

COMPLAINTS POLICY

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Purpose

The aim of this policy is to ensure that complaints handling responsibilities and pathways are clear and that procedures and approaches are fair, equitable and consistently managed and properly documented.

Policy Statement

Wintringham will view all complaints and grievances as opportunities for improvement and work to address matters raised and apply solutions identified throughout the organisation, to help reduce or stop the same problem or issues from occurring again.

Wintringham will promote the rights of all persons involved to resolve any complaint through a chosen complaint resolution pathway, where no matter the path chosen, conflicts can be addressed as either complaints or grievances and complaints may be handled as disputes.

Wintringham requires staff to be respectful and responsive in all their communications. When the complainant's behaviour or conduct raises health, safety, resource, or equity issues, this can significantly affect the complaint handling process.

Wintringham will act proactively and decisively to manage any complainant conduct that has negative and unreasonable affects and will support staff to do the same in accordance with this policy. Additionally, Wintringham may change the communication method used with the complainant to minimise any adverse impact.

Should the complaint become persistent or vexatious when the complaints procedure has been correctly implemented, with no material element of the complaint overlooked or inadequately addressed, Wintringham will employ measures as outlined in the persistent complaints section of this policy.

Wintringham will use information to respond to a complaint and to improve the services that relate to a complaint. All personal and sensitive information collected in the complaints process will be kept secure and managed in accordance with Wintringham's [Privacy Policy](#) (L_M 3.15).

Wintringham may share information to promote the wellbeing or safety of children, or to prevent family violence, with other approved information sharing entities as legislated by the Victorian Government. Refer to [Family Violence Information Sharing](#) (L_M 3.18B).

Commitment

Wintringham is committed to:

- providing clear information about how to lodge a complaint or apply for an internal review
- supporting escalation of a complaint to the relevant external complaint body
- providing support to the complainant to make a complaint, or appeal to ensure the process is accessible
- making referrals to appropriate advocacy and legal services to assist complainants
- responding to the complaint and/or appeal promptly, fairly and transparently

- respecting the complainant's privacy and confidentiality when making a complaint or applying for an internal review
- treating the complainant in a way that is objective, respectful, and fair
- ensuring a fair and objective internal review is applied
- not taking any adverse action against the complainant simply because a complaint or lodgement of an appeal
- using the outcome of complaints and appeals to improve service delivery and continuous improvement.

Scope

This policy applies to all Wintringham service users, including Wintringham Housing renters, their representatives, advocates, and other stakeholders. It is also extended to include contractors and agencies utilised by Wintringham.

This policy does not apply to Wintringham employees. Refer to Staff Grievances and Complaints (TBC) for complaints process.

Wintringham recognises that where complaints and/or feedback fall outside of the scope of this policy, the complaint will be handled in accordance with the 'no wrong door' principle and will be resolved by referring the complainant to the correct complaint and/or feedback pathway. It is up to the receiver of the feedback to assess if the content is actually a complaint rather than feedback, seeking clarification if needed.

Responsibilities

Complainant	Responsible for providing an accurate and honest account of the complaint lodge, with intention to participant in the complaints process, in order to address and/or resolve the complaint.
Wintringham staff	Responsible for working towards a resolution with the complainant, without further agitating the complaint and offering all possible avenues of support to address the complaint, as well as escalating complaints to Managers.
Manager / Authorised Person	May act as an arbiter to disputes, grievances or complaints. Responsible for providing a response to the complainant, whilst also providing options to resolve matters.
Executive Management Team (EMT)	Responsible for providing guidance and strategies to support complex complaints, as well as inform the Board, as part of a risk management approach.
Complaint Investigator	Responsible for acting impartially and reviewing the complaint objectively during the investigation. They can be a Manager or Authorised Person.
Complaints Officer	Responsible for monitoring the @feedback email inbox, to ensure all complaints and feedback are forwarded to the relevant program area to address in a timely manner.

Procedure

1. How to Make a Complaint

- 1.1 [Feedback Form](#) (L_M Fm 2.16a) are provided to all service users at their induction into a Wintringham program.

Additionally, Feedback Forms are available at every Wintringham service location and offices.

Program Managers or their delegates are responsible for ensuring copies of Feedback Forms are current and replenished as needed.

- 1.2 Complaints can be made by completing a [Feedback Form](#) (L_M Fm 2.16a), ticking 'Complaint' and submitting it via:

Phone: 03 9376 1122 – Head Office
Email: feedback@wintringham.org.au
Post or in Person: c/o – Complaints Officer
136 Mt Alexander Road
Flemington 3031

Feedback Forms can also be found on Wintringham's website:
www.wintringham.org.au

- 1.3 Feedback Forms can be completed by service users/renters or their chosen representative, and given directly to any staff member, who will ensure they are forwarded to the relevant Manager.

A complaint can be completed on behalf of a service user/renter at their request (i.e. the person does not need to write down the complaint themselves but can make it verbally). The complaint will be documented on a Feedback Form by the staff member/support person receiving the complaint.

- 1.4 Residential Aged Care homes have a secure complaints box on site, where people can leave a Feedback Form confidentially. The box is checked regularly, so that complaints can be dealt with promptly.

- 1.5 If a complainant has specific communication needs or barriers, the complainant can communicate this to Wintringham, so assistance can be provided by:
- using an assistance service, such an interpreter or TTY
 - assistance with reading or writing
 - communicating with another person acting on the complainant's behalf.

Refer to [Interpreters and Translators Reference List](#) (L_M Fm 3.2b)

- 1.6 At times, Wintringham may lodge a complaint about an external party, provider or service. The complaint will be recorded on Riskware and actioned appropriately.

2. Managing a Complaint

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- 2.1 All complaints will be referred to the relevant Manager as soon as is practicable after they become known. A Manager may need to delegate responding to a complainant if they are unable to do so promptly.
 - 2.2 The Manager will establish the nature of the complaint and the complainant's desired outcome.
 - 2.3 When considering a complaint, the Manager will refer onto the relevant Executive Management Team (EMT) member, any matters that they need support with or are not able to investigate.

The most common reasons for an upwards referral of a complaint will include:

- Matters that refer to the Manager directly
 - Circumstances in which the Manager feels they cannot be objective in their investigation
 - Matters that may extend across more than just that Manager's jurisdiction
 - Matters that may bring Wintringham's name into disrepute
 - Matters which require incorporation of the open disclosure processes
 - Matters that are an perceived, potential or actual conflict of interest
 - Matters that the Manager feels they are not confident to resolve
- 2.4 The relevant EMT member may appoint a Complaint Investigator for all upward referrals.
 - 2.5 If the complainant is not satisfied with the outcome the matter, the complainant can request an appeal and the matter will be referred to the relevant EMT member for a determination.
 - 2.6 All complainants are entitled to a support person or advocate at any time during the complaints process. Advocates and organisations that can help people with their complaint, will always be suggested to the complainant.
 - 2.7 The Chief Executive Officer (CEO) and Board will be advised of all complaints referred to external bodies for resolution through such methods as Clinical Governance Risk reporting and Board sub-committee agenda.

3. The Complaints Investigator (Internal)

- 3.1 The Complaint Investigator will be responsible for assessing the complaint and identifying any action required to eliminate a reoccurrence.
- 3.2 The Complaint Investigator will initially acknowledge a complaint and where possible provide feedback to the complainant within seven (7) working days. If this timeline cannot be met due to the nature of the investigation, the complainant should be given an alternative timeline.
- 3.3 During an investigation process, all parties should be supported whilst the investigator works to gather all relevant information and to determine the facts.

The principles of natural justice and procedural fairness apply to this process and any subsequent disciplinary process that may commence as a result of the findings of an investigation.

- 3.4 In order to ensure that all parties involved in an investigation can be supported, whilst also ensuring that the investigation process and subsequent disciplinary
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process is fair and unbiased, the following roles will be allocated to separate responsibilities:

- 3.4.1 **Decision Maker** – Responsible for initiating the investigation and making a final decision following the conclusion of the investigation. Usually this is the EMT member.
- 3.4.2 **Investigator** – Responsible for investigating the complaint, gathering all relevant evidence, and producing a report of the findings for the Decision Maker.
- 3.4.3 **Support Person** – Complainants will be offered and supported to access an advocate, or they may wish to nominate their own. Any staff member that is required to take part in an investigation process will be offered an internal support person or a union representative.

4. Timelines

- 4.1 All complaints must be documented in Riskware and investigations must commence within two (2) working days of identification of the complaint.
- 4.2 All complainants will be contacted to discuss the complaint within seven (7) days. The complaint may not be address within this timeframe, however the complainant should be provided with the progress or plan to address the complaint.
- 4.3 All complaints received via feedback@wintringham.org.au will have an automated email response of acknowledgement.

The Complaints Officer will manage the @feedback inbox and will promptly forward the email complaint to the relevant Manager and CC the relevant EMT member.

It is the responsibility of the Manager to follow up with the complaint lodged.

4.4 Wintringham Housing

If a renter residing in Wintringham Housing in Victoria has lodged a complaint and it has not been resolved, they can make a complaint to the Victorian Housing Registrar: <https://www.vic.gov.au/making-complaint-about-community-housing>

Contact details should be provided, and also listed in the housing site's Information Booklets, provided to every resident.

5. Documentation

- 5.1 All complaints and associated investigations and any written resolutions must be documented on Riskware.
- 5.2 All Feedback Forms submitted by service users will be entered into Riskware. A trends analysis will be conducted every quarter by the Quality team and provided to each program area.

Wintringham Housing

Feedback Forms will be recorded in Riskware as they occur and provided to the Housing Registrar on an annual basis for regulatory purposes.

- 5.3 Complaints from or about service users will be recorded in case/progress notes on the relevant client management system.

Open disclosure processes will be employed as required.

Refer to [Documentation and Accountability](#) (L_M 5.3)

Refer to [Open Communication](#) (L_M 23)

- 5.4 All complaints and appeals are confidential and no identifying information will be shared without permission. When a complaint or appeal is made, Wintringham will record:

- name and contact details;
- whether the complainant has communication, cultural or assistance needs;
- details of the complaint or appeal; and
- what outcome the complainant is seeking.

Full documentation will be held in a confidential file.

6. Persistent Complaints

- 6.1 Where a complainant raises the same conflict regularly without apparent reference to the previous resolution, Managers are encouraged to discuss the issues of concern at case conference, where solutions to the concerns raised can be discussed.

Case conference may recommend the use of a [Cumulative Complaint Feedback Form](#) (L_M Fm 3.20b), which should be used to record consecutive feedback about the same issue.

This form should be linked to an initial Feedback Form.

- 6.2 After all reasonable measures have been taken to try to resolve the complaints (i.e. through negotiation, mediation, conciliation or arbitration), and it is identified that the complaint is potentially persistent or vexatious, Managers should apply judgement and discretion to implement the following, with the authorisation of the relevant Executive Management Team (EMT) member.

- 6.3 Complainants may be deemed to be persistent or vexatious complainants, where previous or current contact with them demonstrate that they meet **two or more** of the following criteria;

6.3.1 Persistent in pursuing a complaint where the complaints procedure has been fully investigated and properly implemented and exhausted.

6.3.2 Change the substance of a complaint or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed.

NB. Care must be taken to not discard new issues that are significantly different from the original complaint, as these might need to be addressed as a separate complaint.

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- 6.3.3 Unwilling to accept documented evidence of matters factual or correspondence specifically answering the complaint or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
 - 6.3.4 Do not clearly identify the precise issues to be investigated, despite the reasonable efforts of staff and/or where the concerns identified are not within the remit of Wintringham to investigate.
 - 6.3.5 Threatened or used actual physical violence towards staff at any time. This will in itself cause personal contact with the complainant to be discontinued. From here, the complaint will only be pursued through written communication. All such incidences should be documented on an Incident Report in Riskware.

Wintringham Housing

Provisions within the *Residential Tenancy Act 1997* may be enacted for Wintringham Housing renters.

- 6.3.6 Have had an excessive number of contacts with Wintringham, placing unreasonable demands on staff. Contact may be in person or by letter, email or fax.

NB. Discretion must be used in determining the precise number of “excessive contacts” applicable under this section using judgement, based on the specific circumstances of each individual case.

- 6.3.7 Have harassed, been personally abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint.

Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this. All incidents of harassment should be documented on an Incident Report.

- 6.3.8 Known to have recorded meetings or face-to-face/telephone/virtual conversations without the prior knowledge and consent of other parties involved.
- 6.3.9 Display unreasonable demands or expectations and fail to accept that these may be unreasonable (i.e. insist on responses to complaints or enquiries to be provided more urgently than is the reasonable or normal recognised practice).
- 6.3.10 Submits complaints in terms that are threatening, racist, sexist, profane, or employ violent or sexual imagery outside the context of the complaint.

- 6.4 Where complainants have been identified as persistent or vexatious in accordance with the criteria above, the Manager or Authorised Person will notify complainants in writing stating the reasons why they have been classified as a persistent or vexatious complainant, and the action to be taken.

This notification may be copied for the information of others involved. A record must be kept for future reference of the reasons why a complainant has been classified as persistent or vexatious.

6.5 Options to Address Persistent or Vexatious Complaints

The Manager or Authorised Person may decide to deal with complaints in one or more of the following ways;

- 6.5.1 Attempt to resolve matters before invoking any further actions, by drawing up a signed agreement with the complainant.

If other parties are involved, drawing up a two-way agreement, which sets out a code of behaviour for the parties involved.

If these terms are contravened, consideration would then be given to implementing other actions as indicated in this section.

- 6.5.2 Decline contact with the complainants either in person, by telephone, fax, letter, email, virtual meeting or any combination of these, provided that one form of contact is maintained.

- 6.5.3 Notify the complainant in writing that the Manager or Authorised Person has responded fully to the points raised, attempted to resolve the complaint, and that continuing contact on the matter will serve no useful purpose.

The complainant should also be notified that the correspondence is at an end and that further letters received will be acknowledged but not answered.

- 6.5.4 Inform the complainants that in extreme circumstances, Wintringham reserves the right to pass unreasonable or vexatious complaints to its solicitors.

- 6.5.5 Temporarily suspend all contact with the complainant or investigation of the complaint whilst seeking legal advice or guidance from the EMT or other relevant agencies.

6.6 Withdrawal of Persistent or Vexatious Status

- 6.6.1 A mechanism for withdrawing a complaint that has been determined as persistent or vexatious at a later date will be employed. (e.g. the complainant subsequently demonstrates a more reasonable approach, or if they submit a further complaint in which normal complaints procedures would appear appropriate).

- 6.6.2 Staff should have previously used discretion in recommending persistent or vexatious status on the outset, and discretion should similarly be used in recommending that this status be withdrawn when appropriate.

- 6.6.3 Where this is determined, discussion will be held with the Manager or Authorised Person. Subject to their approval, normal contact with the complainants and application of the complaints procedure will then be resumed.

7. Complaints by Groups/Organised Campaigns

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- 7.1 Complaints can be made by, or on behalf of a group of service users/renters, but not if this is a campaign which places an unreasonable burden on the complaints procedure.
- 7.2 When a complaint is received on behalf of a group of service users, the matter should be referred to the EMT, who will consult with Chief Executive Officer (CEO) and advise whether the complaint should be dealt with as a formal complaint or by other means.
- 7.3 If the same complaint is submitted by a number of individuals in circumstances which suggest that they are campaigning as an organised group, then advice should be sought from the EMT.
- 7.4 In order for a group complaint to be dealt with under the formal complaints procedures, it is necessary that the group should appoint a single point of contact, to whom the response will be sent to and who will assume responsibility for distributing the response to the group.

If the group is unable to nominate such a person then the group complaint will not be dealt with, until one has been appointed.

- 7.5 If the group is dissatisfied with the decision made, they have the right to refer the matter to the appropriate external complaints body.

8. Outcome of Complaint

- 8.1 Wintringham will contact the complainant to advise the outcome of the complaint and provide details of:
- actions taken in response to the complaint;
 - the reasons for the decision made;
 - where Wintringham has made an error, the steps that will be taken to redress the situation (open disclosure); and
 - information on options for internal or external review if the complainant is not satisfied with the decision.

- 8.2 A complainant is entitled to a written or verbal response to their complaint and this can be written by or delivered by a Manager or their representative/delegate.

A complaint outcome will be made in writing with written reasons to the complainant.

- 8.3 Details of the complaint will be recorded in Riskware and closed.

Wintringham Housing

Details of the complaint will be recorded in Riskware and closed.

9. Request for Internal Review

- 9.1 The complainant can request that a decision or outcome of the complaint be reviewed by Wintringham where the complainant believes it to be incorrect.
- 9.2 The review will be conducted by a Complaint Investigator, who has not had any prior involvement with the complaint.
- 9.3 Wintringham will inform the complainant of the outcome of the internal review and provide reasons in writing within 14 calendar days of the request.

- 9.4 A complainant can request copies of documentation related to their complaint to assist with a review and obtaining advice about their options for review, escalation, or alternative resolution.

Wintringham must respond to a request for documentation related to the complaint with copies of documents or clear reasons why any documents have not been provided (e.g. documents belong to a third party, or documents that contain another person's private/sensitive information).

If there is uncertainty with what information can be provided, consult with the Privacy Officer.

Refer to [Privacy Policy](#) (L_M 3.15) and [Privacy Procedure](#) (L_M 3.15A)

10. Advocacy and External Complaint Bodies

- 10.1 Wintringham will provide information to service users/renters and other people making a complaint, about the complaints process, how to contact the regulators, relevant advocacy options and external agencies, detailed in one of the following:

- CAC – Client Handbook
- RAC – Welcome Booklet
- SRS – Welcome Booklet
- NDIS – Information Booklet
- Outreach Support – Client Handbook
- Wintringham Housing – Information Booklet

- 10.2 Refer to [Advocacy](#) (L_M 3.21) for a list of relevant advocacy bodies and external agencies that can support the complainant.

- 10.3 Funded programs will have an external complaint body that complaints can be escalated to, either by Wintringham or the complainant.

10.3.1 Commonwealth Funded Services

(RAC, Home Support, CHSP)

Aged Care Quality and Safety Commission

Ph: 1800 951 822

<https://www.agedcarequality.gov.au/making-complaint>

10.3.2 DFFH Funded Services

(HSO, Audrey Rainsford Supportive Housing)

Ph: 1300 884 706

Email: feedback@dffh.vic.gov.au

<https://www.dffh.vic.gov.au/making-complaint>

10.3.3 Social Services Regulator

(SRS, HSO, Audrey Rainsford Supportive Housing, Housing Support)

Ph: N / A

Email: enquiries@ssr.vic.gov.au

<https://www.vic.gov.au/get-help-or-raise-concern>

10.3.4 DOH Funded Services

(HSAP, OPOP, HACC – PYP)

Ph: N / A
Email: health.feedback@health.vic.gov.au
<https://www.health.vic.gov.au/feedback-and-complaints>

- 10.3.5 **Supported Residential Services**
(AMH – SRS)
Human Services Regulator (DFFH)
Email: hsregulator@dffh.vic.gov.au
<https://providers.dffh.vic.gov.au/our-role-supported-residential-services#:~:text=To%20ask%20a%20question%20or,.vic.gov.au>.
- 10.3.6 **Homes Tasmania**
Ombudsman Tasmania
Ph: 1800 001 170
- 10.3.7 **NDIS Quality and Safeguards Commission**
Ph: 1800 035 544
Email contactcentre@ndiscommission.gov.au
<https://www.ndis.gov.au/contact/feedback-and-complaints>
- 10.3.8 **Wintringham Housing** (VIC only)
Victorian Housing Registrar
Ph: 03 7005 8984
Email: housingregistrar@dtf.vic.gov.au
<https://www.vic.gov.au/contact-the-housing-registrar>
- 10.3.9 **Care Finder Program**
Primary Health Networks
Contact the relevant PHN Contracts Manager
- 10.3.10 **Health Information**
Health Complaints Commissioner
Ph: 1300 035 544
<https://hcc.vic.gov.au/make-complaint>
- 10.3.11 **Privacy Information**
Office of Australian Information Commissioner
Ph: 1300 363 992
<https://www.oaic.gov.au/privacy/privacy-complaints>
- 10.3.12 **Victorian Ombudsman**
Ph: 9613 6222
<https://www.ombudsman.vic.gov.au/complaints/make-complaint/>

11. Communication Materials

- 11.1 Service users will be provided with information on how to make complaint upon program commencement or residential admission.
- 11.2 Information on how to make a complaint will be communicated annually, thereafter. This can be completed via:
- Letter
 - Resident/client meetings or
 - During an assessment or review visit

Provision of information will be documented.

- 11.3 Advocacy service information will be available to Wintringham service users/renters and/or their representatives and will be displayed in a prominent position in all Wintringham service locations and offices and on Wintringham's website.

Related Documents

L_M 23	Open Communication
L_M 2.16	Feedback Policy
L_M 3.14	Conflict of Interest
L_M 3.15	Privacy Policy
L_M 3.15A	Privacy Procedure
L_M 3.21	Advocacy
L_M 3.18B	Family Violence Information Sharing
L_M 5.3	Documentation and Accountability
L_M Fm 3.2b	Interpreters and Translators Reference List
L_M Fm 2.16a	Feedback Form
L_M Fm 3.20b	Cumulative Complaint Feedback Form
L_M FI 3.20a	Complaints Process Flowchart - Clients
L_M FI 3.20b	Complaints Process Flowchart - Housing Resident
L_M FI 3.20c	Complaints Process Flowchart – Care Finder Clients

External Resources

DHHS Victorian Housing Register Operational Guidelines

Legislation

Housing Act 1983
 Privacy and Data Protection Act 2015
 Residential Tenancies Act 1997
 Aged Care Act 1997
 Privacy Act 1988
 National Disability Insurance Scheme Act 2013

Definitions

Authorised Person	Includes Program/Site Managers, EMT members, People and Culture Business Partners, People and Culture Manager.
Complaint	An expression of dissatisfaction made to or about an organisation or individual. It is often related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected.
Complainant	The individual or organisation that makes a complaint
Conflict	The matter that may give rise to a dispute, complaint or grievance.
Dispute	differences that are manifested in emotional tension, relational separation and combative behaviour. Often a result of poor communication, misunderstanding or discourtesy.
Grievance	A cause of distress felt to afford reason for complaint or resistance.
Persistent Complain	A complaint that is the same as or substantively indistinguishable from one that has already been submitted by the complainant,

	which has been formally responded to through the authorised procedure.
Review/Appeal of a complaint outcome	A request by a complainant for review of a complaint outcome or decision.
Service User	Includes client, residents, participants, consumers, care recipients, renters.
Vexatious Complaint	A complaint made in order to pursue aims, or satisfy needs, unrelated to the actual issues raised in the complaint.
VHR	The state-wide common application for people seeking social housing in Victoria.

Authorisation

This policy has been authorised by Chief of Staff - June / 2023.

Review Date

June / 2026