Australian Government
Aged Care Quality and Safety Commission

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Better practice guide to complaints handling in aged care services



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agedcarequality.gov.au

Foreword

Supporting better practice complaints handling in aged care services

Aged care providers do their best to provide quality care and services for older Australians. When issues do occur, it's important that people can raise their concerns in a constructive and safe way.

An effective complaints handling system within an aged care service:

- allows many issues to be dealt with promptly, effectively and sustainably
- can enhance the ongoing relationship between the service and the consumer, their family and representatives
- contributes to continuous improvement in the service.

The Aged Care Quality and Safety Commission (Commission) supports the industry in resolving complaints within their service where possible.

Effective resolution of complaints leads to improved aged care services for older Australians.

It is also a legislative requirement under the *Aged Care Act 1997* and the Aged Care Quality Standards, that every service has an internal complaints resolution process.

On 1 July 2019, the Commission began assessing and monitoring quality of care and services against the Aged Care Quality Standards (the Standards). Providers of Australian Government funded aged care services are required to comply with these Standards.



Standard 6, *Feedback and Complaints*, requires an organisation to have a system to resolve complaints. The system must be accessible, confidential, prompt and fair. It should also support all consumers to make a complaint or give feedback without fear there will be negative consequences if they raise concerns or complain.

This booklet aims to give guidance on how to:

- create an effective, resolution focused complaints system in aged care services and how to enhance existing processes
- maintain compliance with Standard 6
- encourage a positive, blame-free culture around complaints handling in aged care services by:
  - fostering an understanding of the complaints process and how it affects the people involved
  - setting out the essential elements for the effective management of complaints within a service including skills, procedures and policies.

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Terminology

This booklet aims to use plain language that is succinct and easy to understand. It has been written for aged care workers in Australia. Although some familiarity with industry-related terms is assumed, some of the frequently used terms are defined below:

Consumer

Also known as a care recipient, client, service user or customer. The term refers to a person receiving Australian Government funded aged care services. Consumer also refers collectively to the consumer and their nominated and legal representative/s.

Service providers

Also known as services, providers, organisations, approved providers, aged care providers, aged care services, nursing homes and businesses. The term refers to an entity that receives Australian Government funding to provide residential or home-based aged care services. The Commission's information on the Aged Care Quality Standards will refer to 'organisations'.

Complainant

A complainant is a person making a complaint. The term refers collectively to consumers and their family, as well as representatives, carers and health professionals. It does not include staff of a service in the context of this guide.

Leaders

Also known, for example, as managers, executives, team leaders, bosses, 2ICs (second in charge), Clinical Nurse Coordinators, CEOs (Chief Executive Officers) and directors. Refers to decision makers, senior staff and complaints handling staff working for a service.

The Commission's role

The role of the Commission is to:

- *protect and enhance the safety, health, wellbeing and quality of life of consumers*
- *promote high quality care and services to safeguard everyone who is receiving Australian Government funded aged care*
- *independently accredit, assess and monitor aged care services funded by the Australian Government. We also resolve complaints about these services.*

Through our engagement and education work, we aim to build confidence and trust in aged care, empower consumers, support providers to comply with the Quality Standards and promote best practice service provision.

Legislated responsibilities

Rights and obligations of approved providers and consumers

The *Aged Care Act 1997* is the overarching legislation that outlines the obligations and responsibilities that approved providers must follow to receive funding from the Australian Government. From 1 July 2019, a new Charter of Aged Care Rights and Aged Care Quality Standards also came into effect.

Other legislation related to aged care complaints and the accreditation of approved providers includes:

- *Aged Care Quality and Safety Commission Act 2018*
- *Aged Care Quality and Safety Commission Rules 2018*
- *Accountability Principles 2014*
- *Information Principles 2014*
- *Quality of Care Principles 2014 (including the Accreditation Standards)*
- *Records Principles 2014*
- *Sanctions Principles 2014*
- *User Rights Principles 2014.*

More information about the legislation and policies regulating Australian Government funded aged care services, complaints and the accreditation of approved providers, can be found on the Commission's website: agedcarequality.gov.au/about-us/legislation-and-policies

Consumers' rights

Consumers have a number of rights when receiving Australian Government funded aged care services as outlined in the Charter of Aged Care Rights. Service providers are obliged to ensure consumers are aware of their rights and deliver care and services that are respectful of these rights. The rights a consumer has in relation to complaints management include:

1. be listened to and understood
2. have a person of my choice, including an aged care advocate, support me or speak on my behalf
3. complain free from reprisal, and to have my complaints dealt with fairly and promptly
4. personal privacy and to have my personal information protected
5. exercise my rights without it adversely affecting the way I am treated.

A positive approach to complaints handling

Complaints help to improve the quality of aged care services in Australia

Having a transparent and accessible complaints handling process is essential for aged care services. Effective processes for handling complaints can help service providers:

- improve the quality of care being delivered
- gain insights into the needs and wants of consumers
- address minor issues before they become complaints
- build positive relationships with consumers, their family, friends and representatives.

A positive attitude towards complainants and a commitment to resolving complaints will create a noticeable improvement in client satisfaction.

Resolving a complaint within the service prevents issues from being raised with the Commission or other bodies unnecessarily. Most complaints can be resolved without external involvement.

A blame-free, resolution focused complaints culture

A healthy workplace culture is central to effective complaints handling.

Complaints provide learning opportunities that look at why something happened and how it can be improved. The traditional approach of looking at what happened and who is to blame creates barriers to good complaints management.

A continuous improvement approach to complaints:

- encourages regular, ongoing feedback from consumers and their representatives about the quality of service they receive
- uses a collaborative approach with complainants to find timely resolutions to complaints through open communication and transparent processes
- gains insights from complaints, by considering them in the development of risk management, service delivery and staff development systems.

Complaints handling system

Service providers are required under the *Aged Care Act 1997* and Standard 6 of the Aged Care Quality Standards to establish a system for handling complaints. The system should be accessible, confidential, prompt and fair. The system should also be well publicised within the service.

A complaints handling system needs to be available to anyone who wishes to make a complaint and service providers need to welcome feedback and complaints as an opportunity to learn about ways in which they can improve care outcomes for consumers.

Service providers must have in place, best practice complaints handling and resolution systems that facilitate and support consumers to make complaints. They also need to demonstrate that they encourage and support consumers and their representatives, to provide feedback or complain about the care and services they receive.

Management and staff must have appropriate knowledge and skills to perform their complaints handling roles effectively. Service providers must use the complaints resolution mechanism to address any complaints made by or on behalf of a consumer.

Resident agreements with consumers must specify the complaints resolution mechanism that the service provider will use to address complaints. Service providers are obliged to use these mechanisms.



Making complaints accessible

Making a complaint should be easy.

An effective complaints handling system is accessible to consumers and relies on complainants:

- knowing they have a right to complain
- understanding how they can complain.

Complainants need to be informed that they have a right to complain and how they can complain. Service providers should ensure that their complaints policy is well publicised and freely available to consumers and their representatives.

This can include:

- providing a 'how to complain' information sheet to consumers and their representatives
- considering the need for information to be translated into different languages
- advertising the complaints policy and staff contact details on posters, publications and websites
- actively seeking feedback as part of ongoing conversations
- frequent reminders in different formats that complaints are welcome.

Consumers and their representatives should be encouraged to raise concerns with:

- any staff member at any time
- a nominated staff member who handles complaints when the complaint cannot be resolved immediately
- a resident representative
- the Commission, if a resolution cannot be found within the service.

Better practice complaints handling allows complaints to be made in a variety of ways. This can include informal and formal ways, such as:

- using a suggestions box
- using forms to capture complaints details
- accepting anonymous complaints
- having an internal appeals system for dissatisfied complainants
- having a senior member of staff available to hear complaints at all times
- having regular care and family conferences
- regular reminders that service management and staff value feedback
- training staff to be proactive in listening to potential and actual complaints
- promoting the Commission
- promoting advocacy and or interpreter services
- providing all information in plain, friendly language.



Complaints handling policies and procedures

An efficient and effective complaints handling system requires written policies and procedures. These should be provided to consumers when entering the service and should be readily available in printed formats within the service and on the service provider's website.

A good complaints handling policy provides:

- a commitment to receive complaints in good faith and treat all complaints fairly
- a commitment that the service proactively and transparently handles complaints
- written statements of values, principles and care philosophies of the service
- information on staff with the authority to deal with complaints
- guiding principles and objectives for staff to follow
- a description of the services offered by the aged care provider
- reference to the service's complaints handling procedures.

The policy should always be supported by a set of complaints handling procedures.

Procedures give details of how the policy will be put into practice. Procedures also detail what steps need to be followed when handling a complaint, who is responsible for handling different stages of the resolution process and the timeframes involved.

An important part of procedures is the mechanisms that support the procedure, such as forms, template letters, brochures about the complaints mechanism and tracking tools.

An effective procedures document or manual provides:

- information on how the complaints system works
- the means of implementing the policy
- details of what has to be done
- suggested timeframes
- definitions of terminology
- examples of how to apply the policy
- an outline of processes and mechanisms used in complaints handling such as forms and tracking tools
- details of who is responsible for each part of the process.

Template policy and procedure documents can be a good starting point for consultation with consumers and their representatives, staff and others with an interest or connection to an aged care service. Service providers can use a consultation process to adapt templates so that policies and procedures reflect the values and needs of their service and consumers. Alternatively, a service may wish for the complaints policies and procedures to be written collectively by staff. This can be achieved by hosting workshops where staff can collaborate and are encouraged to have ownership of the commitments being made by the service. A service is also more likely to deliver on its service commitment, if the staff responsible feel ownership for the commitment.

Timeframe for resolution

Handling complaints as quickly as possible can help reduce the risk of a complaint escalating and becoming more serious. A realistic timeframe for resolution needs to be estimated and communicated to the complainant.

Determine guidelines about the timeframe needed to provide solutions for complaints in your service. Articulate these timeframes in the complaints policy and procedures. Some complaints can be resolved on the spot or within 24 hours, while more complex or serious complaints may take longer to investigate and resolve.



Requirements under the Aged Care Quality Standards



The content in this chapter relates to **Standard 6 Feedback and Complaints – Requirement (3) (a):**

Consumers, their family, friends, carers and others are encouraged and supported to provide feedback and make complaints.

This requirement describes how an organisation needs to welcome feedback and complaints as an opportunity to learn about ways in which they can improve outcomes for consumers.

Organisations must recognise that consumers have the right to raise concerns and make complaints about the care and services they receive. The organisation must have in place best practice complaints handling and resolution systems that facilitate and support consumers to make complaints. Once made, the system follows principles of procedural fairness and natural justice and is managed in line with better practice guidelines.

The organisation is expected to demonstrate that they encourage and support consumers and their representatives to provide feedback or complain about the care and services they receive. This is based on consumers' trust and confidence that there won't be negative consequences if they raise concerns or complain.

It is expected consumers are also made aware of and supported to access alternative external complaints handling options, including the role of the Commission.

Note: It is also a requirement under s56-4 of the *Aged Care Act 1997* for an approved provider to advise consumers of any other mechanisms that are available to address complaints and provide any assistance required to use those mechanisms.

Reflective questions towards meeting this Standard

How does the organisation make sure everyone is aware of their right to provide feedback or make a complaint to the organisation? How is the complaint handling process publicised?

How does the organisation make sure everyone knows how to use advocacy and complaint agencies outside of the organisation? How are advocacy services publicised?

Are tools and information about feedback and complaints handling and resolution systems in plain English? Or in the consumer's language? Are they presented in a format that can be easily understood?

How does the organisation support diverse and vulnerable groups to give feedback and make complaints about their care and services?

Does the workforce know how to access translation services and other communication and hearing support services to help consumers give feedback and make complaints?

Case study

Mr J is the coordinator of a large community based aged care service. The consumers are predominantly from Indigenous and migrant backgrounds.

The organisation has a formal complaints system, which includes a feedback box at the day respite centre, along with forms that consumers or their representative can complete. These can be sent in by post or provided to their care worker to place in the feedback box. However, Mr J finds that few formal complaints are submitted through this process and wants to make sure consumers are aware of the complaints system and feel able to give feedback.

He makes time each week to personally visit one to two consumers to chat about the care and services they receive and find out what questions, ideas or concerns they have about the care they are receiving.

He finds this approach is more relaxed and consumers who may be reluctant to raise an issue or make a formal complaint will often let him know about things they are not quite happy with. These may be minor issues which can be easily addressed, like variations to the meals on wheels menu, or revising personal care visit times.

Mr J also finds that family carers provide additional insight and ideas for activities that their relative would be interested in. Mr J records relevant feedback in the consumer's individual progress notes or completes a formal de-identified complaints form to escalate concerns when required.

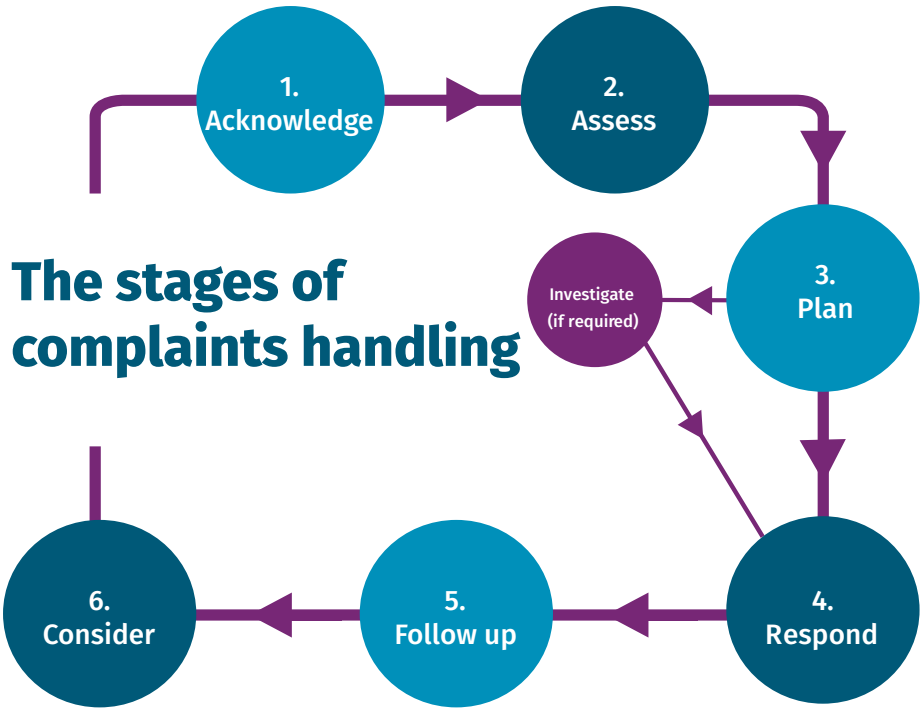
All feedback, including complaints and suggestions are assessed and help to improve the services through the organisation's plan for continuous improvement.



The stages of complaints handling

An effective complaints handling process is fair, accessible, responsive and efficient, and contributes to continuous improvement in service delivery.

The aim is for consumers, families, representatives and staff to have confidence in the complaints handling system.



As demonstrated in this diagram, many cases can be resolved by the following six steps:

1. Acknowledge all complaints quickly.

2. Assess the complaint, give it priority, and start to think about which resolution approach you may take. This should include considering any other people who should be consulted about the concerns such as the consumer's legal representative.

3. Plan the type of information you may need to collect to assess the complaint and how you will collect it. Where required:

- **a. Investigate** the complaint to help inform your resolution approach.

4. Respond to the complainant with a clear decision.

5. Follow up any concerns.

6. Consider the learnings from this complaint and what can be improved systematically or more broadly, to help prevent the same issue from occurring again.

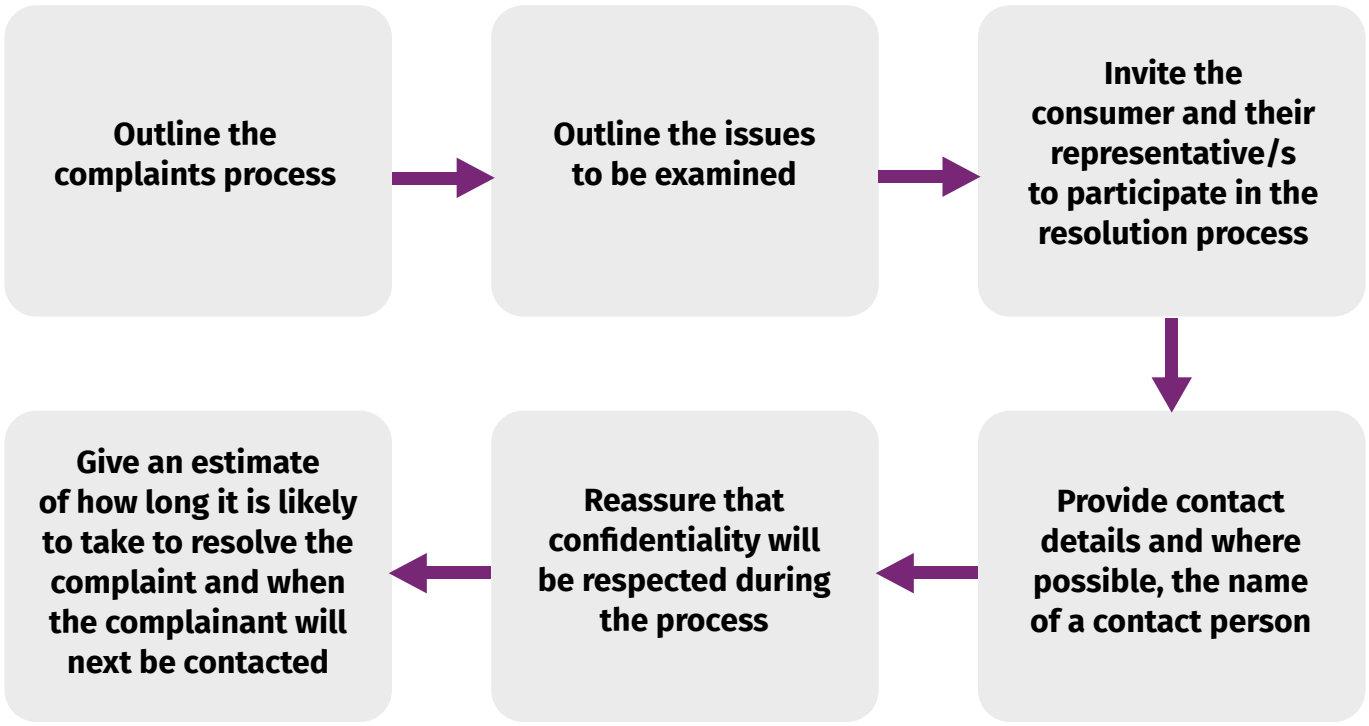
Some complaints may require the service to investigate the issues involved. However, most of the time a complaint can be resolved using other means such as conciliation. No matter the approach, and especially when an investigation is required, it is important to have a plan.

Regular contact with the complainant and any other relevant parties should be maintained throughout the process. It is especially important to keep the complainant informed if their complaint is taking longer to resolve than first advised.

Acknowledgement

A complaint must be acknowledged quickly. This demonstrates that the complainant will be treated with respect and can be an important tool in managing the complainant's expectations. In the context of open disclosure (further information relating to open disclosure can be found on the next page), this might include the acknowledgement of where something goes wrong that has harmed or had the potential to cause harm to a consumer, which comes to the attention of the provider. The consumer may or may not be aware of the issue.

The acknowledgement of a complaint should:



Written acknowledgement can be beneficial, but is not always necessary. If the complaint is made by telephone and cannot be resolved straight away, it might be more efficient to talk to the complainant about how the complaint will be handled and when they will next be contacted. Ensure this phone call is documented.

Similarly, a complaint that is made by letter and can be resolved quickly can sometimes be acknowledged and resolved at the same time.

Open Disclosure

Open disclosure is the open discussion that a service provider has with a consumer when something goes wrong and has harmed, or had the potential to cause harm to the consumer. This discussion may also involve the consumer's family, carers, other support people and representatives, when a consumer would like them to be involved.

Practising open disclosure is:

Communicating with a consumer when things go wrong

Listening to the consumer's experience of what has happened

Apologising and explaining the steps the service has taken to prevent it happening again

When done well, the benefits of practising open disclosure are reaped by all. It can build collaboration and trust. It can become a cultural and behavioural cornerstone of continuous learning and service improvement in partnership with consumers. It can serve to enhance public trust and support outcomes through transparency when something has gone wrong that has harmed, or had the potential to cause harm to a consumer.

In relation to open disclosure, the Commission will assess a service provider's performance against the relevant requirements under the Aged Care Quality Standards. This includes, Standard 6, Requirement (3)(c) and where clinical care is provided, Standard 8, Requirement 3(e). In doing so, the Commission will seek to understand how organisations have applied open disclosure in their service, including evidence that communication from a service provider to all parties involved, is open, honest and timely, after something has gone wrong.

More information about open disclosure is available in the Aged Care Open Disclosure Framework and Guidance resource.



Assessment and assigning priority

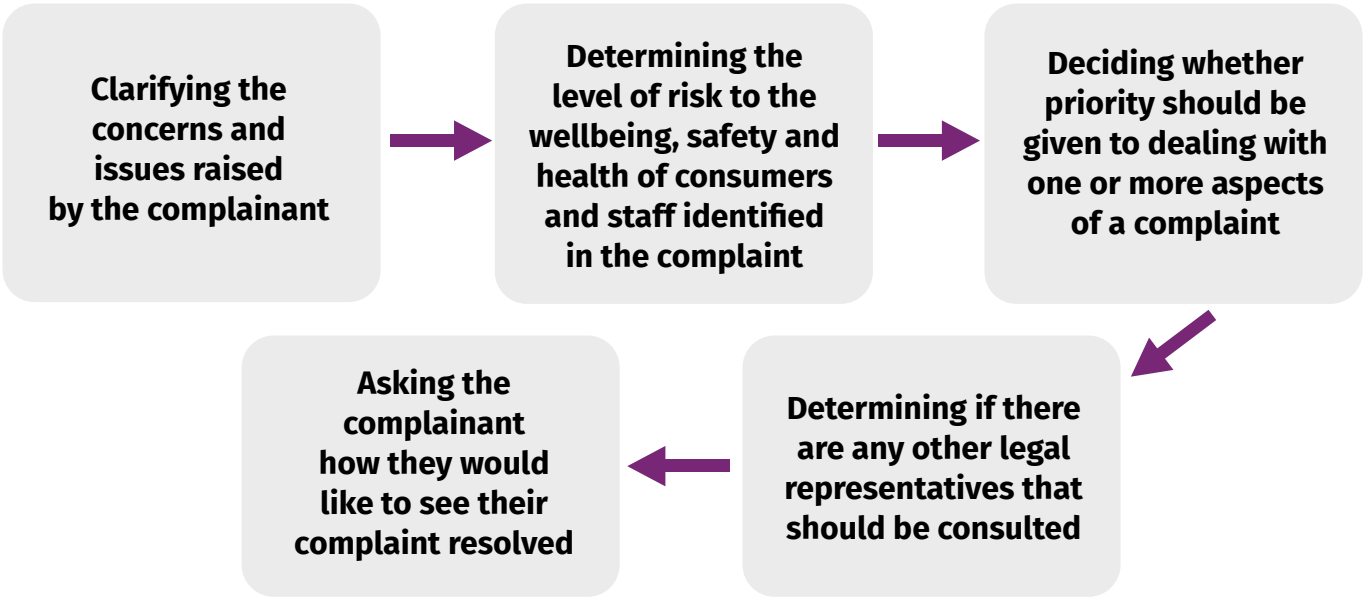
The nature of complaints differs widely.

Some complaints can be resolved quickly through open communication or an apology. Sometimes the scope of a complaint is not clear and clarification is needed.

More complex complaints may require service providers to investigate the underlying issues or make referrals to other organisations.

Early assessment of a complaint is essential for effective complaints handling.

The early assessment should include:



Often what the complainant is seeking will be straightforward — for example, an apology or small change in services. Some complainants want to raise awareness of a problem or ensure that other people will not find themselves in the same situation.

The best way to establish a complainant's expectation is to ask them what they are trying to achieve. What would resolve this complaint for them? Understanding this may be key to managing a complaint well.

Some problems might not be easy to resolve, or the complainant may seek an unachievable outcome. It's important to explain why a request cannot be met, and it's equally important to offer an alternative solution, if possible.

Staff should have the authority to resolve straightforward matters. They must also be able to escalate matters that present risks or require more detailed examination.

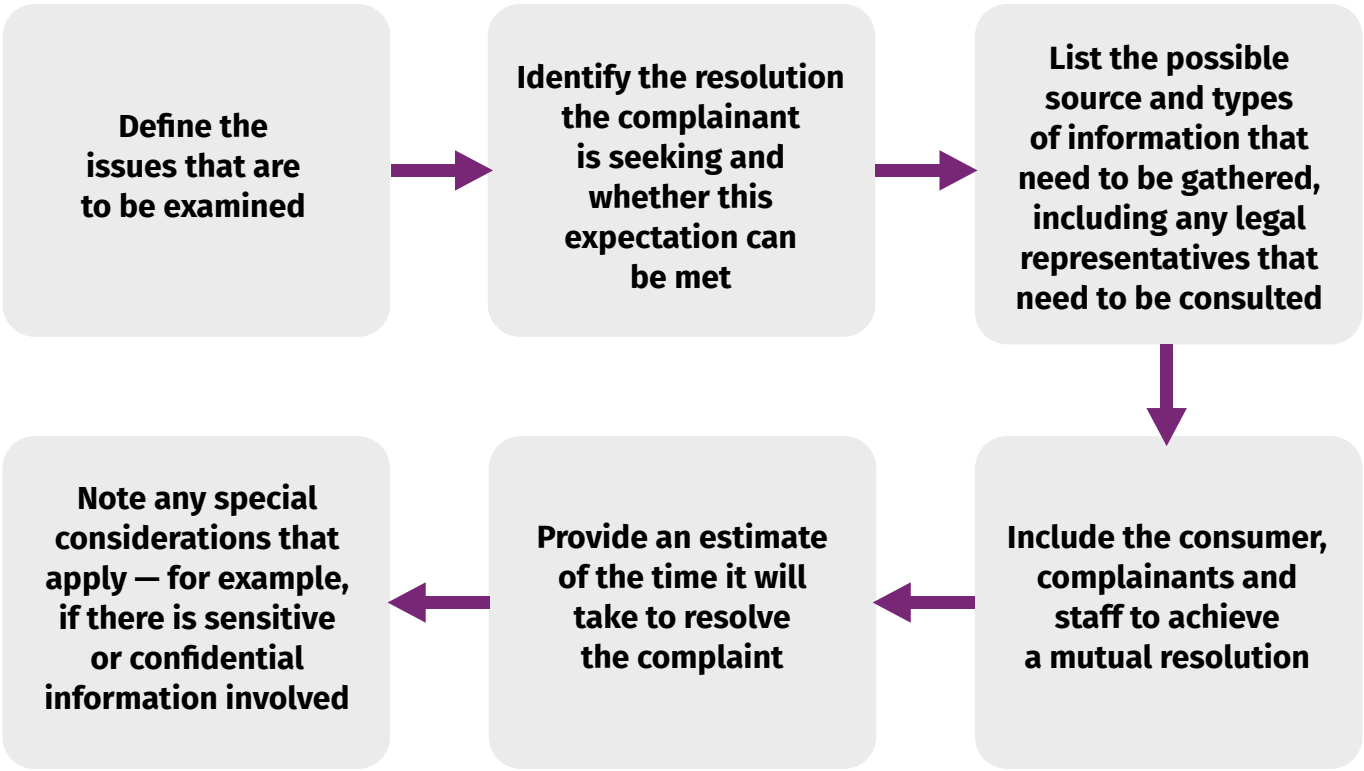
As noted, complaints that are straightforward with low risk to the consumer can often be resolved on first contact, or through conciliation with the complainant.

Ask complainants what they need to fix the problem and discuss options like a conciliation discussion. The complainant may also offer solutions that are acceptable to the service provider.

Planning

To assist in working out how to manage a complaint, it can be useful to prepare a plan.

The plan should:



The amount of detail in your plan should reflect the complexity and seriousness of the issues you are trying to resolve.

A written plan will focus attention and ensure that important matters are not overlooked.

It's important to remain flexible and make adjustments to the plan as circumstances change and new information becomes available.

Investigation

The purpose of an investigation by a service provider is to gather relevant information that can be used to identify an appropriate solution which will resolve the complaint. Not all complaints require a formal investigation to be resolved.

Root cause analysis is an approach for identifying the underlying causes of an incident so that the most effective solutions can be identified and implemented to prevent or minimise a recurrence of the incident.

It's typically used when something goes badly, but can also be used when something goes well. Within an organisation, problem solving, incident investigation, and root cause analysis are all fundamentally connected by three basic questions:

- What's the problem?
- Why did it happen?
- What will be done to prevent it from happening again?

Principles of fair investigation include:

- **Impartiality** – Each complaint should be approached with an open mind and findings should be objective
- **Confidentiality** – A complaint should be investigated in private. The complainant's and consumer's confidentiality needs to be respected at all times, and information should be shared on a 'need to know' basis only
- **Transparency** – A complainant and consumer should be told about the steps in the complaints process and be given an opportunity to participate in reaching a resolution. Regular contact should be maintained with all parties to the complaint
- **Timeliness** – Conduct the investigation in a timely manner.

Keep written records of any information collected or findings made during the course of the investigation.

It's reasonable and good practice to ask complainants to assist by providing any documentation they may have in relation to the complaint.

It is critical that complainants and the consumer (where possible), have an opportunity to present their point of view. This includes being given an opportunity to comment on information or claims from other sources.

Service providers may want to consider engaging an external investigator when dealing with serious incidents that could benefit from the experience and expertise of a professional investigator.

It's also important to understand that it's not always possible to resolve complaints that involve disputed matters. This should be explained to the complainant. In these circumstances, service providers should consider alternatives including conciliation, mediation or external complaints mechanisms.

Response

Once the service provider has reached a decision, this should be communicated clearly to the complainant and any other relevant parties such as the consumer and legal representatives. Often a response can be a conversation with the complainant.

A written explanation may be more suitable for serious, complex or disputed matters. It might be appropriate to talk with the complainant to let them know that a more detailed written explanation will be provided.

Thought should be given to providing the complainant and consumer with an apology.

An apology can be an important step in achieving a successful outcome to a complaint and demonstrates empathy to the complainant. Apologising or expressing regret when things go wrong is also a key component of open disclosure. While it is not always clear whether a provider has done something wrong, it is still appropriate to say 'sorry' when things go wrong. It has the power to positively enhance the ongoing relationship between the service provider and the complainant. When you make an apology it can be effective to:

- propose the action you plan to take to satisfy the complainant
- communicate how the service is committed to ensuring that the action that was the cause of the complaint, will not be repeated.

An apology or open disclosure is not an admission of guilt or fault by service providers.

An apology is also not taken into account in determining fault or liability. All Australian jurisdictions have enacted laws that are designed to protect statements of apology or regret made after 'incidents', from subsequent use in certain legal settings. Further guidance on the legal aspects of apologising, should be sought from relevant state and territory authorities.

Follow up

It's good practice to ask complainants for feedback on how their complaint was handled and resolved. Encourage complainants to consider providing feedback when responding to their complaint.

If a complainant is not happy with the outcome, consider other options.

Internal reviews should be carried out by staff who have not been previously involved in the complaint.

Mediation of an unresolved dispute between a complainant and a service provider is another option. A mediator can help clarify matters, provide an impartial perspective and propose solutions that both parties can agree to.

If a claim made by the complainant has not been accepted, this should be noted and explained.

Outline any alternative options available to the complainant, including an internal review and external complaints mechanisms.

Consider the learnings

Complaints, comments, suggestions, problems and compliments need to be recorded and documented. Record all complaints, no matter how minor.

All types of complaints and comments can help identify areas for improvement.

Compliments and feedback can help identify what's being done right and provide a balance to complaints. Compliments help staff feel motivated, rewarded and valued and can provide the opportunity for celebration.

Recording of complaints, comments, suggestions, problems and compliments does not have to be sophisticated or expensive.

Service providers can:

- use manual systems using template forms and tracking tools
- use standard spreadsheet or word processing software
- acquire off-the-shelf complaints management software
- commission the development of a custom complaints database package.

With these tools, a service can track feedback, complaints and compliments as well as analyse trends as part of continuous improvement activities. For example, regular reports can be created for review by staff and management to identify areas of improvement and what the service is doing well (see the 'Analysing Trends' section on page 36). Whichever system is used in a service, it needs to be used consistently and staff need to be trained in its use.



Requirements under the Aged Care Quality Standards



The content in this chapter relates to **Standard 6 Feedback and complaints – Requirement (3) (c):**

Appropriate action is taken in response to complaints and an open disclosure process is used when things go wrong.

This requirement covers the actions that an organisation is expected to take in response to complaints. It's expected that the organisation will have a best practice system for managing and resolving complaints for consumers.

To create an environment that reduces harm to consumers, organisations need a culture where people feel supported and are encouraged to identify and report negative events. This gives organisations opportunities to find and act on things that can improve their systems. This includes how the organisation recognises when something has gone wrong that could harm, or has harmed someone. The organisation is expected to tell the consumer about this, apologise, and explain what has happened. They should also explain why it happened and what they are doing to prevent it from happening again.

Reflective questions towards meeting this Standard

What systems does the organisation have to make sure complaints are followed up and appropriate action is taken?

When things go wrong, how does the organisation go about understanding what has happened?

How does the organisation involve consumers? How are consumers able to add to information about a negative event and, where possible, take part in the incident review and in finding solutions and outcomes from complaints?

When things go wrong, are there clear responsibilities within the organisation for communicating with consumers and their representatives, so that they receive the information they need to understand what happened?

What has the organisation done to promote and support a culture of learning from mistakes? What has it done to implement and sustain the changes needed in care and services from lessons learned?

How does the organisation use the advice of advocates and community representatives to understand the best and most appropriate way to resolve a complaint for a consumer?

Case study

Mr P has been a resident of a small residential aged care centre for several years and he has just been discharged from the local hospital and returned to the facility. A few weeks ago, unexpectedly his condition had taken a turn for the worse and he became unresponsive.

Everyone at the service is very pleased to see Mr P has returned and he is back to his lovely, bubbly, old self.

One of the nursing staff, Mrs S, is looking through Mr P's records and notices he was administered an incorrect medication, right before his condition deteriorated and he was rushed to the hospital unresponsive. He had been given 15mg of Endone, which was intended to be given to another resident. As Mr P was already on medication for pre-existing conditions, the additional Endone was enough for Mr P to have an adverse reaction, where he was over sedated and became unresponsive.

Mrs S is very concerned this mistake had been made and immediately raises it with her manager. This information is disclosed to Mr P's family, who find it very distressing that this sort of mistake has been made.

The service acknowledges their mistake and apologises to Mr P and his family. An immediate meeting for all nursing staff is held at the service to discuss the administration of medication. Additional training is organised for all nursing staff and additional procedures are implemented by the service to ensure this doesn't happen again.

Although Mr P and his family are upset this mistake had been made, they appreciate the service has acknowledged its mistake, apologised and was transparent throughout the whole process.

Mr P and his family are also pleased that additional procedures have been implemented to ensure this doesn't happen again.



Communication and complaints handling

The complaints journey

At the center of every complaint is someone receiving care – a person.

The journey a complaint takes – from being made to being resolved – generally involves dealing with and responding to emotions and feelings of:

- the consumer, family or representative making the complaint
- staff handling the complaint and sometimes their colleagues.

This is especially the case for more serious issues and complaints.

Understanding the complaints journey from an emotional perspective helps staff communicate effectively with complainants and can assist service providers in supporting their staff.

Communicating with empathy, patience and respect can help resolve complaints quicker and enhance the ongoing relationship between the complainant and service provider.



Effective communication skills

Open, regular communication is vital in effective complaints handling.

People communicate in a range of styles and body language plays a role too. Positive language can assist cooperation from a complainant in resolving an issue or problem.

Staff who are good communicators and demonstrate empathy are a valuable resource in an effective complaints handling system. Good communication practices can assist service providers in negotiating proportionate and timely resolutions to complaints.

Effective communication skills for complaints handling include:

- **Active listening** – Focusing on the complainant without interrupting helps to build an understanding of the issues underlying the complaint and the feelings involved. Effective listening lets the complainant know that they have been heard. Confirming what has been heard by reflecting the complainant's information in your own words, is a good way of offering reassurance that a complaint is being taken seriously. This is known as active listening. It can also help complainants feel validated and respected
- **Body language** – An ability to understand and use nonverbal communication such as expressions, movement, gestures and eye contact can provide a better understanding of how a complainant feels and how they communicate. Most face-to-face communication actually occurs through body language. It helps to look at non-verbal communication cues as a group, rather than focusing on individual gestures or expressions Awareness of the body language that you use with the complainant is also important as it impacts how the complainant responds to you. For instance, if you are crossing your arms across your body, you could be seen by the complainant as not being open to their issue
- **Managing stress** – Stress can hamper effective communication by disrupting the ability to think clearly. It often leads to misunderstandings. Signs of stress include sweating, clenched hands, tense muscles and shallow breathing. It can help for staff to respond to signs of stress in complainants and offer support or consider continuing the discussion later. Effective communicators also recognise stress in themselves and develop ways to deal with it
- **Emotional awareness** – Emotions affect how people understand each other. A lack of awareness of the feelings involved in a conversation, including a lack of self-awareness, increases the chance for misunderstandings, which can make complainants and staff feel frustrated and angry. Service providers can reduce anxiety experienced by complainants, by validating their concerns and committing to a timely resolution
- **Patience** – It's important to give complainants enough time to express their concerns. Remaining focused and not interrupting shows an openness to listening to complaints and working towards a resolution. Communication lines can be broken when complainants feel rushed, misunderstood or staff appear to want to get out of a conversation.

Silence by a service provider can also undermine confidence in the complaints handling process. Give complainants more confidence in the process, by making sure they know who to contact for updates, even when there may be no progress to report.

Good communication skills should be an important consideration when deciding who should handle complaints in the service. Many service providers also include communication competencies in job descriptions and selection criteria.

Good communication skills can prevent minor issues from becoming more serious.

A service may also consider creating a Complaints Officer role within the organisation. A Complaints Officer is a specialised role and recruitment should be specifically for that role, where possible. Complaints handling staff need skills in a number of areas to help them handle complaints confidently and professionally including:

- interpersonal communication, active listening and reflective listening
- conflict resolution and negotiation
- consulting with complainants and consumers
- quality improvement and policy development.

Where it's not possible to recruit specific complaints handling staff, service providers can support staff involved in complaints handling, by improving their understanding and capacity to deal with complaints.

Practical strategies include:

- a good orientation program when new staff join the service
- providing staff with professional complaints management training – perhaps in conjunction with other services nearby to share costs
- inviting guest speakers with expertise at no cost to your service, e.g. advocacy services
- using team meetings as a basis for running a discussion on complaint case studies and communication exercises
- discussing issues in the news, newsletters and industry publications
- introducing a buddy system to help new or existing staff members learn new skills
- developing a mentoring program – senior staff coaching and guiding other staff
- sharing ideas with other service providers nearby by hosting network meetings and service visits
- introducing 'eat and learn' lunches and afternoon teas, where short training sessions and food are provided for staff.

Training is critical in helping staff handle complaints competently and effectively.

Management, staff and consumers all have expectations of how staff should perform their job, what they should know and how they should behave. An important way service providers can meet these expectations is to provide adequate and appropriate training for their staff in communication and complaints handling.

Not investing in staff training is a risk for service providers and every service should have a training strategy in place to support staff to manage complaints adequately. This training strategy should be reviewed periodically to ensure it remains effective.

Staff training is also an important part of risk management. An effective risk management program means being proactive in preventing complaints, problems and critical incidents from occurring.

Service providers should consider the costs that may occur from poor complaints handling by under-skilled staff – including financial costs, damage to service reputation, poor publicity and reduced staff morale.



Creating positive interactions with complainants

Try the following approaches when interacting with complainants to create a positive, collaborative atmosphere:

- Thank the complainant for bringing the problem to your attention. Let them know that you are pleased to help and you want to fix the problem. Reassure them you welcome their complaint. Show you care
- Show a positive, professional and polite attitude
- Ask the complainant what they think is needed to fix the problem. While a complainant may not be happy with a proposed resolution, they may come up with a solution you have not thought of
- Use empathy. Try to put yourself in the complainant's shoes and consider their point of view. How do you think you would feel if you were in their position? Think about the feelings and emotions of the complainant
- Ask the complainant to stop any unreasonable behaviours
- Ensure complaints-handling staff have good communication skills. A negative choice of words, tone, body language and attitude can fuel the anger of an already upset complainant. Complaints handling staff should be calm and in control of their feelings and temper
- Consider the complainant's history in the service and what resolutions and strategies may have assisted this complainant in the past
- Offer information that may help the complainant better to understand the situation
- Offer an apology. You can say, "I'm really sorry about..." without accepting blame or admitting fault. Depending on the situation, be prepared to say, "I made a mistake", "I don't know and I will find out", "What do you think?" and "Let's work together to resolve this problem"
- Mirror the language of your complainant (where the language is not abusive or threatening). This shows that you understand their level or degree of dissatisfaction. By mirroring language, you are defining the problem in the same context as the complainant. This creates understanding and empathy with the complainant
- Taking notes can show the complainant that you are taking the complaint seriously. Explain that you are taking notes to ensure that the facts are correct for your records. Notes may also help you clarify some of the issues and provide a framework and guide for other questions. The notes will also provide important documentation for your complaints file. You can also read your notes back to the complainant to confirm that you have understood their complaint
- Respect the complainant's privacy and dignity, and confirm with them whether they agree to you raising their issue with others if necessary
- Be flexible. Lack of flexibility can frustrate complainants. Be prepared to treat each complaint as an individual case. Be prepared to handle exceptional and unusual cases with exceptional and unusual solutions

- Be honest. Tell the complainant what you can fix and what you cannot fix and why. Give the complainant realistic expectations about what can be done to address the problem. Do not make promises that cannot be delivered
- Look for common ground and mutual interests when trying to resolve a complaint. For example, “I know that we both want this issue to be sorted out to ensure your mum gets the best level of care”
- State the reason before you say “no”, e.g., when policies prevent you from fixing problems in the way a complainant wants you to. Inform the complainant what they can do if they are not satisfied with the outcome including information on internal review processes and options for external resolution, including the Commission
- Be creative. Be imaginative. Create solutions which could at first appear impossible but that might work. Agree to a trial of the proposed solution for a period of time and then review its effectiveness
- Escalate the complaint to a more senior staff member where appropriate. This can demonstrate to a complainant that the service is taking their issue/s seriously
- Bring in external people or stakeholders to brainstorm possible solutions. They are not as close to the situation and may be able to offer fresh ideas and solutions
- Bring in an external person to help provide some objectivity to the issue. An advocacy service or a professional mediator could help resolve the situation before it escalates
- Where a complainant remains unhappy, offer an internal review or provide information on advocacy services and the Commission.



Unhelpful approaches to complainants

- Avoiding or ignoring complainants
- Being defensive or blaming others
- Making assumptions
- Passing the complainant from one staff member to another
- Promising what you cannot deliver
- Giving standard responses or offering standard solutions
- Fighting with or interrupting the complainant
- Getting caught up in irrelevant detail
- Engaging in unreasonable behaviour
- Retaliating against the complainant
- Blaming or accusing the complainant or treating them adversely
- Bombarding the complainant with endless questions, paperwork or intimidating forms
- Interrogating the complainant or questioning their motives
- Underestimating the power of feelings in complaints handling
- Making excuses
- Arranging for staff to come and relieve you from your ongoing meeting with the complainant, thereby cutting the meeting short
- Having a negative attitude
- Accepting abuse, threats or harassment – staff have rights too
- Taking complaints personally
- Talking in negative terms to other staff or consumers about complainants
- Forgetting that not all complaints can be resolved to the satisfaction of the complainant.



Assisting complainants who engage in unreasonable behaviour

Some complainants' behaviours can be difficult to deal with.

Service providers sometimes receive complaints from people who behave in ways that may be described as challenging. These behaviours may include being aggressive, making threats, swearing and using abusive language.

Service providers and their staff do not need to accept abuse, threats or harassment from complainants.

Like complainants, staff have a right to be treated with respect in complaints handling processes.

Dealing with unreasonable behaviours can take up a lot of time, resources and energy. This can lead to a lack of resources to deal with other complaints. There are no 'magic wand' solutions to dealing with unreasonable behaviours.

Where there is unreasonable behaviour, consider the following:

- Redirect the person to focus on the issues
- Assure the person you are trying to find a resolution and remind them that you are there to help
- Arrange another time to speak with the person, if the conversation is becoming unproductive and stressful
- Ask the person to stop the behaviour and let them know they are being offensive, disrespectful or inappropriate
- Terminate the phone call or end the conversation. Warn the person that you will be ending the conversation and why
- Report all incidents of unreasonable behaviour to a manager as soon as possible. Seek their guidance on how best to manage the person. It may be more appropriate for a manager to deal with the person in future
- Inform other staff on what to do with the same person or behaviour, if a similar situation occurs again.

Requirements under the Aged Care Quality Standards

The content in this chapter also relates to Standard 6 – Requirement (3) (a), please refer to page 12, where this requirement is discussed in more detail.

Assisting complainants

Australian Government legislation for aged care, requires that service providers ensure consumers and other interested parties have access to external complaints mechanisms and advocacy support at any time.

Consumers and their representatives need to know who they can complain to when the service is unable to resolve their complaint, and who can support them at the time of making a complaint. Support includes access to advocacy services and the Commission.

Consumers can also choose to make a complaint to the Commission if they do not feel comfortable making a complaint within the service. Consumers can also choose to get help from an advocacy service.

It's important to assist complainants with accessibility needs where required.

This can include providing assistance related to:

- literacy and language skills
- cultural and linguistic backgrounds
- physical, mental, cognitive and sensory abilities.

Some complainants may have difficulty making a complaint either verbally or in writing, and should be offered help from staff to communicate their concerns.

Where English is not the first language, a family member, friend or professional translation service can be used to facilitate complaints handling.

Translating and interpreting services

- Translating and Interpreting Service (TIS National) **131 450**
- Aboriginal Interpreter Service (AIS) **1800 334 944**
- Aboriginal Interpreting Service WA **0439 943 612**

The National Relay Service (NRS) provides a free service to assist conversations with people who are deaf or have a speech or hearing impairment. The NRS can enable conversations over the internet using web browser technology (including on smartphones, PCs and tablet computers) and over the telephone.

- **TTY users:** phone **1800 555 677** then ask for our number **1800 951 822**
- **Speak and Listen users:** phone **1800 555 727** then ask for our number **1800 951 822**
- **Internet relay users:** connect to the National Relay Service and enter **1800 951 822.**

Aged care advocacy services

Aged care advocacy services can assist any consumer or representative to make a complaint, including complainants with mental or cognitive impairments. An advocate's role is to provide support at any stage of the complaints process. It is a free confidential service. They can stand beside a consumer, or work on their behalf, at their direction, and in a way that represents their expressed wishes. An advocate will always seek a consumer's permission before taking action. An advocate can:

- support consumers to make decisions that affect their quality of life
- provide information about consumer rights and responsibilities, and discuss options for taking action
- raise an issue with the service provider or the Commission
- support consumers at any stage of the complaints process.

Older Persons Advocacy Network (OPAN) supports older persons and their representatives to effectively access and interact with Australian Government funded aged care services and have their rights protected.

You can call OPAN on **1800 700 600**. OPAN is made up of nine state and territory based service delivery organisations.

It can be intimidating for complainants to complain to staff on their own.

Reminding people that it's okay to have support when making a complaint, can increase their confidence and reduce anxiety. It can also help the complainant feel that raising their concern is not a confrontation.

Where a resolution to a complaint cannot be found within the service, assisting a complainant may include referral to an advocacy service or the Commission.

Requirements under the Aged Care Quality Standards



The content in this chapter relates to **Standard 6 Requirement (3) (b):**

Consumers are made aware of and have access to advocates, language services and other methods for raising and resolving complaints.

This requirement is intended to make sure that all consumers can easily make a complaint, whatever their culture, language or ability. A complaints system should give every consumer equal access to make a complaint.

Consumers may have barriers to using the complaints system, such as diversity of culture or language. Poor vision, hearing loss, or cognitive impairment can also make it difficult for some consumers to make a complaint.

It is expected consumers are also made aware of and supported to access services that can assist them to make a complaint. This includes support to access alternative, external complaints handling options, including the Commission.

Reflective questions towards meeting this Standard

How does the organisation let consumers know about advocacy services?

How does it let consumers know about using external agencies to resolve complaints?

Is information about complaints available in languages and formats consumers can use?

How do members of the workforce recognise when a consumer needs help to use an advocate or other support service?

Do the complaints the organisation receives reflect the diversity of consumers using the service? If not, are there barriers to some consumers making a complaint or accessing an advocate?

Case study

Auntie V is a 72 year old woman of Chinese heritage, living in a small town. A local aged care service provider helps with meals on wheels, laundry and house cleaning. Auntie V makes a weekly payment through a Centrepay deduction towards her meals on wheels, which are delivered to her Monday to Friday and are an essential part of her care and support.

Auntie V's nephew and his girlfriend have moved into town from another community and are staying with her while they look for work. The nephew sees Auntie V getting her daily meals on wheels and asks her how much she pays for this. When Auntie V explains she pays a contribution from her pension for the meals, her nephew says she should stop paying for that, give him the money and he will shop for her and cook the meals instead. Auntie V likes her meals from the aged care service, but agrees to stop her payment and gives her debit card to her nephew so he can go shopping.

A few weeks go by and Auntie V's nephew has not been buying groceries or cooking meals for her. She asks for her debit card back, but her nephew refuses to give it to her and then leaves town. Meanwhile, the Manager at the local aged care service has been notified by their Administration Officer that Auntie V has cancelled her meals support. Given that Auntie V's english is very limited, the service recognises that in order to successfully discuss this matter with Auntie V, a translator should be arranged.

The Manager and a translator visit Auntie V, who explains the situation to the Manager and asks for help so she can receive meals again. With the translator there, the Manager and Auntie V are able to ensure that Auntie V's concerns and needs are clearly communicated and understood, so that the service can adequately address them.

The Manager also recognises that in addition to the translator, Auntie V can be further supported with an aged care advocate. After discussing this option with Auntie V and with her permission, an advocate is arranged.

Working all together, Auntie V sign's a new consent form so the payment deduction can recommence. Auntie V also receives support to contact her bank to cancel her old card and apply for a new one. Auntie V is asked by the advocate and the service if she would like to talk to the police about what her nephew has done. Auntie V does not want to go to the police but does want support to help her speak with relatives in the community where her nephew lives, so that they can stop him from visiting her again and she can tell them what he did.

The Manager contacts Auntie V's relatives and organises a telephone family meeting from the Aged Care Centre. Auntie V attends with the support of her advocate and speaks to her relatives using the service provider's phone. A translator is also there to support communication between Auntie V, her advocate and the service.

The Manager updates the Care and Case Management plan with Auntie V, adding a new goal and action under money management about helping her when relatives come to visit. The Manager also advises Auntie V's regular carers about the change in her care plan.

Training on Elder Abuse is also included in the organisation's training plan.

Continuous improvement and complaints

Complaints can point to issues or problems that could be repeated in a service. For example, a complaint could expose a need to improve the service provider's record keeping, or a need for better training or support for staff who have delivered an unsatisfactory service.

A service should use feedback and complaints to help improve how they deliver care and services. This should always be considered when finalising a complaint.

A service should also provide timely feedback to the organisation's governing body, its workforce and consumers, on complaints and the actions the service took.

The service provider, rather than complaints handling staff, usually has responsibility for systemic improvements. It is therefore important that complaint issues and trends are reported to, and analysed by leaders in an aged care service. For example, senior leadership could receive reports on complaints statistics and trends, on a regular basis.

Recording complaints and reviewing them collectively, can show patterns and trends in a service and provide opportunities to make improvements to policies, procedures and systems. This review could be done periodically as part of the service's overall complaints management strategy. For example, a periodic review could be done monthly or quarterly, where five percent of all the complaints received could be reviewed to show patterns and trends.

Continuous improvement is an essential part of an effective complaints handling system. A review of procedures and policies on how complaints are managed is another benefit. Once a complaint has been finalised, seek feedback from complainants on how the complaints process could be improved and any other suggestions on how the process can be more effective and efficient. This could also include seeking additional feedback from a complainant several months after the complaint has been finalised. This allows for a sufficient amount of time to pass, to determine if any of the same issues in the original complaint have occurred again.

Analysing trends

Looking for commonalities and trends in complaints can help services identify low and high-risk processes and practices, as well as identifying what areas need systemic solutions.

Trend analysis of complaints can also show where the root cause of a problem may lie. Analysing complaints is essential to continuous improvement in aged care service delivery.

Analysing complaints can help establish what happened, why it happened and how a situation can be improved.

It is important to record all types of comments – negative and positive – to provide an accurate picture of what is happening in a service. Software systems as well as simple tracking tools, such as a spreadsheet, can assist in analysing larger numbers of complaints.

It can help to make 'Complaints and Feedback' an item for discussion in meetings, to encourage staff to share observations, solutions and assist in trend and pattern analysis.

Regular team discussions about complaints also supports a blame-free, resolution-focused complaints culture in a service.

Improving service quality

Complaints can provide information to service providers about:

- practices that have been observed
- mistakes that have been made
- what needs to improve.

A good understanding of continuous improvement processes is essential for leaders in aged care services. Service providers should strongly consider supporting leaders to participate in accredited training on continuous improvement practices.

Recording, analysing and reporting statistics to leaders and staff is necessary to support improvements to the service.

Reports about feedback, complaints and any changes made to processes and policies, should also be communicated to complainants. These can provide complainants with information about outcomes and create a sense of closure.

It helps to be open, honest and transparent about complaints.

When staff and consumers feel comfortable about reporting and discussing complaints, it sends a message that complaints are an important tool in improving the quality of care and service.



Requirements under the Aged Care Quality Standards



The content in this chapter relates to **Standard 6 – Requirement (3) (d):**

Feedback and complaints are reviewed and used to improve the quality of care and services.

The organisation is expected to have a best practice system to manage feedback and complaints. Organisations should use this system to improve how they deliver care and services.

As well as encouraging complaints and asking for feedback, the organisation should provide timely feedback to the organisation's governing body, its workforce and consumers, on complaints and the actions taken. It's expected that the organisation will use information from complaints to make improvements to safety and quality systems and regularly review and improve how they manage complaints.

Reflective questions towards meeting this Standard

How does the organisation monitor, analyse and use feedback and complaint data to improve the quality of its care and services?

How does the organisation share what it has learnt?

How does it share improvements that have come out of feedback or complaints internally and with other relevant organisations?

How does the organisation involve consumers and the workforce in reviewing information from feedback and complaints to improve their care and services?

Case study

Service A uses a complaints log to keep records of all the complaints the service receives. This log can be used by all staff and is analysed weekly by office staff. Following each week's analysis, management are briefed on any key findings and opportunities for improvement.

On a routine check of the complaints log, office staff observed that in the last week, three consumers had raised concerns about the quality of meals. After management was briefed, the service made an action plan on how these concerns could be addressed. The service spoke to each consumer who raised a concern, as well as arranged for the staff rostered on at meal times during that week, to actively seek feedback from other consumers about the quality of meals.

A review of all the feedback received, highlighted that the service had an opportunity to provide more variety in their meal options.

Management worked closely with the kitchen staff to offer an additional variety of breakfast sides. They also refreshed a couple of lunch and dinner meals that had been highlighted as unpopular by a number of consumers, as well as started rotating the dinner menus more regularly.

After the changes had been implemented, staff continued to actively seek feedback from consumers so the service could make any adjustments and ensure consumers were happy with the changes. The service also checked with the complainants that their concerns were being adequately addressed.

Overall, the complainants and the service's consumers more broadly, were pleased with the improvements they had been experiencing in their meals. The service will continue to monitor this closely in a commitment to improving the quality of care.



References

- Aged Care Standards and Accreditation Agency, *Making the most of complaints: Facilitator's handbook,* 2011
- Aged Care Quality and Safety Commission, *Guidance and Resources for Providers to support the Aged Care Quality Standards,* 2018
- Australian Council for Safety and Quality and in Health Care, *Complaint Management Handbook for Health Care Services,* 2005
- Commonwealth Ombudsman, *Lessons in good complaint handling*, https://www.ombudsman.gov.au/__data/assets/pdf_file/0023/110597/Lessons-in-good-complaint-handling.pdf accessed 20 April 2020
- Commonwealth Ombudsman, *Better Practice Guide to Complaint Handling,* 2009
- Commonwealth Ombudsman, *Better Practice Guide to Managing Unreasonable Complainant Conduct,* 2009
- Department of Health and Ageing, *Guidelines for the Aged Care Complaints Scheme,* 2011
- Department of Health and Ageing, *Managing difficult conversations,* 2011
- Government of South Australia, Root Cause Analysis (RCA), https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/clinical+resources/safety+and+quality/governance+for+safety+and+quality/root+cause+analysis+rca accessed 13 October 2020
- Holbrook, C, *Lead with your heart,* http://www.forbes.com accessed 7 December 2012
- National Institute of Labour Studies – Flinders University, *National Aged Care Workforce Census and Survey 2012 (Draft),* 2012
- NSW Ombudsman, *Managing unreasonable complainant conduct – 2nd Edition,* 2012
- Peterson, T, *7 Communication Tips that get you noticed,* www.workawesome.com accessed 7 December 2012
- Riddle, J, *5 Things to practice for Effective Communication Skills,* http://www.workawesome.com accessed 7 December 2012
- ReachOut!, *Tips for communicating,* http://www.reachout.com accessed on 7 December 2012
- Robinson, L and Segal, J, *Resources for Effective Communication,* http://www.helpguide.org accessed on 7 December 2012
- Robinson, L and Segal, J, *Improving Communication Skills in Business and Relationships,* http://www.helpguide.org accessed on 7 December 2012
- Standards Australia, *Australian Standard: Customer Satisfaction – Guidelines for complaint handling in organizations* (ISO 10002:2004, MOD), 2006
- ThinkReliability, *What is Root Cause Analysis,* https://www.thinkreliability.com/cause-mapping/what-is-root-cause-analysis accessed on 13 October 2020
- Victorian Department of Human Services, *Complaint handling in health services: An Education Package for Health Services – Trainer's Resources,* 2006
- *The Aged Care Act 1997 (Cth)*
- *The Aged Care Principles (Cth)*
- *Aged Care Quality and Safety Commission Act 2018 (Cth)*
- *Aged Care Quality and Safety Commission Rules 2018 (Cth).*

All information in this publication is correct as of March 2021.

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