

COMPLAINTS POLICY

Policy number:	1010	Version:	2
Drafted by:	Georgia Tracy	Approved by	24/07/2024
		Committee of	
		Management on:	
Responsible person:	Secretary	Scheduled review date:	23/07/2025

INTRODUCTION

Brain Injury Matters (BIM) believes that all people who have contact with BIM have the right to complain if they are not happy with something concerning the organisation. Complaints are welcomed and they provide BIM with an opportunity for reflection and improvement. This policy seeks to ensure that all complaints are handled discreetly and professionally.

Anyone involved with BIM or who is affected by a BIM decision can make a complaint at any time by following the Brain Injury Matters Complaints Procedure. Prior to making a complaint, the person is encouraged to discuss the matter (in person or via email) with:

- a staff member of BIM, or
- a member of the BIM Committee of Management.

However, BIM acknowledges that discussing the matter in the first place may not be appropriate in every situation and that an individual may not feel comfortable in doing this. It is therefore up to the individual making the complaint to decide if they want to have an initial discussion or proceed directly to lodging an official complaint via the complaints form.

PURPOSE

The purpose of this document is to provide a framework for BIM in dealing with complaints concerning the organisation and its activities.

DEFINITION

What is a complaint?

A complaint could be about a range of things. It may be when a mistake is made or when a person disagrees with something that BIM has done, a decision that BIM has made, or something about a BIM policy. Some examples could be:

- BIM does not do something it had agreed to do.
- BIM provides wrong or misleading information.
- BIM policies were not followed correctly.

- A representative of BIM behaves inappropriately. (Please also see the BIM Misconduct, Sexual Harassment and Bullying Policies to check if the behaviour in question is better described by one of those policies).

A complaint may also simply be feedback received by BIM which is negative, and which requires BIM to investigate further and make an informed response.

POLICY

- Complaints about BIM are dealt with by the BIM Chairperson. A Committee of Management member and/or staff member will be nominated by the BIM Chairperson to oversee the handling of the complaint. The person nominated to oversee the complaint must not have a 'conflict of interest' in relation to the complaint. This means that the person overseeing the complaint cannot be the subject of the complaint and the complaint should not involve them directly. If the complaint is directed at the BIM Chairperson, another member of the Committee of Management will be appointed to handle the complaint.
- BIM is required by law to register any complaints it receives with the Disability Services Commissioner (DSC). BIM must register what the complaint was about, what actions were taken and how it was resolved.
- It is acceptable for the person making the complaint to remain anonymous if they choose to do so. This means that BIM cannot provide details of the person making the complaint when lodging it in the DSC Complaints Register. However, if the person making the complaint wants to be kept informed about the outcome of the complaint, it is necessary for them to identify themselves so that BIM can contact them.
- If a person needs assistance to make a complaint, BIM will encourage them to approach a friend, an advocate or SARU, for assistance and support through the complaints process. They may also seek assistance or advice from the Disability Services Commissioner (DSC) at any point in the process.
- There is no penalty for making a complaint and BIM values the feedback of its members, staff, Committee of Management and members of the public. BIM encourages people to speak up if they are unhappy about something and anyone who does make a complaint will not be disadvantaged in any way.
- BIM will keep all complaints confidential. Only the BIM Chairperson (or COM Member) and people directly involved with the complaint will be informed. The DSC Complaints Register is the official register where information relating to complaints is lodged. Any documents or emails relating to the complaint will be kept confidential to ensure the privacy of the person making the complaint.

- Complaints will be dealt with as quickly as possible. Where the person making the complaint has identified themselves, the nominated BIM person handling the complaint will keep them informed of any progress or information which occurs as part of the resolution process.
- If the complaint is about something that is against the law, BIM is obligated to hand the matter over to the police.
- Complaints that BIM receives may be de-identified and details discussed by the BIM Committee of Management in order to improve the quality and success of BIM practices and processes.
- If the person making the complaint has agreed to be contacted, BIM may seek feedback from them after the complaint has been resolved. The purpose of this is to understand if the person making the complaint is satisfied with how BIM handled the complaint.

AUTHORISATION



Virginia Giddings

24/07/2024

Brain Injury Matters

COMPLAINTS PROCEDURES

Procedures number:	1010	Version:	2
Drafted by:	Georgia Tracy	Approved by Committee of Management on:	24/07/2024
Responsible person:	Secretary	Scheduled review date:	30/07/2025

RESPONSIBILITIES

The **Committee of Management** is responsible for ensuring that:

- the processes in this policy are followed in relation to all complaints
- all complaints received by BIM are lodged in the DSC Complaints Register
- any person who is the subject of any complaint is notified of the complaint about them and they are treated fairly and respectfully at all times
- confidentiality including the name of the person making the complaint, is maintained unless they have specifically agreed to be identified and kept informed about the outcome of the complaint
- all necessary assistance including time and support is provided to the person whom the BIM Chairperson nominates to oversee the complaint

PROCESSES

Making a Complaint

Should a person feel comfortable in doing so, it is preferable for them to raise any issue with a BIM staff member or the person directly, where the complaint involves another person(s). It is hoped that the issue can be resolved by the parties engaging in respectful discussion. The nature of the complaint should be directly stated and made clear and suggestions made about how the situation can be resolved.

If the issue is not resolved to the satisfaction of the people involved, or the person making the complaint does not wish to speak to the other person(s) directly, they should:

- Contact the BIM Chairperson to inform them of the complaint by emailing Chairperson@braininjurymatters.org ; or
- Complete the BIM Complaints Form (a copy of which is attached to this policy) and email to either Chairperson@braininjurymatters.org or



office@braininjurymatters.org If the person wishes to remain anonymous, they can complete a hard copy of the form and post it to:
Chairperson, Brain Injury Matters
L4, Ross House
247 Flinders Lane
Melbourne, VIC 3000

The complaint can then be resolved in one of two ways – informal intervention, or formal complaints procedure. These two alternatives are outlined below:

Informal Intervention

Informal intervention is the preferred mode for resolving a complaint. The process of informal intervention may occur through a process of either mediation or conciliation. During informal intervention, if the complaint concerns a person, that person will be informed about the complaint made against them and they will be asked to respond in writing to the person handling the complaint within 10 days.

If the person handling the complaint believes the complaint about a person to be substantiated, they will seek to resolve the complaint by engaging both parties in either:

- Mediation (helping the two parties reach an agreement); or
- Conciliation (providing options for an agreement)

Similarly, if the issue concerns a policy or something BIM has/has not done, then a mediated or conciliated resolution between BIM and the person making the complaint will be sought. Interventions at this stage should be approached in 'good faith' and adopt a confidential, non-confrontational approach with an effort made by all parties towards resolution of the issue.

This procedure will be complete when the person making the complaint accepts (in writing) that the issue is resolved. If the person making the complaint is not involved (ie. Seeking to remain anonymous) the BIM Chairperson will determine whether investigation and action on the issue is sufficient for the matter to be considered completed. The outcome will be lodged on the DSC Complaints Register as a matter of course. If a satisfactory outcome cannot be achieved by Informal Intervention, BIM's formal complaints procedure will be followed.

Formal Complaints Procedure

The formal complaints procedure involves a formal investigation of the complaint. Formal investigations will be conducted internally (by a Committee of Management member and/or senior staff member), or by an external investigator. If the issue concerns alleged misconduct, sexual harassment, or bullying, it will be handled under the BIM Misconduct, Sexual Harassment or Bullying Policy as appropriate.

An investigation involves collecting information about the complaint and then making a finding based on the available information as to whether the alleged situation occurred. Once a finding is made, the person conducting the investigation will make recommendations about how to resolve the issue.

Where the complaint involves a person, the investigator may need to interview the parties involved (which may include the person making the complaint, unless they have chosen to remain anonymous, the person or people who are the subject of the complaint and any witnesses) to obtain information regarding the complaint. The investigator will comprehensively and accurately document all information obtained during the interviews including the parties involved, timing, location, and nature of issue.

Throughout the investigation process, all parties involved in the investigation will be regularly kept informed about the investigation.

The findings will be determined based on the evidence, and on the balance of probabilities.

All documents and records relating to the complaint will remain confidential and private and filed in a secure place for a period of seven years.

Based on the findings, possible outcomes of the investigation may include, but will not be limited to, any combination of the following:

- Change of BIM policy or operational procedure.
- Formal apology.
- An undertaking that the behaviour will cease.
- Mediation where the parties to the complaint agree to a mutually acceptable resolution.
- Conciliation where the options for resolution are presented to the party/parties for agreement.

On completion of the investigation, all parties (except those seeking to remain anonymous) will be informed about the investigation findings and the outcome of the investigation. The outcome will be recorded on the DSC Complaints Register as a matter of course.

Review of the Decision

A party to the complaint can request the decision be reviewed. The request for a review of the decision must be in writing and sent to the person handling the complaint within 5 working days of receiving advice about the decision. The request for a review must state specifically why the original decision is not accepted. The person handling the complaint will then consult with the members of the BIM Executive who will decide on the matter within 15 working days. This decision is considered final.

Any party to the process may seek professional support to deal with the impact of the complaints procedure on them through. BIM will offer the EAP



(Employee Assistance Program) which generally covers the cost for three sessions of confidential psychological support.

AUTHORISATION

A handwritten signature in grey ink, appearing to be "V. Giddings".

Signature of Secretary
Virginia Giddings
24/07/2024
Brain Injury Matters



What outcome are you seeking?

Signed

Date

For hard copy (or to remain anonymous) please print this form, complete all sections and post it to:

**Chairperson
Brain Injury Matters
Level 4, Ross House
247 Flinders Lane
Melbourne VIC 3000**

Alternatively, you can email an electronic version of this form to either:

chairperson@braininjurymatters.org

office@braininjurymatters.org