



# Complaints Handling Policy and Procedures

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Approved by the Director of Tofarati Angels Limited on 24 December 2019.

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### Version Control

Contact person	Role	Ver No	Date	Review Date
Warren Fahey	Consultant	1	24 December 2019	24 December 2022

## 1. About Tofarati Angels Limited

We are all about the relief of poverty, sickness, suffering, misfortune and distress through:

- individual and family one-to-one counselling and support;
- individual and family financial aid and specialised equipment purchases;
- individual and family clothing, food and shelter support;
- carer support for those assisting clients with a disability or special needs; and
- any other direct help necessary for good health.

## 2. Policy and Procedures Purpose

Tofarati Angels Limited aspires to manage complaints on the basis of its commitment to person-to-person care and is committed to resolving complaints quickly, fairly and effectively. This Policy and Procedures sets out Tofarati Angels Limited's clear processes.

## 3. Scope

This Policy applies to all Tofarati Angels Limited clients.

## 4. Background

Clients of Tofarati Angels Limited fall into one of the following categories:

- NDIS Participant;
- private self-funded client;
- private health insurance clients;
- DVA-funded clients; and
- parents of children with disabilities migrants and single parents

Except in the case of "private client" all clients are entitled to lodge a complaint with their respective funding organisation.

## 5. Aims of the Policy and Procedures

Tofarati Angels Limited aims to ensure that:

- making a complaint is as easy as possible and resolved informally in the first instance wherever possible - where a matter cannot be satisfactorily resolved in an informal way, the formal complaints procedure as detailed in this Policy should be followed;
- complaints are treated as a clear expression of dissatisfaction with an activity which calls for an immediate response;
- complaints are dealt with professionally promptly, politely and, when appropriate, confidentially;
- it learns from complaints and uses them as an opportunity to improve the way the Tofarati Angels Limited works;

- an appropriate response is made for each complaint received, for example, with an explanation, or an apology or information on any action taken. Tofarati Angels Limited effectively collaborates with funding providers to resolve and record complaints. This may include undertaking interview reviews requested by a client or prepare for review through an appropriate Tribunal; and
- the effectiveness of this policy and procedures is reviewed at least every three (3) years.

## 6. Policy Statement

In response to a complaint received Tofarati Angels Limited will:

- acknowledge the complaint - this acknowledgement can be in the form of a phone conversation, in person or via writing;
- aim to respond to the Complainant within 30 days of receiving the complaint;
- deal reasonably and sensitively with the complaint;
- take appropriate action, including investigation if required; and
- ensure all complaints and feedback and their resolution are recorded in a Complaint Management System.

## 7. Scope

### **Who can make a complaint under this policy?**

Those who can make a complaint under this policy include:

- anyone receiving or representing someone receiving services or assistance from Tofarati Angels Limited.

### **What are the types of complaints covered by this policy?**

A complaint covered by this policy may concern:

- staff conduct;
- provision of information;
- the way in which Tofarati Angels Limited conducts its activities;
- quality of service, communications or treatment by Tofarati Angels Limited;
- access to or promptness of a service; or
- policies or procedures.

## What are the types of complaints not covered by this policy?

Complaints not covered by this policy include:

- matters relevant to the conduct, services or provision of information by funding organisations such as EnableNSW or the NDIS;
- internal grievances or other issues raised by Tofarati Angels Limited employees;
- contractual disputes between Tofarati Angels Limited and a third party supplying a good or service;
- Tofarati Angels Limited policy positions or statements;
- any industrial relations matter between Tofarati Angels Limited and unions/staff associations;
- a criminal allegation or child protection matter;
- complaints subject to *Privacy and Confidentiality* provisions; and
- any complaint that has been raised, investigated and determined previously by Tofarati Angels Limited.

## 8. Definitions

**Advocate:** An advocate is a person authorised or nominated by the Complainant to act on behalf of the Complainant.

**Authority to Act:** An authority to act is required by a person (advocate) who wants to act on behalf of a Complainant but is unauthorised (or unsure about whether or not they are authorised) to act on behalf of the Complainant. This requirement can be fulfilled by having the Complainant provide verbal or written authority to Tofarati Angels Limited.

**Anonymous Complainant:** An anonymous complaint is person, not working on behalf of Tofarati Angels Limited, who chooses to remain anonymous when making a complaint through any means.

**Apology:** An apology is an expression of sympathy or regret or of a general sense of benevolence or compassion in connection with any matter.

**Client:** A client is a person who receives services or assistance from Tofarati Angels Limited and who is not working on behalf of Tofarati Angels Limited in any capacity.

**Complainant:** A Complainant is any person, not working on behalf of Tofarati Angels Limited in any capacity or external organisation, making a complaint.

**Complaints handling:** Complaints handling actions include, notification, acknowledgement, assessment, information collection, analysis and review and appropriate action.

**Employee:** An employee is a person who is hired to provide services in exchange for compensation (pay) (Australian Taxation Office, 2012). An employee is a paid member of staff – this can be on a full-time, part-time, fixed term or casual basis. This includes

contractors providing services to Tofarati Angels Limited for a set time or specific task and those engaged in the performance of duties for Tofarati Angels Limited from a labour hire agency.

**Investigator:** An Investigator is any suitably skilled employee of Tofarati Angels Limited or suitably skilled third party engaged externally by Tofarati Angels Limited who is tasked with undertaking the investigation in this policy.

## 9. Complaints Handling Procedure

Tofarati Angels Limited's complaints handling process comprises nine separate stages:

- 1) receiving a complaint;
- 2) registering and acknowledging a complaint;
- 3) initial assessment;
- 4) investigating the complaint;
- 5) responding to the complaint;
- 6) complaint resolution;
- 7) record keeping;
- 8) continuous improvement and preventative action; and
- 9) scope for further review of the complaint.

### 9.1. Receiving a complaint

A complaint may be received by Tofarati Angels Limited in a number of ways including:

- face-to-face with one of our staff members;
- phone call to our Office on 02 9601 2000;
- email [tofaratiangels@gmail.com](mailto:tofaratiangels@gmail.com);
- contact us via our website [www.tofaratiangels.org.au](http://www.tofaratiangels.org.au); or
- write to us: Tofarati Angels Limited,  
Shop 7, 220 George Street  
Liverpool, NSW 2170.

#### **Authority to Act**

If a complaint is made on behalf of someone else Tofarati Angels Limited will need confirmation that the individual lodging the complaint has authority from the Complainant to do so. If an advocate verbally advises Tofarati Angels Limited that they are authorised to act on behalf of a Complainant, Tofarati Angels Limited will take the information provided by advocates in good faith, unless Tofarati Angels Limited determines that it is necessary to obtain verbal or written authority directly from the Complainant.

#### **Verbal and point of service complaints**

Where possible, when a complaint is raised verbally by telephone or in person with a representative of Tofarati Angels Limited, all efforts should be made to resolve the matter informally without recourse to the formal complaints procedure.

In these circumstances the Tofarati Angels Limited representative should:

- listen carefully to the individual raising the matter and ask questions to gain as full an understanding of the matter as possible and possibly repeating to the person what has been raised;

- give a calm explanation of what happened and if they are personally aware of why it happened;
- ask the person who has raised the issue what they are now seeking as a resolution to the matter; and
- offer an apology if requested and reasonable to do so.

However, if the matter cannot be resolved for the Complainant the Tofarati Angels Limited representative will then:

- advise the Complainant of Tofarati Angels Limited's formal complaints process and how they might be able to submit a complaint;
- make a record of the conversation for subsequent reference for retention locally;
- provide a copy of the *Complaints Notification Form* to the individual concerned if appropriate or requested; and
- offer to assist the individual to complete a *Complaints Notification Form*, if they wish to complete it at the time.

## 9.2. Registering and acknowledging complaints

### Forwarding complaints received

All formal complaints made in person, over the phone or by email, through the *Complaints Notification Form* or by post, should be forwarded to the Complaints Handling Officer:

- by mail at: Tofarati Angels Limited  
Shop 7, 220 George Street  
Liverpool, NSW 2170; or
- by email to: [tofaratiangels@gmail.com](mailto:tofaratiangels@gmail.com)

On receipt of the complaint, the Complaints Handling Officer will:

- ensure all complaints and feedback and their resolution are recorded in the Complaints Register;
- assess the complaint and determine whether it is covered within the scope of this policy;
- assign the matter for investigation, if it is covered by this policy, to the person for investigation; and
- acknowledge receipt in writing or email within five (5) calendar days of registration (this will include details of the complaints process, person assigned to investigate the complaint and the expected timeframe for considering the complaint).

## **Protected disclosure and Whistleblower Protection**

Tofarati Angels Limited's Complaints Handling Officer will need to check and determine whether the complaint should be regarded as a protected disclosure and, if so, assess whether or not the Complainant qualifies for whistleblower protection.

### **9.3. Initial assessment**

The Complaints Handling Officer will carry out an initial assessment to clarify the complaint and determine whether it comes within the scope of this policy and identify the issues for resolution including the key concerns raised by the Complainant. Where any issues are unclear, before progressing the matter, these should be clarified directly with the Complainant and that the allegation has not been made anonymously.

If the Complaints Handling Officer determines that the allegation does not come within the scope of Tofarati Angels Limited's complaints policy and/or a response or resolution is not possible or that the allegation is considered vexatious or frivolous in nature, the Complainant should be informed appropriately and given an opportunity to provide additional information.

Where no additional information changes this assessment the Complaints Handling Officer will close the matter and notify the Complainant. An appropriate record will be made of the reasons for this decision and filed in case the individual wishes to have the decision reviewed.

#### **Potential criminal matter**

If the complaint involves a potential criminal offence, the Complaints Handling Officer should discuss the complaint with the Director of Tofarati Angels Limited who has the responsibility for referring such matters to the Police on behalf of Tofarati Angels Limited.

#### **Child protection or Privacy or Confidentiality complaint**

If the alleged complaint involves a Child Protection or Breach of Confidentiality matter the Complaints Handling Officer must inform the Complainant and pass the matter to those responsible for investigating such matters. The Complaints Handling Officer should then advise the Complainant of the next steps and who will be handling the matter from that moment onwards.

### **9.4. Investigating the complaint**

The Complaints Handling Officer will assign the complaint to the appropriate person to investigate.

All complaints require to a greater or lesser degree, a fact-finding process to determine what has happened and what course of action is required in response. The investigation may involve seeking clarification from the Complainant, any witnesses and any persons who may be able to provide any information about the complaint.

While carrying out the investigation it is important to remember that the principles of natural justice, fairness and openness need to be followed at all times from both Tofarati Angels Limited's and the Complainant's viewpoints.

If a Complainant or their nominated advocate is not contactable the Investigator will attempt to contact the Complainant and/or their nominated advocate three (3) times on three (3) separate days at different times. If the Complainant or their nominated advocate does not respond after three (3) attempts at contact over the phone, the matter will be closed until further contact is made. If contact with a Complainant or their nominated advocate can only be made via email or post and Tofarati Angels Limited does not hear from a Complainant and/or advocate within a reasonable timeframe during an investigation, Tofarati Angels Limited will write to the Complainant and/or their nominated advocate and close the file pending further contact.

### **Confidentiality**

Every effort will be made to ensure that confidentiality is maintained while a complaint is being investigated. Tofarati Angels Limited expects the Complainant to also maintain confidentiality while the complaint is being investigated. However, if for any reason confidentiality cannot be maintained, the Complaints Handling Officer will advise the Complainant where the complaint has not been treated anonymously.

### **Investigation protocols**

The Investigator is responsible for carrying out the investigation, gathering information, speaking to anyone who might be able to shed light on the matter, or seek specialist advice as required in Tofarati Angels Limited. Notes and information gathered should be kept securely and in an appropriate file.

As information is collected it must be analysed and reviewed. Analysis includes identifying:

- what can be agreed upon between the parties;
- what facts are in dispute;
- how relevant and reliable collected information might be;
- whether there are any inconsistencies;
- whether Tofarati Angels Limited employees have followed standard procedures in the situation that has arisen; and
- what systemic and performance or management factors may have led to the situation arising.

### **9.5. Responding to the complaint**

Where a complaint can be resolved informally the Complaints Handling Officer may provide a response to the Complainant verbally and updating the record with the outcome.

If the complaint has been subject to a formal investigation then once the information has been analysed, the Investigator puts together a report and recommendations for consideration by the Director of Tofarati Angels Limited.

Any actions taken must be based on the evidence and information collected and should address any system or process issues that may have been identified.

Where a complaint is upheld in full or in part, the options for appropriate action may include:

- offering a written apology;
- meeting with the Complainant to acknowledge their experience and discuss reasonable ways in which the matter might be resolved;
- developing or amending policies and procedures if appropriate and/or applicable;
- training Tofarati Angels Limited employees if required or reasonable to do so;
- discuss the matter directly with Tofarati Angels Limited employees concerned (that is, those Tofarati Angels Limited employees named in the complaint); and
- ensuring there are measures put in place to prevent the matter from recurring.

## 9.6. Complaint resolution

Tofarati Angels Limited aims to finalise complaints within 30 days from the date of receipt. The Complaints Handling Officer is responsible for ensuring this aim is met. If a complaint has not been resolved within the 30-day timescale the Complaints Handling Officer must contact the Complainant and advise the expected date of conclusion.

As noted above, the response to the Complainant depends upon whether an informal or formal approach has been undertaken. Responses for formal investigations should be in writing in the form of a letter or email from the Director.

The letter/email must be factually correct and, subject to confidentiality and privacy of persons:

- include an apology if appropriate and requested as part of resolution;
- address each of the points the Complainant has raised with a full explanation or give reasons for why it might not be possible to comment on a specific matter;
- give details about the investigation, including information that has come to light as a result of the investigation;
- give details of the action taken as a result of the complaint;
- provide the name and contact details of the Complaints Handling Officer if further information/discussion is required;
- if there is a reason why a specific issue cannot be addressed this should be stated in the letter; and
- details of further action that might be available to the Complainant.

Where the complaint has been made anonymously, despatching a letter is obviously not possible. However, a summary of all complaints after they are resolved will be submitted by the Complaints Handling Officer to the Director at least every three months.

## 9.7. Record keeping

Each investigation will be assigned a unique file. At the conclusion of the complaint management process the Complaints Handling Officer will coordinate the closing of the file.

The file will contain documents such as file notes of telephone and oral conversations, the original acknowledgement letter, any reports and resolution letter.

The file record of each complaint should be retained for a period of not less than seven (7) years. The Complaints Handling Officer is also required to maintain records of all complaints received and their current status.

The Complaints Handling Officer will ensure all complaints and feedback and their resolution is recorded in the Complaint Management System.

## 9.8. Continuous improvement and preventative action

Complaints often indicate that some improvement in current practices procedures, capabilities and training might be required. It is therefore important that after a complaint is closed by the Director that any lessons learned need to be considered. In this way, Tofarati Angels Limited can help to reduce the likelihood of the same issue arising again.

The Complaints Handling Officer will submit a report every three months to the Director on the complaints received, the outcomes when they are concluded and any lessons or improvements which need to be considered to reduce the likelihood of a reoccurrence of the situation.

## 9.9. Scope for further review of the complaint

### **Unresolved complaints and review arrangements**

If a Complainant remains dissatisfied following Tofarati Angels Limited's response, they may seek the decision to be reviewed by the Director.

If a Complainant seeks a review of a decision regarding a complaint they have submitted, the Director will review the information contained in the complaint file in consultation with the Complaints Handling Officer. Witnesses including the Complainant may be contacted for clarification and any new issues identified will be investigated. The review of a decision regarding a complaint can only be requested within three (3) months of the Complainant receiving Tofarati Angels Limited's initial advice regarding the investigation outcome(s).

The decision made and letter/email sent to the Complainant will be reconsidered in the light of this review and a written response will be provided to the Complainant within 20 days of a request for review being received.

## 10. Anonymous Complaints

Tofarati Angels Limited will accept anonymous complaints. However, an anonymous Complainant should be aware of the limitations involved in investigating complaints made anonymously. Anonymous complaints do not allow clarification, feedback or individual resolution but Tofarati Angels Limited acknowledges that they may still provide enough information about an issue to direct some level of action or other intervention.

Where an anonymous complaint involves allegations of corruption, fraud, theft or serious waste of Tofarati Angels Limited's resources, the person receiving the complaint should immediately refer this to the Director.

Anonymous complaints alleging child abuse or other serious criminal conduct must be referred to the Director in accordance with the general legal obligations of Tofarati Angels Limited.

## 11. Further Advice or Assistance

Further advice and information can be obtained from:

- Tofarati Angels Limited's Complaints Handling Officer:
  - by phoning 02 9601 2000;
  - by writing to Shop 7, 220 George Street Liverpool, NSW 2170
  - by emailing [tofaratiangels@gmail.com](mailto:tofaratiangels@gmail.com)
  
- the relevant funding authority.

## 12. Effectiveness and Review

The Director will review this Policy and Procedures document each 36 months on the anniversary of its approval.

## APPENDIX 1: ROLES AND RESPONSIBILITIES

Roles	Responsibilities
<p style="text-align: center;"><b>Director</b></p>	<ul style="list-style-type: none"> <li>• receives requests for a review of any investigations into a complaint by the Complainant; and</li> <li>• reviews decisions made by Tofarati Angels Limited in respect of employees and notifies Complainant of the outcome within 20 days of request for review being received.</li> </ul>
<p style="text-align: center;"><b>Complainants</b></p>	<ul style="list-style-type: none"> <li>• raise their complaint or concerns promptly and directly with the person concerned and if this cannot be resolved satisfactorily informally, then to follow the formal complaints procedure as detailed;</li> <li>• explain the problem as clearly and as fully as possible, including the circumstances in which it arose, and any actions taken to resolve the matter to date;</li> <li>• allow Tofarati Angels Limited a reasonable amount of time to deal with the matter and provide a response acknowledging that Tofarati Angels Limited intends to achieve this within 30 days of receipt;</li> <li>• recognise that some matters may be outside Tofarati Angels Limited’s control and that other more appropriate methods for raising a concern should be pursued; and</li> <li>• maintain confidentiality about the process.</li> </ul>
<p style="text-align: center;"><b>Complaints Handling Officer</b></p>	<ul style="list-style-type: none"> <li>• receives complaints either in the form of a <i>Complaints Notification Form</i> or by email, orally by telephone, or writing received through a number of ways and detailed in the Policy;</li> <li>• receive complaints in writing including those made anonymously;</li> <li>• assigns the complaint to the appropriate person to assign an Investigator, if needed, to conduct an investigation into the complaint;</li> <li>• maintains records of all current complaints as well as their current status in the Complaints Register;</li> <li>• submits a report every three months to the Director on complaints received and the outcomes of each one after they have been concluded;</li> <li>• receives any investigation reports from the Investigator;</li> <li>• passes investigation records to the Director for approval and action; and</li> <li>• responsible for ensuring that complaint management processes are concluded within 30 days of receipt.</li> </ul>
<p style="text-align: center;"><b>Investigator</b></p>	<ul style="list-style-type: none"> <li>• undertakes an investigation at the request of the Complaints Handling Officer, into a complaint received under this Policy;</li> <li>• collects and analyses information and facts about the matter;</li> <li>• presents a report with a recommended course of action to</li> </ul>

Roles	Responsibilities
	<p>the Complaints Handling Officer within 30 days of the complaint being received by Tofarati Angels Limited; and</p> <ul style="list-style-type: none"> <li>• maintains adequate records and a file for each complaint investigated and passes this file to the Complaints Handling Officer at the conclusion of the investigation.</li> </ul>
<p><b>All employees</b></p>	<ul style="list-style-type: none"> <li>• promptly forwards any complaint received to the Complaints Handling Officer at <ul style="list-style-type: none"> <li>➤ Shop 7, 220 George Street Liverpool, NSW 2170</li> <li>➤ via email to: tofaratiangels@gmail.com</li> </ul> after attempting an informal resolution with the Complainant if possible; </li> <li>• have a responsibility to take complaints received seriously; and</li> <li>• cooperate and assist with any investigations into complaints received from anyone outside Tofarati Angels Limited or being assisted by Tofarati Angels Limited and at all times to treat Complainants with respect.</li> </ul>

## APPENDIX 2: COMPLAINT NOTIFICATION FORM

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DETAILS OF INDIVIDUAL MAKING A COMPLAINT	
Name: ???	.....?
Family Name	First Name
Advocate Name (if applicable): ??	.....?
Family Name	First Name
Address: ?	.....?
.....?	.....?
Email: ???	.....?
Telephone: ? (.....)?	Mobile Telephone: ?
Date of incident: ?	.....?

?

DETAILS OF COMPLAINT	
Date/s and time: ?	.....?
Location/where this occurred: ??	.....?
Description of incident: ?	
???	.....?
???	.....?
???	.....?
???	.....?
???	.....?
???	.....?
Names of individuals involved (if known): ?	.....?
Names of any witnesses: ?	.....?
What outcome or resolution are you seeking? ?	
???	.....?
???	.....?

?