



# COMPLAINTS HANDLING

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## 1.0 INTRODUCTION

Our Rainbow House recognises the importance and value of listening and responding to concerns and complaints. We are committed to achieving the highest standard in every area of our work and to continuous improvement. This applies especially to delivery of services, seeking donations and accountability to stakeholders generally. We are committed to working according to or above the standard required by the Code of Conduct of the Australian Council for International Development (ACFID). Receiving concerns and complaints is one of the most important ways of learning what we need to do to improve our work.

We recognise that stakeholders in Australia and Zambia may have different needs and strive to provide an accessible, confidential and safe complaints handling process that ensures that complaints are acknowledged, dealt with quickly, fairly and sensitively.

## 2.0 REFERENCES

*Code of Conduct*

## 3.0 DEFINITIONS

**Complaint** means an expression of dissatisfaction made to the organisation, related to our products or services, or the complaint handling process itself, where a response or resolution is explicitly or implicitly expected.

**Complainant** means a person, organisation or its representative, making a complaint.

**Employee** shall mean any board member, employee, student placement, apprentice, contractor, sub-contractor or volunteer.

**Feedback** means opinions, comments, suggestions and expressions of interest in the products or the complaint handling process.

**Fivolous complaint** shall mean a complaint which is considered to be:

- made without evidence to cause annoyance;
- regularly focused on a trivial matter to the extent which is out of proportion to its significance and the person raising the complaint continues to focus on this matter;
- continually lodged to invoke a desired response; or
- on a matter which the person persists in pursuing despite the board's reasonable efforts to help them rectify their concerns, and/or where the concerns identified are not within the realm of the board to investigate, and/or where the board has advised the person that the matter has been investigated and resolved.

**Inquiry** means a request for information or an explanation.

**Our Rainbow House Inc. Community** shall mean all board members, employees, volunteers and student placements. Any person who is caused to undertake tasks or duties on behalf of Our Rainbow House Inc.

**Stakeholder or interested party** means a person or group having an interest in the performance or success of the organisation.

**Safeguarding** means the actions, policies and procedures that create and maintain protective environments to protect people from exploitation, harm and abuse of all kinds.

**Sexual abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. (Source: the UN Secretary General's Bulletin on protection from sexual exploitation and abuse.)

**Sexual exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. It includes profiting monetarily, socially, or politically from sexual exploitation of another. (Source: the UN Secretary General's Bulletin on protection from sexual exploitation and abuse.)

**Sexual harassment:** Unwanted physical, verbal or non-verbal conduct of a sexual nature that can include indecent remarks or sexual demands.

**Vexatious complaint** shall mean a complaint which is considered to be:

- made maliciously to damage a person's career or reputation, or the reputation of Our Rainbow House Inc.;
- a threat of violence against others or property; or
- collusion between others, in an effort to discredit others or take retribution or to have an employee removed from the workplace.

#### **4.0 SCOPE**

This Policy is intended to apply to any complaint, regardless of who makes it. We will accept complaints relating to our employees, our volunteers, our partners, our contracted service providers or anyone else acting on our behalf. A complaint may be made by a person to whom we deliver services or goods or who is affected by our services or goods, a partner, a local organisation with which we work, our employees, volunteers, donors or a member of the public. Anonymous complaints can be made, but obviously our ability to investigate them may be limited because of this.

This policy governs how Our Rainbow House Inc. provides services to clients and how it interacts with other members of the public. Where a policy exists for the management of a specific issue (e.g. Whistleblowing Policy, Safeguarding Vulnerable People Policy, etc), it is not the intent of this document to override the direction given in that document, but rather to act as further support for the management of the matter.

#### **5.0 PURPOSE**

The purpose of this policy is to enable stakeholders to make complaints to the organisation in a safe and confidential manner.

#### **6.0 POLICY STATEMENT**

Effective, responsive and timely complaints handling is critical in establishing trust and openness in the workplace, in the communities we serve and amongst our stakeholders. Encouraging the reporting of complaints is critical to our commitment to continuous improvement through the identification of emerging issues, accountability for and prevention of, exploitation and abuse.

#### **Guiding Principles**

- **Visibility** - We will clearly publicise information about how complaints may be made and submitted.

- Accessibility - We will ensure that our complaint handling process is as accessible as we can practically make it to all complainants.
- Responsiveness - We will respond to complaints according to our predetermined timeframes.
- Objectivity - We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process.
- Charges - Access to the complaint handling process is free of charge to complainants
- Confidentiality - We will observe strict confidentiality in complaint handling.
- Consumer/client-focused approach - The interests of all stakeholders are foremost in our approach to complaint handling.
- Accountability - We will ensure that accountability for and reporting on the actions and decisions with respect to complaint handling is clearly established.
- Continual improvement - Continual improvement of the complaint handling process and the quality of services is one of our permanent objectives.

### **Training**

This Policy will be distributed to all employees, our volunteers, our partners, our contracted service providers and all others acting on our behalf. We require all those who may be involved in any way with a complaint to formally signify their commitment to this policy. To familiarise them with this policy we will run induction programs for our governing board members and all relevant personnel. All personnel directly involved in complaint handling must be fully trained in all aspects of this policy and its implementation. In particular we will ensure that Zambian personnel are trained to encourage, receive and handle complaints taking account of language issues and cultural sensitivities.

### **Publicising our Policy**

In supporting our commitment to this policy we will:

- Endeavour to always make clear the value we place on receiving concerns and complaints in all relevant communications.
- Use the word “complaint” or its equivalent in relevant languages other than English.
- Ensure that this policy and the path to making a complaint is clearly identified on our website.
- Orally invite expressions of concern and complaint on a regular basis where literacy is a constraint.
- Take care to give this invitation in a way that is culturally appropriate and recognise that in some cultures people require greater encouragement to make a complaint.
- Take special care to facilitate complaints from vulnerable populations including children and marginalised groups.
- Make use of pictorial means of communication, where appropriate, to ensure that making a complaint to us is as easy as possible.
- Accept complaints orally, in person, over the phone and by any written means.
- Assist complainants to put their complaint in writing if they so choose.
- In addition to our general review of our complaints handling, monitor how effectively we are publicising our complaints policy on a continuing basis and make necessary improvements in its communication.

## Making a Complaint

Complaints may be made orally, in person or by telephone, in writing, by post or email, or online via our website or social media. A complainant may choose to make a complaint orally but request assistance in putting the complaint in writing. A complainant may also choose to have a friend or advocate assist with the making of a complaint.

Additionally, complainants may submit complaints directly to:

- Director Alison Ray - phone: +61 407 040 251 or email to [alisonjray@ourrainbowhouse.com.au](mailto:alisonjray@ourrainbowhouse.com.au)
- Project Co-ordinator – phone: +260 971 594 160 or email to [orh-projectassistant@live.com](mailto:orh-projectassistant@live.com) or placed in their letter box/ pigeonhole
- Given to a caregiver or staff member

Where appropriate, we may establish a committee involving representatives from partner organisations and/or members of the communities we serve to address and manage complaints we receive.

**We recognise that in some circumstances, complainants may wish to remain anonymous. Such complaints alert us to issues that may need rectification and therefore we will still accept them although their unidentified status may impede the organisation’s ability to effectively investigate any wrongdoing or communicate any outcomes.**

## Receiving of Complaints

When receiving an oral complaint we will:

- identify ourselves, listen, record details, and determine what the client wants;
- confirm that we have understood and received the details; and
- show empathy for the client, but not attempt to take sides, lay blame, or become defensive;

For all complaints we will:

- seek from the complainant the outcome/s they are expecting;
- make an initial assessment of the severity of the complaint and the urgency of action;
- clearly explain the course of action that will follow:
  - ☐ if the complaint is out of our jurisdiction;
  - ☐ if we may exercise a discretion not to investigate;
  - ☐ if preliminary enquiries need to be made, or further consideration needs to be given; or
  - ☐ if the complaint is to be investigated.
- not create false expectations, but assure the complainant that the complaint will receive our full attention;
- give an estimated timeframe or, if that is not possible, a date by which we will contact them again;
- check whether the complainant is satisfied with the proposed action and, if not, advise them of any alternatives;
- ensure that the complaint is appropriately acknowledged;
- follow up where necessary, and monitor whether the client is satisfied; and
- register all complaints in the Complaints Register located in the Australian Office

Where appropriate we will ensure that personnel working in the communities we serve receive training in encouraging complaints and handling inquiries, expressions of concern and complaints to ensure that cases involving children and vulnerable persons are appropriately handled.

We will ensure that a complainant is not required to express their complaint to any person implicated/involved in their complaint (subject officer) or that those persons are not involved in any way with the handling of the complaint.

For allegations of sexual abuse, harassment or exploitation we will consider the needs of complainants/survivors and whether there is an ongoing need for protection or assistance in instances where:

- There may be immediate safety needs if the person is returning to an unsafe situation.
- There may be immediate health or psychologic needs

We will adopt a survivor-centered approach (*see Safeguarding of Complainants*) and report all allegations of sexual exploitations, abuse and harassments.

### **Safeguarding of Complainants**

Upon receipt of as complaint that involves allegations of sexual abuse, harassment or exploitation, we are committed to providing appropriate assistance and referrals to survivors. The assistance provided will be proportionate to the nature of the incident and will be based on the needs and wishes of the survivor.

This assistance may include:

- medical;
- social;
- legal; and or
- financial assistance.

We will also refer survivors to other appropriate services and provide information on how to access the services.

### **Initial Assessment of Complaints**

Complaints will be initially assessed to determine whether there is more than one issue raised in the complaint and whether each needs to be separately addressed.

To determine how a complaint should be managed, it will be assessed in accordance with the following criteria:

- a) severity;
- b) health (including mental health) and safety implications;
- c) financial implications for the complainant or others;
- d) complexity;
- e) impact on the individual, public and organisation;
- f) potential to escalate.

If the complaint is assessed as significant in terms of one or more of these criteria, it will be classified and dealt with in accordance with that classification.

## **Inquiries, Minor Complaints, Proper Complaints and Jurisdiction**

All attempts will be made to deal with inquiries and minor complaints that are made orally by telephone or in person, during the initial phone call or meeting. As far as possible, we will ensure that the inquirer or complainant is completely satisfied with the information and the resolution provided.

Grievances received must be initially assess to determine whether they are proper complaints. The assessment determines whether it is a proper complaint and whether investigation of the complaint is required or not taking into consideration:

- whether we are the correct authority to investigate the matter;
- whether the complaint is ill conceived;
- whether the complaint is based on a misunderstanding or insufficient information and the provision of information may immediately satisfy the complainant and therefore the complaint is actually an inquiry;
- whether the complaint is frivolous or vexatious and made with the intention of causing harm to others; or
- whether is it is being made without sufficient grounds or it is not necessary for the pursuit of a legitimate end, but is made with the intention, or inevitable effect, of causing distress, trouble and annoyance.

If the complainant disputes an assessment that a complaint should not be investigated, the employee handling the complaint must refer it to the Director for review. If such a dispute is unable to be resolved, the complainant is to be referred to the Code Committee of the Australian Council for International Development (ACFID) by:

Email: [code@acfid.asn.au](mailto:code@acfid.asn.au)

Mail: Chair  
ACFID Code of Conduct Committee  
C/- ACFID  
Private Bag 3  
Deakin ACT

Complainants may also contact the Code Committee of the Australian Council for International Development (ACFID) to make a complaint regarding an alleged breach of the ACFID code of conduct by Our Rainbow House. We support a complainant's right to do so and will provide these contact details when requested.

## **Investigation of Complaints**

We will make every reasonable effort to investigate all relevant circumstances and information in relation to a complaint. The level of investigation will be appropriate to the seriousness and frequency of the complaint.

## **Timeframes**

All oral complaints will be acknowledged immediately and written complaints within 5 working days. Complaints are to be resolved as quickly as possible and within 30 working days unless there are exceptional circumstances. If a complaint is not resolved within 30 days the complainant must be informed of progress at that time and again every two weeks.

## **Responding to and closing a complaint**

The Board or a person delegated by the Board will normally make the decision on a complaint that has required investigation (that is not a minor complaint). Decisions on serious complaints may be referred to the governing board.

The decision on a complaint will be communicated as soon as is practical and will be communicated in writing by email and/or post. The complainant will be encouraged to respond and advise whether or not they are satisfied with the decision. The decision will also include information on the review rights of the complainant if they are not satisfied including:

- their right to provide further information;
- our willingness to review our decision; and
- their right for referral to the Code Committee of ACFID and the necessary contact information to assist.

## **Rectification of Complaints**

Once a decision on a complaint has been made it may be appropriate to take action to address and respond to the needs of a complainant arising out of a problem caused by Our Rainbow House or its employees. This may include:

- Communication – with the person who has suffered detriment – options include:
  - Providing an explanation as to why/how the problem occurred;
  - giving reasons for decisions;
  - establishing the degree of detriment suffered by the complainant;
  - providing sufficient information to the complainant about the facts of their case and their legal options;
  - providing an apology; or
  - reaching an agreement acceptable to the complainant through mediation, conciliation or other informal approaches to resolution.
- Rectification – options include:
  - reconsidering conduct and taking any necessary action, stopping action that should not have been started, cancelling an intended action.
  - changes to processes, services or products to ensure the problem does not reoccur; or
  - ensuring compliance with obligations, whether legal or otherwise and correcting records.
- Mitigation – i.e. moderate the severity of the detriment suffered – options include:
  - ceasing action that has, is, or will cause further unnecessary, unreasonable or inappropriate detriment;
  - taking action to prevent unnecessary, unreasonable or inappropriate detriment;
  - correcting records that are incomplete, incorrect, out of date or misleading;

- repairing physical damage to property;
  - replacing damaged or lost property;
  - refunding fees or charges;
  - waiving fees, charges or debts; or
  - providing assistance and support.
- Satisfaction – of the reasonable concerns of the complainant who has suffered detriment through non-material means – options include:
    - providing an admission of fault;
    - providing an apology;
    - publicly acknowledging the wrong done;
    - giving undertakings to set in place improvements to systems, procedures or practice, or any other undertakings that are reasonable in the circumstances.
  - Compensation – financial compensation for detriment sustained directly or indirectly as a result of a mistake – options include:
    - restitution – for loss or damage to property or financial interests; loss of financial or other benefits; or loss of earnings;
    - reimbursement – refunds; costs or damages that may, or are likely to have been, incurred by the complainant, i.e., indemnification, medical costs resulting from injury or damage to/deterioration of health, or professional costs incurred by a complainant in demonstrating that the problem did in fact occur and/or the scope of the detriment arising out of the problem; or
    - satisfaction or appeasement – financial assistance; goodwill gift for damage to reputation or humiliation, worry or distress, including grief and suffering; disturbance to amenity (if not quantifiable); inconvenience, or ‘bother’, i.e., the inconvenience arising out of the fact of having to complain at all.

The level of response chosen should be appropriate for the seriousness of the complaint and may require Director/Board approval.

### **Learning from Complaints**

In order to learn from complaints received we will:

- regularly inform relevant personnel of the outcomes of complaints and the implications for our services, goods, procedures and processes;
- undertake all required remedial action;
- be prepared to change the way in which we operate and improve or undertake further training of staff, volunteers, etc;
- counsel or discipline employees or volunteers where required; and
- consult and take advice from ACFID and/or other relevant regulatory/enforcement authorities.

### **Confidentiality**

The confidentiality of all involved parties must be maintained at all times. Only those directly involved in assessing/investigating/resolving the matter should be privy to the facts. The complainant's name or personal details will not be revealed to anyone in or outside our organisation other than those involved in handling the complaint without first obtaining the complainant's permission. All persons required for investigation and interview purposes must be interviewed separately and all parties advised of the requirement for confidentiality.

### **Recordkeeping**

A register of complaints will be maintained and the following information recorded:

- date of receipt
- a description of the complaint and relevant supporting data;
- the requested remedy;
- the service(s) and/or good(s) and/or practice or procedure complained about;
- the due date for a response;
- and immediate action taken (if any) to resolve the complaint.

### **Reporting on Complaints**

Complex and/or major complaints will immediately be escalated to the board. All complaints will be reported at our regular monthly business meetings and our governing board meetings. Minor complaints will be reported in summary form and major complaints will be reported in detail. Our Annual Report will provide de-identified information on complaints.

### **Continuous improvement**

The effectiveness of complaints handling will be monitored on a continuing basis and improvements made as appropriate. To support our commitment to the continuous improvement of our complaints handling we will:

- maintain data collection on complaints for the purpose of identifying trends in order to enhance information management and service provided;
- keep abreast of best practices (both locally and overseas) regarding complaint handling;
- foster a consumer/client-focused approach;
- undertake specific training and retraining of employees to foster better complaint handling practices;
- encourage innovation in complaint handling development; and
- recognise and reward exemplary complaint handling behaviour. We will conduct an internal review of the effectiveness of our complaint handling regularly.

## **7.0 REVIEW**

Date of next review: 15/09/2022 or after any serious incident, to determine if the policy and associated procedure has been effective.