an internal review or provide information on advocacy services and the Scheme.

### **Unhelpful approaches to complainants**

- Avoiding or ignoring complainants.
- Being defensive or blaming others.
- Making assumptions.
- Passing the complainant from one staff member to another.
- Promising what you cannot deliver.
- Giving standard responses or offering standard solutions.
- Fighting with or interrupting the complainant.
- Getting caught up in irrelevant detail.
- Engaging in unreasonable behaviour.
- Retaliating against the complainant.
- Blaming or accusing the complainant or treating them adversely.
- Bombarding the complainant with endless questions, paperwork or intimidating forms.
- Interrogating the complainant or questioning their motives.
- Underestimating the power of feelings in complaint handling.
- Making excuses.



- Arranging for staff to come and relieve you from your ongoing meeting with the complainant, thereby cutting the meeting short.
- Having a negative attitude.
- Accepting abuse, threats or harassment – staff have rights, too.
- Taking complaints personally.
- Talking in negative terms to other staff or care recipients about complainants.
- Forgetting that not all complaints can be resolved to the satisfaction of the complainant.

## Section 5

### Making complaints accessible

#### Making a complaint should be easy.

An effective complaint handling system is accessible to care recipients and relies on complainants:

- knowing how to complain and who to complain to, and
- being able to complain.

**A complaint handling system needs to be available to anyone who wishes to make a complaint.**

Complainants need to be informed that they have a right to complain and how they can complain. Service providers should ensure that their **complaints policy is well publicised** and freely available to care recipients and their representatives.

This can include:

- providing a 'how to complain' information sheet to care recipients and their representatives
- advertising the complaints policy and staff contact details on posters, publications and websites
- actively seeking feedback as part of ongoing conversations
- frequent reminders in different formats that complaints are welcome.

Care recipients and their representatives should be encouraged to raise concerns with:

- any staff member at any time
- a nominated staff member who handles complaints when the complaint cannot be resolved immediately
- a resident representative
- the Scheme, if a resolution cannot be found within the service.

Better practice complaints handling allows complaints to be made in a variety of ways. This can include informal and formal ways, such as:

- using a suggestions box

- using a 'Quick Fix' complaints book where staff and care recipients can write down simple problems and how they were fixed
- using forms to capture complaint details
- accepting anonymous complaints
- having an internal appeals system for dissatisfied complainants
- having a senior member of staff available to hear complaints at all times
- having regular care and family conferences
- regular reminders that service management and staff value feedback
- training staff to be proactive in listening to potential and actual complaints
- promoting the Scheme
- promoting local advocacy services
- providing all information in plain, friendly language.

### **Assisting complainants**

It's important to assist complainants with accessibility needs where required.

This can include providing assistance related to:

- literacy and language skills
- cultural and linguistic backgrounds
- physical, mental, cognitive and sensory abilities.

Some complainants may have difficulty making a complaint either verbally or in writing and should be offered help from staff to communicate their concerns.

Where English is not the first language, a family member, friend or professional translation service can be used to facilitate complaint handling.

The National Relay Service (NRS) provides a free service to assist conversations with people who are deaf or have a speech or hearing impairment. The NRS can enable conversations over the internet using web browser technology (including on smartphones, PCs and tablet computers) and over the telephone.

Aged care advocacy services can assist any care recipient or representative to make a complaint, including complainants with mental or cognitive impairments. The Scheme can also facilitate assistance.

More information is available on [the Scheme website](http://health.gov.au/agedcarecomplaints) at [health.gov.au/agedcarecomplaints](http://health.gov.au/agedcarecomplaints) under the 'Industry Toolkit' tab.

### **It can be intimidating for complainants to complain to staff on their own.**

Reminding people that it's okay to have support when making a complaint can increase their confidence and reduce anxiety. It can also help the complainant feel

that raising their concern is not a confrontation.

Where a resolution to a complaint cannot be found within the service, assisting a complainant may include referral to an advocacy service or the Scheme.

## **Assisting complainants who engage in unreasonable behaviour**

### **Some complainants' behaviours can be difficult to deal with.**

Service providers sometimes receive complaints from care recipients who behave in ways that may be described as challenging. These behaviours may include being aggressive, making threats, swearing and using abusive language.

Service providers and their staff do not need to accept abuse, threats or harassment from complainants.

Like complainants, staff have a right to be treated with respect in complaint handling processes.

Dealing with unreasonable behaviours can take up a lot of time, resources and energy. This can lead to a lack of resources to deal with other complaints.

### **There are no 'magic wand' solutions to dealing with unreasonable behaviours.**

Good communication skills can help service providers balance available resources across their complaint system.

## **Section 6**

### **Continuous Improvement and Complaints**

Recording complaints and looking at them collectively can show patterns and trends in a service and provide opportunities to make improvements to policies, procedures and systems. Continuous improvement is an essential part of an effective complaint handling system.

#### **Analysing trends**

Looking for commonalities and trends in complaints can help services identify low and high risk processes and practices and work on systemic solutions to problems.

Trend analysis of complaints can also show where the root cause of a problem may lie. Analysing complaints is essential to continuous improvement in aged care service delivery.

Complaints can help improve the quality of life for a care recipient and increase their satisfaction with the service provider.

Analysing complaints can help establish what happened, why it happened and how a situation can be improved.

It is important to record all types of comments – negative and positive – to provide an accurate picture of what is happening in a service. Software systems as well as simple tracking tools, such as a spreadsheet, can assist in analysing larger numbers of complaints.

It can help to make ‘Complaints and Feedback’ an item for discussion in meetings to encourage staff to share observations, solutions and assist in trend and pattern analysis.

Regular team discussion about complaints also supports a blame-free, resolution-focused complaints culture in a service.

### **Improving service quality**

Complaints can provide information to service providers about:

- practices that have been observed
- mistakes that have been made
- what needs to improve.

A good understanding of continuous improvement processes is essential for leaders in aged care services. Service providers should strongly consider supporting leaders to participate in accredited training on continuous improvement practices.

Recording, analysing and reporting statistics to leaders and staff is necessary to support improvements to the service.

**Reports about feedback, complaints and any changes made to processes and policies should also be communicated to complainants.**

These can provide complainants with information about outcomes and create a sense of closure.

**It helps to be open, honest and transparent about complaints.**

When staff and care recipients feel comfortable about reporting and discussing complaints it sends a message that complaints are an important tool in improving the quality of care and service.

## **Section 7**

### **Complaint handling and the law**

## **Rights and obligations for service providers and care recipients**

The requirements and standards that follow are established and regulated under the *Aged Care Act 1997* (the Act) and the Aged Care Principles (particularly the Quality of Care Principles – see the Accreditation Standards and User Rights Principles – see the Charter of Residents’ Rights and Responsibilities) and funding agreements between the Australian Government and service providers.

## **Complaint handling system**

Service providers are required to establish a system for handling complaints. The system should be accessible, confidential, prompt and fair. The system should also be well publicised within the service.

Management and staff must have appropriate knowledge and skills to perform their complaint handling roles effectively. Service providers must use the complaints resolution mechanism to address any complaints made by or on behalf of a care recipient.

Resident agreements with care recipients must specify the complaints resolution mechanism that the service provider will use to address complaints. Service providers are obliged to use these mechanisms.

## **Care Recipients’ rights**

Care recipients have a number of rights in relation to complaint mechanisms.

These include the right to:

- be treated with respect and accepted as an individual, and to have their individual preferences taken into account and treated with respect
- freedom of speech
- complain and take action to resolve disputes
- have access to advocates and other avenues of redress
- be free from punishment, or well-founded fear of punishment, in any form for taking action to enforce their rights.

Service providers are obliged to not act in a way that is inconsistent with these rights.

## **Access to external complaint mechanisms**

Australian Government standards for aged care require that service providers ensure care recipients and other interested parties have access to external complaints mechanisms and advocacy support at any time.

Care recipients and their representatives need to know who they can complain to

when the service is unable to resolve their complaint, and who can support them at the time of making a complaint. Support includes access to advocacy services and the Scheme.

Care recipients can also choose to make a complaint to the Scheme if they do not feel comfortable making a complaint within the service. Care recipients can also choose to get help from an advocacy service.

*Responsibilities of service providers in relation to complaint resolution mechanisms in their service are outlined in Section 56-4 of the Act.*

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