



# Complaints management procedures

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NOTE: v02.1 changes = highlight

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# 1. Introduction

## 1.1 Purpose

Complaints are a valuable source of feedback and an important tool for business and staff development. Diligent and prompt attention to complaints can help us identify the needs of our clients and stakeholders, understand our business shortcomings, increase client satisfaction and improve overall performance.

These procedures are designed to assist eReports business areas to deal with complaints from any source about the services, products, actions or decisions provided by the company through its employees and contracted consultants.

## 1.2 What is a complaint?

There are many definitions of complaints however for this document eReports defines a complaint as “*a generic term referring to the expression of dissatisfaction, orally or in writing, about the service or actions of an agency, associated practitioners or its staff.*”

If contact with eReports is essentially an inquiry (i.e. seeking information) or just a simple query (i.e. asking a question), then such a contact would not constitute a complaint under these procedures.

## 1.3 Definitions

For the purposes of these procedures the company’s directors, executive directors and consultant management team are referred to as senior managers.

For the purposes of these procedures any person who has contact with the company in any form, including as a client, customer, consultant, claimant, examinee or a member of the public or their legal guardian may lodge a complaint.

## 1.4 Scope

These procedures apply to all business units and employees (including those people on a contract) with eReports.

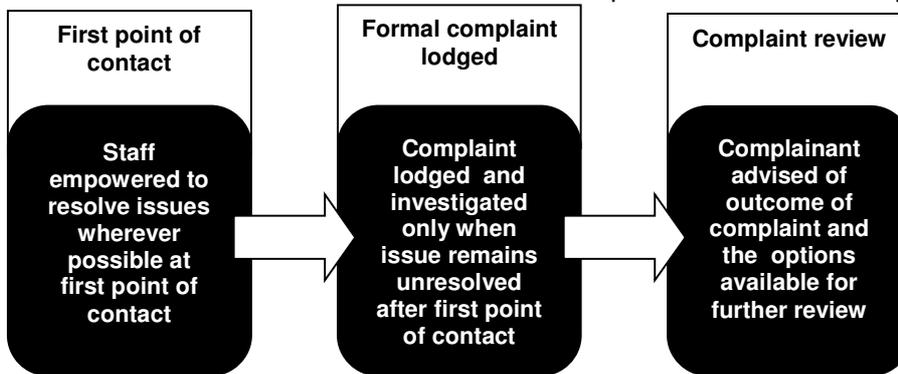
The procedures do not cover:

- staff grievances – refer to the *Complaint and Grievance Resolution Policy and Procedure*
- public interest disclosures or official misconduct complaints – refer to the *Public Interest Disclosure Policy*
- privacy complaints – complaints concerning breaches of privacy are to be referred without delay to the **Chief Executive Officer** who is the nominated ‘Privacy Officer’ of the company who will manage the complaint in accordance with the *Privacy Act 1988* and *any relevant State/Territory Privacy Acts and Regulations*.
- Right to Information requests – complaints concerning right to information requests are to be referred to the **Chief Operations Officer** who will manage the complaint in accordance with the provisions of the *Right to Information Act 2009 Queensland or New South Wales*) or its equivalent legislation in any other jurisdiction.

## 2. Complaint management process

The eReports complaints management procedures are based on a staged approach to receiving, recording, processing, responding to and reporting on complaints. The process recognises that, before a complaint is lodged, every effort will be made to resolve an issue at the point of contact.

The flow chart at **Attachment 1** outlines the steps involved in the complaint process.



## 3. First point of contact

The single most effective way to resolve a simple issue or concern is to discuss it with the client. eReports encourages staff to do this in person or by telephone wherever possible. This is the most efficient and most service-focused way to resolve a problem.

Some examples of these types of complaints might be:

- lack of advice
- a misunderstanding
- a response to correspondence or telephone call
- errors in records.

Staff members are empowered to resolve these issues wherever possible. As such, they have authority to:

- obtain necessary information to assess the validity of the complaint
- resolve issues or concerns, wherever possible
- reject issues or concerns (while informing the complainant of the entitlement to lodge a formal complaint).

If the matter is dealt with to the satisfaction of the client at this stage, the issues or concerns do not need to be recorded as a complaint under these procedures.

Only when this process is unsuccessful in resolving an issue or concern to the satisfaction of the client should a formal complaint be lodged for an internal investigation.

## 4. Formal complaints resolution

If an issue or concern is unable to be resolved informally, the affected person or their legal guardian may lodge a formal complaint with the company.

There are four basic steps to lodging, acknowledging, investigating and reporting on a formal complaint.

### 4.1 Step 1 – Lodging a complaint

#### *Who can make a complaint?*

Any member of the public covered by these procedures may lodge a complaint about the services, products, actions or decisions provided by the company (eReports Pty Ltd)

All complaints will be treated in the strictest confidence.

#### *How complaints can be made*

Information about the eReports complaints management procedures is available at <https://www.ereports.com.au/content/contact-us/> including how and to whom complaints should be addressed.

Complaints can be received either verbally or in writing. Wherever possible, complaints should be submitted in writing so that all aspects of the complaint can be accurately investigated. The complaint form (**Attachment 2**) provides an outline of the type of information that is required when lodging a complaint.

All written complaints should be addressed to the Chief Executive Officer, as follows:

Postal Address:  
eReports  
Level 8, 459 Little Collins Street  
Melbourne VIC 3000

Verbal advice about making a complaint may be sought from eReports National telephone support: 1300 130 963

In circumstances where the complainant:

- can not lodge their complaint in writing, the receiving officer will record all particulars of the complaint
- is unable to speak or write in English, they may be referred to the National Translating and Interpreting Services: TIS National's immediate phone interpreting service is available 24 hours a day, every day of the year by calling 131 450.

There are no charges to the complainant for complaints lodged with eReports.

As indicated in the complaint form, verbal complaints should include, where possible:

- the complainant's name and contact details
- full details of the events, dates and places concerning the complaint
- the names of others who may have witnessed or have information about the complaint
- any other evidence that supports the complaint
- the desired outcome.

When creating a record of the complaint, the receiving officer should:

- work through the complaint form with the complainant, listening carefully to document the complaint as dictated
- provide further information about the complaint management process
- have the complainant sign the complaint form (where possible) or acknowledge the complaint details
- provide the complainant with a copy of the form
- refer the record of complaint to the Chief Executive Officer.

### ***Anonymous complaints***

While anonymous complaints are not encouraged, they are accepted. They may be lodged either in writing or accepted by an employee as an oral statement. Complainants are encouraged to provide as much information as possible which may be of assistance when investigating the complaint. It should, however, be noted that an anonymous complaint might be more difficult to investigate as, for example, further details of the circumstances relating to the complaint might be difficult to obtain.

## **4.2 Step 2 – Registration, allocation and acknowledgment of complaint**

Once a complaint is lodged, it will immediately be forwarded to the senior manager who has overall responsibility for the business unit area referred to in the complaint for identification of appropriate action.

The senior manager will decide whether the complaint falls within the scope of the eReports Complaints Management Procedures, or whether it should be dealt with in another way.

Advice should be sought from the Chief Executive Officer, if the complaint

- constitutes official misconduct under an Act (e.g., *Crime and Misconduct Act 2001 [QLD]* or equivalent) or
- the complaint should be considered as a health practitioner regulations matter i.e., note each National Board publishes codes and guidelines to provide guidance to health practitioners in the application of the registration standards. For Medical Practitioners the Medical Board of Australia has developed codes and guidelines to guide the profession. These also help to clarify the Board's expectations on a range of issues. The Board has approved codes and guidelines on a range of topics including
  - Good medical practice: a code of conduct for doctors in Australia
  - Sexual boundaries: guidelines for doctors
  - Guidelines for mandatory notifications
  - Guidelines for technology based patient consultations
  - Guidelines for advertising regulated health services
  - Social media policy

NOTE TO CONSULTANTS: the AHPRA social media policy is applicable to all registered health professionals – please refer to the web link <http://www.medicalboard.gov.au/Codes-Guidelines-Policies.aspx>

If the company receives a complaint about a government department (not an eReports service), the complainant should be advised to refer their complaint immediately to the appropriate department and the Chief Executive Officer should be advised immediately of this action.

### ***Complaints register***

All complaints accepted by the company must be recorded in a complaints register held by the **Complaints Officer** (who is identified at inception of this policy as the employee who has the role of eReports Operations Manager) however the role may be delegated by the CEO to any other person as required from time-to-time. The complaints register can be in the form of a spreadsheet as deemed appropriate (sample at **Attachment 3**).

The register must, however, contain the following minimum information:

- name of complainant
- type of complaint
- name of investigating officer/business unit assigned to deal with the complaint
- time taken to investigate complaint
- outcome of complaint
- action recommended to address systemic issues (if any)
- complainant satisfaction with the outcome.

The Complaints Officer will be responsible for maintaining a register and all reporting requirements for complaints for their respective divisions.

To maintain confidentiality, access to the complaints register and all associated documents (both electronic and paper based) will be restricted to Executive Team, the investigating officers and other officers approved by the Chief Executive Officer.

### ***Allocation of complaint***

The **Complaints Officer** will undertake an initial review of the complaint. If deemed necessary, the complaint will be immediately referred to the Executive/Senior Manager of the accountable business unit.

The designated Executive/Senior Manager will be responsible for ensuring the complaint is managed fairly, reasonably and within an appropriate timeframe.

Generally, a formal complaint involving a particular business unit will be managed by the Executive/Senior Manager of that work area unless it is inappropriate to do so, for example:

- the matter is outside the area of expertise or delegation
- the complainant requests it
- if there may be a potential conflict of interest

In these circumstances, the complaint will be allocated to another senior level manager, as appropriate.

### ***Acknowledgement of complaint***

Wherever possible, complaints must be acknowledged by the investigating officer within 2 working days of receipt of the complaint. The acknowledgment should:

- reassure the complainant that the complaint is valued
- request any further information that is considered necessary to investigate the complaint
- outline how the complaint will be managed, including an estimated timeframe for resolution
- establish how progress reports will be provided, if necessary
- provide contact details for the complaint officer.
- Advise the relevant company client (e.g., Case Manager for Insurer, Solicitor etc) of the complaint receipt & acknowledgement and provide them a copy of the complaint.

### 4.3 Step 3 – Investigation of complaint

#### *Timeframes*

Complaints will be investigated as promptly as possible. Complaints that relate to a simple matter should be finalised within a **maximum of 10 working days**.

However, the company recognises that complaints can be sensitive and complex and may require detailed investigation. It should therefore be recognised that the complexity of, and the resources available for, an investigation into a more complex issue will result in more time being taken to finalise a complaint. In these circumstances, the rationale for the extended time for resolving the complaint will be communicated to the complainant, who will be kept informed on a regular basis of progress with the complaint.

#### *Record keeping*

The **Complaints Officer** will be responsible for ensuring complete and accurate recording of all material relating to an investigation into a complaint.

Details of each investigation should be contained within a discrete complaint file, which should contain all correspondence, file notes of telephone conversations, interviews and findings from investigations, recommendations and internal approvals. The file should also contain evidence of the steps taken to investigate the complaint including a summary of actions in respect of recommendations (if any) made.

To maintain confidentiality, access to information filed about a complaint (both electronic and paper based) should be restricted to staff of Executive Team, the investigating officers and other officers approved by the Chief Executive Officer .

#### *Conducting an investigation*

The investigation process must be objective, reasonable and conducted in good faith. Decisions must be made on the weight of evidence and on the balance of probabilities.

Investigating a complaint may include:

- clarifying the details provided in a complaint
- identifying actions taken to resolve the issue before the complaint was lodged
- gathering and analysing information from relevant file notes, correspondence and/or other sources
- reviewing applications submitted by the complainant
- reviewing documentation submitted by the complainant
- reviewing previous administrative decisions or actions
- interviewing complainants, employees and/or other individuals involved in the complaint
- reviewing relevant policies, procedures and/or legislation
- reviewing previous complaints about the same issue.

A sample Formal Complaint Case Management Form is provided in **Attachment 4**. This can be used to record and track the complaint process.

It is recognised that complex matters may require a more detailed, structured investigation to be conducted.

## ***Natural justice***

The principles of natural justice must be followed during an investigation. Natural justice refers to procedural fairness, ensuring a fair decision is reached by an objective decision maker.

Natural justice requires the following two rules to be observed:

- the hearing rule, which states that a person or body deciding a particular matter must ensure the affected person knows the case against them and has the opportunity to present their case before any decision is made
- the rule against bias, which states that a decision-maker (including an investigation officer) should have no personal interest in the matter to be decided, have no bias as to the outcome and act in good faith throughout the process. Care should also be exercised to exclude perceived bias from the process.

## ***Outcome of an investigation***

At the conclusion of the investigation, the investigating officer will provide the senior manager with a written report, detailing the findings and making recommendations regarding appropriate action and/or system improvements, as appropriate.

Outcomes that may result from an investigation may include, but are not limited to:

- amending a decision
- a written/verbal apology
- an explanation
- changes to a service provided by the department
- a review of policies/procedures and changes to those policies/procedures
- staff training
- disciplinary action.

In some circumstances, no further action on a complaint may be recommended. The rationale for this course of action may include:

- the matter has been investigated by the company and it is considered that all action to address the original complaint has been satisfactorily completed
- the matter is currently being managed by an external agency, court or tribunal
- the matter has already been adequately managed by an external agency, such as the Police Service, an external administrative authority, court or tribunal
- after assessment, the complaint is determined to be frivolous or vexatious.

## **4.4 Step 4 – Advising the complainant**

At the conclusion of the investigation, a written response must be provided to the complainant outlining the key findings and/or recommendations made concerning the complaint. The response must be approved by the **Chief Executive Officer** before forwarding to the complainant and a copy to the relevant company client (e.g., Case Manager for Insurer, Solicitor etc) & provide the client contact a copy of the written response + the complete Attachment 2. Complaint Form &/or Attachment 4. Case Management Form.

The written response should:

- fully examine the issues raised in the complaint
- identify the actions taken by the department to resolve the complaint (if possible)
- identify how and why this action has been taken
- identify the options available to the complainant for an external review of the investigation.

## 5. External review

If a complainant is not satisfied with the outcome of the investigation by the company, he/she may request a review of the complaint to be undertaken by the relevant Ombudsman.

**Note that under the National Law, AHPRA works with health complaints entities (HCEs) in each state and territory, to decide which organisation should take responsibility for and manage the complaint or concern raised about a registered health practitioner.** The table of health complaints entities in each state and territory are listed below and may be contacted: <http://www.ahpra.gov.au/Notifications/Further-information/Health-complaints-organisations.aspx>

Also the range of matters that could lead to consumer complaints is summarised on the Australian Competition and Consumer Commission (ACCC) website: <https://www.accc.gov.au/consumers>

Contact details for the Australian Competition and Consumer Commission are as follows:  
Telephone: 1300 302 502, Monday to Friday from 8.30am to 5.30pm AEST.

Each capital city has an ACCC office location: <https://www.accc.gov.au/contact-us/contact-the-accc>

**Where the matter is a formal healthcare complaint under the jurisdiction of a State/Territory body it will be referred to that body at the Chief Executives Officers sole discretion.**

## 6. Performance reporting

The complaints management system will be used by the company to identify areas where improvements can be made in complaints handling.

The **Complaints Officer** will provide a quarterly report to the CEO for discussion with the company executive management team. This report will highlight the performance of the complaints management system over the previous six months and will include (but is not limited to):

- number and nature of complaints received during the reporting period
- number of complaints resolved during the reporting period
- time taken to investigate complaints
- action to address systemic issues (if any)
- complainant satisfaction with the company's procedures for investigating complaints.

## 7. Further information

These procedures align to the following documents:

- *Code of Conduct*, Australian Health Provider Regulatory Authority (AHPRA)
- *Customer Satisfaction - Guidelines for Complaints Handling in Organisations*, Standards Australia (2006) AS ISO 10002-2006
- Australian/New Zealand Standard AS/NZS 10002:2014 *Guidelines for complaint management in organizations (previously Australian Standard AS ISO 10002-2006 Customer satisfaction—Guidelines for complaints handling in organizations)*
- Commonwealth Ombudsman *Better practice guide to complaint handling*, April 2009
- Commonwealth Ombudsman *Better practice guide to managing unreasonable complainant conduct*, June 2009

Health information is regarded as one of the most sensitive types of personal information. For this reason, the Privacy Act 1988 (Privacy Act) provides extra protections around its handling. For example, an organisation generally needs an individual's consent before they can collect their health information.

In addition, all organisations that provide a health service and hold health information (other than in an employee record) are covered by the Privacy Act, whether or not they are a small business.

Reference: <https://www.oaic.gov.au/privacy-law/privacy-act/health-and-medical-research>

Under the Privacy Act a 'health service' includes any activity that involves:

- assessing, maintaining or improving a person's physical or psychological health
- where a person's health cannot be maintained or improved – managing the person's physical or psychological health
- diagnosing or treating a person's illness, disability or injury
- recording a person's physical or psychological health for the purposes of assessing, maintaining, improving or managing the person's health
- dispensing a prescription drug or medicinal preparation by a pharmacist.

This includes activities that take place in the course of providing aged care, palliative care or care for a person with a disability.

The Office of the Australian Information Commissioner (OAIC) has developed [privacy fact sheets](#) and [business resources](#) to help individuals and organisations providing a health service understand their rights and responsibilities. Further information about health and medical research is also available on the [FAQs for individuals — Health](#) and [FAQs for health service providers](#).

## 8. Implementation

These procedures are implemented through:

- inclusion in the company's induction sessions;
- emails to all staff: on release of original procedure & thereafter via induction or on policy update;
- posting procedures on the eReports external internet site;
- provision to senior managers, whose responsibility it will be to make the existence and contents of the policy known to staff of their areas.

## 9. Comments and feedback on these procedures

The company welcomes comments that can improve these procedures. Feedback should be addressed to the **Complaints Officer** via email [complaints@eReports.com.au](mailto:complaints@eReports.com.au).

### ***Policy version and revision information:***

Policy Authorised by: Chris Argyle (Chief Executive Officer)

Original issue: 10/10/2017 as v01

Policy Maintained by: Mandy Magden (Operations Manager, eReports)

Current version: 29/12/2017 as v02.1 as amended by Steven Tipper (Clinical Services Consultant)

Review dates: 20/03/2018 (end-of-1<sup>st</sup> quarter) then annually thereafter

# Attachment 1: Complaints management flow chart

