The voice of all people living with HIV

Policy Statement: Positive Life NSW is committed to providing the best possible service to its clients, members, stakeholders, and community (hereafter collectively referred to as “consumers”), in a manner which is not discriminatory and safeguards dignity.

Any person that utilises the services of Positive Life has the right to comment, provide feedback, and make a complaint about any part of the service provided to them by Positive Life. If a consumer is dissatisfied with the service received from Positive Life, staff members will ensure that the consumer is fully aware of the complaints and grievance procedure available to them.

Positive Life encourages consumers to make a complaint using the below described processes if they are dissatisfied with any service provided by Positive Life. All complaints will be dealt with sensitively and in a timely manner.

Purpose: This policy is intended to ensure that we handle complaints fairly, efficiently, and effectively.

Scope: This policy provides guidance to consumers about making complaints to us regarding our services, staff, or our complaints handling processes.

This policy applies to all staff members, volunteers, student placements, contractors, Board members and governing bodies (including the Board and the Finance and Governance Committee) (hereafter collectively referred to as “staff members”) making, receiving, or managing complaints.

Our Commitment: Positive Life and all staff members are committed to fair, effective, accessible, responsive, and efficient complaints handling. We will treat all people with respect, including people who make complaints. We will assist people who wish to make complaints access our complaints processes. We will resolve matters promptly and maintain confidentiality at all times. We will encourage continuous quality improvement in the handling of complaints and the implementation of the complaints management system.

Definitions:

Complaint: An expression of dissatisfaction made to or about Positive Life, our services, staff member(s), or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. (AS/NZ 10002:2014).

Dispute: An unresolved complaint escalated either within or outside of our organisation.

Feedback: Opinions, comments, and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Positive Life, about our services, or complaint handling system where a response is not explicitly or implicitly expected or legally required.

Grievance: A clear, formal written statement by an individual staff member about another staff member or a work-related problem.

Conflict Resolution: An informal or formal process that two or more parties use to find a peaceful solution to a dispute.

Principles:

People focused: We are committed to seeking and receiving constructive feedback and complaints about our services, systems, practices, procedures, and complaint handling. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame (as in AS/NZ 10002:2014).

People making complaints will be:

- provided with information about our complaint handling process and how to access it
- listened to, treated with respect by staff members and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

Accessibility: We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if that is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

Early resolution: Where possible, complaints will be resolved at first contact with us.

Responsiveness: We will promptly acknowledge receipt of complaints. We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to

safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate). We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

Objectivity and fairness: We will address each complaint with integrity and in an equitable, objective, and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

Confidentiality: We will carry out a confidential investigation of the issues raised where there is enough information provided. We will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by us as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

Complaints involving multiple agencies: Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Managing unreasonable conduct by people making complaints: We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

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- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety, and security of our staff, and
- our ability to allocate our resources fairly across all service demands.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

What to do if you have a complaint about Positive Life

What to do first?

- If you feel comfortable doing so, please talk to the staff member concerned in the first instance, to attempt to resolve any issues directly.
- If you do not feel comfortable doing this then you can contact the COO to discuss the issue. You can do this via
  - telephone on 02 9206 2177 or freecall 1800 245 677
  - email at contact@positivelife.org.au
  - by post to PO Box 831, Darlinghurst NSW 1300
  - or you can request a face-to-face meeting to discuss the issue.

What if the issue is not resolved?

- If the issue is not resolved after following the first steps above, then a formal written complaint can be lodged with the COO and/or CEO, or the President if the complaint refers to the COO and/or CEO. In the written complaint outline the nature of your complaint and how you would like the issue resolved. Remember to include your signature in the complaint.
- The COO/CEO or President will acknowledge receipt of the complaint within 7-10 business days. They will then aim to respond to the complaint in writing within 10 to 14 working days. The written response will outline an assessment of the nature/content of the complaint, any investigations of the complaint and decision/s already made, and/or how the complaint is to be resolved by Positive Life
- This will be conducted by someone who is not connected with the complaint, where they facilitate a review of the matter and attempt to find an outcome acceptable to all relevant parties (see below Complaint Handling Procedure)
- If the complaint is in regard to a privacy concern/enquiry, then a Privacy Enquiry Form should be completed and forwarded to the COO. Privacy enquiries will be responded to within 15 working days. The Privacy Enquiry Forms will be mailed out to you upon request

Can I have someone to help me?

Yes. You have the right to have someone assist you during the complaints process. This can be a friend or support person. This person can also help you to put your comments in writing and attend any meetings with you. If an interpreter is needed, then Positive Life will assist you to access the services of an interpreter free of charge.

What happens after my complaint is dealt with?

- The COO will record and log all complaints in the Consumer Complaints Register, which is stored on a secure and confidential section of Positive Life's Data Drive, and all information will remain confidential to those involved in the complaints process
- If you are still dissatisfied with the outcome, you can contact the NSW Ombudsman or the Australian Charities and Not-for-profits Commission (ACNC) for an external review of our decision

Complaint Handling Procedure

When responding to complaints, staff act in accordance with complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

1. Receive complaint

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier/number to the complaint file. The record of the complaint will document:

- Contact information of the person making a complaint and the date received
- Issues raised by the person making a complaint and the outcome/s they want
- Any other relevant information, and
- Any additional support the person making a complaint requires.

2. Acknowledge complaint

We will acknowledge receipt of each complaint promptly, and preferably within 7 to 10 working days. When appropriate we may offer an explanation or apology.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

3. Assess and investigate complaint

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider

the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed. When determining how a complaint will be managed, we will consider:

- How serious, complicated, or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

After assessing the complaint, we will consider how to manage it. We may:

- Give the person making a complaint information or an explanation
- Gather information about the issue, person, or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up-to-date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and consider any statutory requirements.

4. Determine outcome and provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- The outcome of the complaint and any action we took
- The reason/s for our decision
- The remedy or resolution/s that we have proposed or put in place, and
- Any options for review that may be available to the complainant, such as an internal review, external review, or appeal.

5. Close the complaint: document and analyse data

We will keep records about:

- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations), and
- Any outstanding actions to be followed up, including analysing any underlying or root causes.

We will ensure that outcomes are properly implemented, monitored, and reported to the CEO or the President of the Board as appropriate.

Related Legislation:

All relevant persons are covered by the NSW Public Interest Disclosures Act 1994 No. 92 (where applicable and to the extent that the legislative power of the Parliament permits). For more information, please refer to the relevant Act, and Positive Life's Code of Conduct.

Related Policies:

- Privacy Enquiry Form
- Code of Conduct