



Male Survivors Wellington

SERVICE COMPLAINTS POLICY

Board Approval January 2019 Resolution 11

Review dates: 6th July 2023

SCOPE:

This policy applies to all complaints made by people who use Male Survivors Wellington's services and/or any person acting on their behalf. This also applies to complaints made by people outside of Male Survivors Wellington (MSW) regarding any aspects of MSW's service delivery and/or staff.

BACKGROUND:

MSW upholds all consumer rights in the Health and Disability Commission Code of Consumer's Rights including the right to complain. MSW believes that receiving complaints can lead to improvements in its service delivery. This is why MSW maintains a well-documented complaint procedure. Any person who has an issue with MSW services and/or MSW staff is invited to raise it with staff directly so that a resolution is reached quickly. MSW encourages people to initially use this informal approach to try to resolve issues and to make a formal complaint if the issue remains unresolved.

DEFINITION:

- The *code* refers to the Code of Health and Disability Services Consumers' Rights
- An *issue* covers any concern a person has with MSW services and/or its staff.
- A *person with an issue or complaint* refers to people who use MSW services, persons acting in their behalf e.g. friends, family/*whanau*, and people from outside MSW who have an issue with aspects of its services and/or staff
- An *issue resolution process* is an informal way to deal with issues or concerns and may be used as a preliminary step to work out a speedy resolution.
- A *complaint* is an adverse comment raised by people who use our services (irrespective of the mode of expression e.g. verbally, in writing, or by email) about any aspect of a service provided by MSW and which is not resolved through the issue resolution process to the satisfaction of the person.
- Requests for information, general feedback or suggestions do not constitute a complaint.

POLICY:

- Anything that breaches the Code of Health and Disability Services Consumers' Rights is a ground for complaint.
- MSW will inform people who use our services of their right to raise an issue or complaint.
- People may be *whakama* (shy, reticent) to discuss their feelings and they may prefer someone to speak for them. Staff will ensure people are always offered support from the outset of any issue proceedings.
- A complaint may be made verbally (face-to-face or by telephone 021 939 929) or in writing or by emailing the MSW Chairman – Wayne Gazley – gazley@me.com.
- All complaints will be given due respect and consideration by MSW and will be investigated objectively to ensure a fair resolution for all concerned.
- All complaints will be managed in accordance with all the other relevant rights in the Code and the principles of the Privacy Act to protect the privacy of the people involved.

- MSW will ensure that there is readily accessible information on how a person can make a complaint and what to expect through each stage of the complaints process.
- The person will be given timely and appropriate support to help them make a complaint and all throughout the complaints process. MSW will facilitate peer support and advocacy support if requested.

PROCEDURE FOR ISSUE / COMPLAINT RESOLUTION:

- Once a complaint has been identified, the people involved will be encouraged to discuss the matter with staff who will try to resolve the issue promptly.
- Any staff approached need to obtain a clear picture about what the complaint and what the person would like MSW to do.
- In the event of the persons feeling that they are unable to resolve the complaint themselves or it is inappropriate for them to try to do so, they may ask the MSW Chairman for assistance to reach resolution.
- The Chairman may take further steps to help resolution, if appropriate. This can involve the opportunity of a facilitated meeting between the persons involved and an independent facilitator/mediator. The facilitator may be from within or outside of MSW. The Chairman may also consult with the Board.
- The Chairman will inform the person with the complaint of their right to have a support person or advocate present at the meeting if they wish. Information on advocacy services will be provided.
- Parties and staff are given 24 hours to resolve complaint informally. If the complaint remains unresolved, the Chairman will inform the person of their right to lodge a formal complaint with MSW or with the Health and Disability Commissioner.
- If a complaint is not formally lodged, it will be considered resolved and will not be logged in the complaints register. It will be treated as general feedback and will be used as reference for purposes of service quality improvement and staff conduct.

PROCEDURE FOR LODGING A COMPLAINT:

- A formal complaint can be lodged through the following:
 - By telephone – Call the Chairman Wayne Gazley on 021 939 929.
 - By e-mail – Complaints can be sent to Wayne Gazley on gazley@me.com
 - By post – Write to the Chairman, Male Survivors Wellington; Level 1, Suite 2, 119 Queens Drive, Lower Hutt 5010.
- To enable MSW to act on a complaint promptly and give timely feedback on its progress, it is essential that the complaint contains all the needed information e.g. name and contact details of complainant, what the complaint is about and the action that would resolve the complaint. If the needed information is incomplete, the complaint will be treated as a general feedback and will be used as reference for purposes of service improvement.

PROCEDURE FOR COMPLAINT RESOLUTION:

- All complaints received will be referred to the Chairman of MSW within 24 hours of receipt. In the absence of the Chairman, or if the complaint concerns the Chairman, the complaint will be referred to the Board of Trustees.
- Upon receipt of a verbal complaint, the person directly receiving it will document the complaint in the Complaints Register (Appendix D) and ask the person to read/listen to the documented account, ask him/her to verify its accuracy and have him/her sign it off.
- The complainant is informed of MSW 's complaints procedures, including the availability of:
 - Independent advocates provided under the Health and Disability Commissioner Act of 1994; and
 - The Health and Disability Commissioner
- The relevant complaint recipient will acknowledge in writing the receipt of the complaint within 5 working days and will start an investigation. (Refer to Appendix D for guidelines)
- Within 10 working days of giving a written acknowledgement of the complaint, the relevant complaint recipient must:
 - Decide whether the complaint is justified or not justified and must inform the complainant of:
 - the reason for the decision
 - any actions MSW proposes to take
 - any appeal procedure MSW has in place
 - Decide whether more time is needed to investigate the complaint
 - Determine how much additional time is needed
 - If that additional time is more than 20 working days, inform the complainant the additional time needed and the reasons for it
- If the complaint is about the conduct of a staff member, the Board must be consulted and the appropriate Human Resources policy and procedures followed.
- The investigation will be conducted in a manner that:
 - Is fair and thorough
 - Makes every attempt to resolve the issue
 - Respects rights to privacy
 - Reviews all documentation
 - Checks the accuracy of the information
 - Consults with all involved.
- The relevant complaint recipient will document all details of the investigation, include any relevant correspondence and will keep the Manager informed of the investigation's progress.
- The relevant complaint recipient will advise the complainant both verbally and in writing of the outcomes of the investigation. This will occur within 28 working days of receipt of the complaint and will include:
 - A summary of the specific complaint;
 - A summary of factual findings; and

- A conclusion, noting if any further action is to be taken.
- At times, due to the complexity of a complaint and its investigation, the prescribed timeframes may be delayed. When this occurs, the investigator will send an interim report/letter to the complainant explaining this. The complainant will continue to be informed of any progress at regular intervals of not more than 1 month.
- The relevant complaint recipient will ensure the complainant is advised of further options available to him/her if unsatisfied with the outcomes of this first investigation. These options will include the opportunity to refer their complaint to:

Within MSW	Outside MSW
Manager	The Health and Disability Commissioner
Board Chair	The Ombudsman

- In the event that a complaint is withdrawn, it is considered resolved-withdrawn.
- The relevant complaint recipient will then discuss these with the Chairman and identify and plan for any required service delivery improvements.
- The relevant complaint recipient will be responsible for ensuring any recommendations/further actions are followed through. This will be done in consultation with the Chairman.
- In the event of a complainant not being satisfied with the outcome of an initial investigation, the relevant complaint recipient will inform any of the following (as appropriate):
 - Board of Trustees
 - Manager
- All documentation relating to the complaint will be held in a secure central register by the Chairman.
- The Chairman will report generic complaint data to the Board on a quarterly basis.

APPENDIX A

HOW TO WRITE A LETTER OF COMPLAINT

Writing a letter of complaint need not be a difficult thing to do.

Use the points below to help structure your letter.

- date
- address of the organisation/service site
- relationship to the service of person concerned
- person and title who you would like the complaint to go to
- date of concern
- reason for concern/ specific actions causing concern
- action taken then
- action that will resolve the concern and time limit
- address for reply (telephone/post/email)
- signature(s)
- printed name(s)

Remember to:

- *Request that a copy of your letter be put on your personal file for future reference.*
- *Always keep a copy of the letter for yourself.*
- *In your letter, let the provider know what action you want taken to resolve the problem.*
- *In your letter, ask the service provider for their appeal procedure and what other independent mediation and/or advocacy services are available in your area.*
- *In your letter, request a response from the provider within 21 working days outlining their proposed action.*

Ensure your letter is accurately addressed by checking the name, correct title and address of the person you are sending the complaint to by phone.

While you are on the phone, ask for the e-mail address of the person you are sending the complaint to so you can e-mail as well as post your letter.

Always put your name and return address on the back of the envelope.

CONTACT DETAILS OF EXTERNAL AGENCIES

These agencies can help you with your complaint.

<p style="text-align: center;">Advocacy Network Services (ADNET)</p> <p>Regarding the Health and Disability Commission's Code of Rights</p> <p style="text-align: center;">Ph (04) 389-2502 (Wellington)</p> <p>(04) 570 0850 (Hutt Valley)</p>	<p style="text-align: center;">Health and Disability Commissioner</p> <p>Te Toihau Hauora, Hauatanga P O Box 1791, Wellington</p> <p style="text-align: center;">www.hdc.org.nz</p> <p style="text-align: center;">Ph (04) 494 7900</p>	<p style="text-align: center;">Privacy Commissioner</p> <p>Te Mana Matapono Matatapu 44-52 The Terrace</p> <p style="text-align: center;">P O Box 10 – 094, The Terrace, Wellington</p> <p style="text-align: center;">Ph (04) 474 7590</p> <p>Or for the privacy hotline enquiries 0800 803 909 www.privacy.org.nz</p>
<p style="text-align: center;">Human Rights Commission</p> <p>Te Kahui Tika Tangata 8th Floor, Vogel Building 8 Aitkin Street, Thorndon, Wellington</p> <p style="text-align: center;">P O Box 12411, Thorndon, Wellington</p> <p style="text-align: center;">Ph (04) 473 9981 Info line 0800 496 877 www.hrc.co.nz</p>	<p style="text-align: center;">Ombudsman</p> <p>Nga Kaitiaki Mana Tangata 0800 802 602 www.ombudsman.govt.nz</p>	<p style="text-align: center;">Advocacy Network Services Maori and Pacific Island Advocates</p> <p>Room 205, Level 2 Apex House, Cnr Queens Drive & Laings Road PO Box 30-439, Lower Hutt (04) 570 0850</p> <p style="text-align: center;">98 Riddiford Street Newtown PO Box 7481 Wellington South (04) 389 2502</p> <p>Room 2/7 Pember House 16 Hagley Street Porirua (04) 238 0418</p>

Community Law Centres will also give you advice. You can find the nearest one to you by looking in the telephone book or ringing the Citizens Advice Bureau.

Atareira can provide support and education for your family/whanau if they need it. 04 499 1049

APPENDIX B

GUIDELINES FOR INVESTIGATING COMPLAINTS

INTERVIEWING THE COMPLAINANT

Below are steps to be followed when interviewing a complainant.

Reassure the complainant that the organisation takes the complaint seriously and it will conduct an impartial investigation into the complaint. Explain that the organisation will ensure that the complainant will not suffer any retaliation or any harm as a result of the complaint.

Explain the process.

- That you will be interviewing the respondent and anyone else who may be able to give relevant information;
- Who is/are going to make a decision on the complaint?
- What are the likely consequences for both parties?

Inform the complainant of the support options available (Advocates, Human Rights Commission, or other options that may be available in the work environment - mediation, for example). Again, check that the complainant wishes to proceed with a formal investigation.

Explain that it is your role to be an impartial investigator and to obtain as much information as possible from her/him to be able to establish independently that the complaint has substance. Some of the questioning may make the complainant think that you doubt her/his complaint, but stress that you need to know as fully as possible how the situation complained of took place.

- When interviewing the complainant, start by asking the complainant to give you a summary of the complaint. After you have a general picture of what has happened, then start asking specific questions in order to get the details of the complaint. Try to get the story told chronologically.

Ask open rather than leading questions.

Open questions often begin with who, where, when, what, and how? Closed questions are ones which suggest the answer.

Ensure the complainant has given you the following details:

- The name of the people involved in their complaint or other means of identification and if they are employees of MSW, their position in the organisation.
- Each incident (if there are more than one), dates, times and locations. It may be helpful to draw a diagram to show how things occurred
- Specific details of each incident took place.
- The complainant's reaction to the situation immediately and later.
- Any witnesses or potential witnesses - other staff or client(s) present or who were likely to be in the vicinity and who might have witnessed or heard what happened;
- Did the complainant tell anyone about any of the incidents? If so, what exactly was said, when and to whom? If not, ask why. There may be good reasons why the complainant did not say anything and conclusions should not be drawn from the fact that the

complainant did not report the behaviour. Be careful to phrase the question in a neutral manner;

- If there was any delay between the incident and telling anyone else, what was the reason for the delay? Again, there may be good reasons for the complainant not telling anyone or for the delay in telling someone;
- Whether the complainant made any written record of what happened.
- The effect (if any) that the behaviour had on the complainant's work or learning environment, performance, morale and health?
- Ask the complainant what persons she/he thinks it would be useful for the investigator to speak to, to help establish the truth.
- Ask the complainant how they would like the complaint resolved.
- If there are any inconsistent statements, ask the complainant to explain the inconsistency.
- At the conclusion of the interview, read the interview notes to the complainant and get the statement signed.
- Advise the complainant that it is important to get a full statement at the first interview and ask whether there is anything else he/she can think of. Ask the complainant to contact you as soon as possible if she/he has any new information to add.
- Tell the complainant she/he is not to speak to any possible witnesses.
- Tell the complainant that the investigation will be conducted in private and should not be discussed with anyone other than a support person.

NOTIFYING THE RESPONDENT

- Arrange to have a preliminary meeting with the respondent as soon as possible after interviewing the complainant.
- Advise the respondent that a complaint has been made against him/her. Give a summary of the complaint and then cite each specific allegation. Do not give the respondent information which is not an allegation against them and which is to be used by you to test the respective stories, the names of any potential witnesses e.g. that person X may have seen the incident from the stairs or that the complainant told person Y straight after.
- Advise that the complaint is being treated seriously and that a formal investigation will be made and a full interview with the respondent will be held shortly. Advise the respondent that he/she can bring an adviser or support person to the interview.
- Inform the respondent that the investigation process is confidential but that some witnesses and people involved in the process will also know some information about the complaint.
- Assure the respondent the investigation will be conducted impartially and fairly and no opinion formed until after the investigation is completed.
- If English is the respondent's second language, or the respondent is from a different culture, and there is likely to be a communication problem ask the respondent if he/she will need an interpreter and someone with a knowledge of the other culture to assist with the interviewing.

- Advise what will happen and explain the likely consequences if the complaint is upheld. Arrange an interview within a reasonable time. Invite the respondent to bring a support person to the interview.
- Check with the respondent whether he/she is in need of any assistance such as counselling.

APPENDIX C

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APPENDIX D

Complaints Register

Date Received	Complainant	Policy provided to complainant	Investigation Closed