

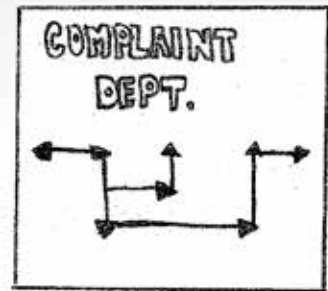
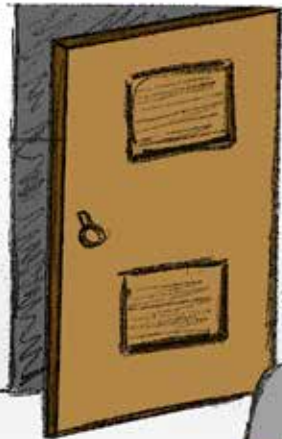


How to handle complaints

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STUDENT SERVICES



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What is a Complaint?

From the Old French word “complandre,” quite simply “A complaint is an objection to something that is unfair, unacceptable, or otherwise not up to normal standards...” from the vocabulary.com website.

Complaints can be made verbally, or in writing, they can be expressed informally or formally. The nuances between formal and informal are sometimes ambiguous and the complaint handler should take care to clarify the complainant’s expectations on a case by case basis. Verbal complaints need to be treated just as seriously as written complaints.

From an organizational perspective, complaints are a source of valuable feedback on its internal culture, policies, regulations and practices and how they impact people. Paying close attention to how complaints are handled and to the feedback they provide can help reduce costs, including legal costs, achieve strategic goals, improve the institution’s reputation, and strengthen support and confidence.

This document is intended to provide some guidance on how to handle complaints within the institution but excludes complaints within the criminal or civil legal system.



What is a Complaint Management System?

Four components define a complaint management system: handling, managing, responding and reporting on complaints.

1) Handling

- First opportunity to take note of the complaint and demonstrate commitment to addressing it fairly and in a timely way. May involve a personal contact with the complainant, or a phone call or an email.
- Provide information on the process that will be followed, and manage the expectations of the complainants regarding timelines and outcome.

Questions to consider:

Are *people aware of how and to whom they may address a complaint*? Is the information accessible to all, including persons who have a visual or hearing disability?

Is the complaint *procedure clear, easy to understand and accessible*?

Do you *explain the reasons why you refer the complainant to someone else* (and ensure that it is the appropriate person)?

Do you *identify which complaint should be fast-tracked*?

Are complaints viewed positively?

Is *your staff trained to respond to persons in serious trouble*, perhaps in danger of harm, and are they trained to recognized situations when the complainant should be directed to medical services on or off campus?

Do you take the time to *clarify expected outcome*?

Persons at risk

Bear in mind that some persons can be very anxious and stressed considering the impacts of the situation on their life and their future; it is possible that some may be at risk of harm. We encourage you to consult the website of the Mental Health Commission of Canada for information on the Mental Health First Aid training offered. This type of training will help identify persons at risk, respond more effectively, know who to contact for assistance and where to refer persons in difficulty. <http://www.mentalhealthcommission.ca/>

2) Managing

- Refers to the process as well as to communication with complainant.
- Involves identifying the applicable complaint review process, how the complaint will be examined, by whom, and who has decision-making authority.
- Keep the complainant well informed on the steps that will be taken, the progress and the expected timelines.
- Consider whether the complaint could be resolved using alternative dispute resolution (ADR) approaches such as negotiation between parties, formal mediation, conciliation... etc.

Questions to consider:

Do you encourage the resolution of complaints at the lowest possible levels; ***do you consider alternative dispute resolution options?***

Do you ensure that information about complaints is available to people on a need-to-know basis?
Are there clear parameters to ensure ***respect of confidentiality?***

Do you monitor and ***keep track of the complaint?***

Do you ***keep regular contact with complainants*** to ensure that they are aware of the steps in the process and the expected timelines as well as any delays?

Do you take the time to ***listen*** and clarify their expectations?

Does your ***system include performance criteria*** including time frames, communication requirements, outcomes, complainant satisfaction and reporting requirements?

Do you have a procedure in place to ***handle situations where the decision-maker is in a conflict of interest?***
In case of doubt do you consider how the complainant views the situation?

Does your staff know how to ***respond to unreasonable complainant conduct?*** (see section on unreasonable conduct)

Could there be some benefits in training some of your staff in ADR and in effective conflict resolution?

3) Responding

Actual decision and how it is communicated; also called the outcome.

Questions to consider:

Do you ***provide reasons*** for the decision?

Does the response address all the issues raised by the complainant and when that is not possible, do you explain why?

If the person has a right to appeal, are they told about that right at the time a decision is made?

Does the ***response include sufficient information about the next level of review/ appeal?***

Do you ***offer an apology*** if one is called for?

Do you take the opportunity to ***show empathy and compassion?***

4) Reporting

How the institution collects information about verbal and written complaints, and how they make use of the information

Questions to consider:

Do you regularly review complaints to ***identify and rectify any systemic or recurring issues?***

Is the ***information on complaints collected, analysed, reported and used*** in making system improvements

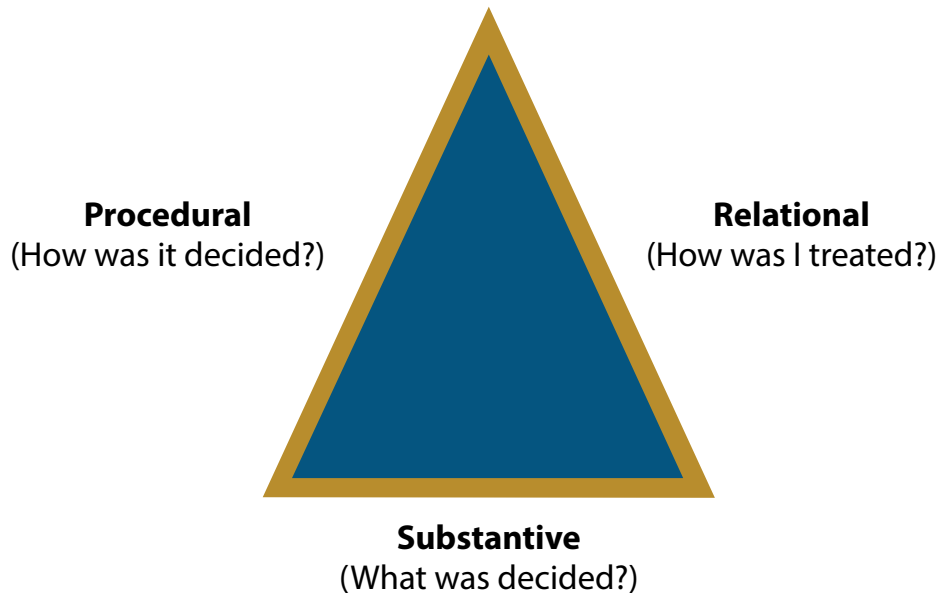
What is fairness? Art or Science

At the core of a complaint is a belief that a person has been treated unfairly. We all understand fairness at a very personal level. While we may not all share a common definition of what is unfair in a given circumstance, we experience similar feelings when we believe that we have been treated unfairly. It is important to remember that while we may not view that a decision was unfair, the person at the other end views it differently and our response should take their perspective into consideration.

We have borrowed the model adopted by the Saskatchewan Ombudsman a few years ago to illustrate fairness and to encourage a more comprehensive approach to responding to complaints. This triangle is also inspired by the work of conflict resolution theorists such as Christopher Moore.

This model proposes three dimensions: Procedural, Relational and Substantive, all part of complainants' expectations.

The Fairness Triangle



Relational dimension

- Many people consult the Ombudsperson because they feel they have been badly treated or not respected. For example, they feel that someone in authority has spoken down to them, that they were in a hurry and didn't have time for them. This is often the reason why a conflict escalates.
- This is the dimension that is most at risk of being neglected, particularly in large bureaucracies.

Procedural dimension

- Refers to procedural fairness or natural justice principles: adequately inform people who are affected by a decision, provide people with a meaningful opportunity to be heard and to challenge or dispute any information that might be contrary to his or her position, provide full disclosure, provide reasons for decision, make the decision without any bias and in an impartial manner.

Substantive dimension

- Refers to the reasonableness of the decision itself and to the expectations of the complainant about the outcome of a complaint.
- The decision should be based on relevant facts and there should be a rational connection between the evidence presented and the conclusions reached by the decision-maker; the decision includes meaningful reasons understandable to the person affected.

Fairness has been described as part art part science. While it is possible to learn rules and procedures to be followed it is also necessary to be artful, to apply the learnings skillfully based on common sense, self-awareness and good judgment.

Apologies

A word about the much feared apologies: when our actions or inactions have caused harm to another person, whether intentionally or not, we should offer unconditional full apologies.

In 2009, Ontario adopted the *Ontario's Apology Act (2009)* to address the reluctance and concerns of legal liability. Section 2 reads as follows:

2. (1) An apology made by or on behalf of a person in connection with any matter,
 - (a) does not, in law, constitute an express or implied admission of fault or liability by the person in connection with that matter;
 - (b) does not, despite any wording to the contrary in any contract of insurance or indemnity and despite any other Act or law, void, impair or otherwise affect any insurance or indemnity coverage for any person in connection with that matter; and
 - (c) shall not be taken into account in any determination of fault or liability in connection with that matter. 2009, c. 3, s. 2 (1).

A *full apology* typically involves:

- accepting responsibility or fault for the action/inaction that caused the harm,
- providing explanations of the cause, committing to actions to put things right (where possible),
- expressing sorrow and remorse.
- avoiding the two letter word "IF". It transfers responsibility to the person who feels aggrieved and escalates conflicts.

What About Unreasonable Complainant Conduct?

What to look for?

The majority of people who complain adopt reasonable conduct under the circumstances.

Note that expressing frustration and even anger is not by default an unreasonable conduct given context and circumstances.

Unreasonable conduct refers to ***persistent and inappropriate*** conduct.

Be careful, we are talking about the conduct as being unreasonable not the person.

Signs of unreasonable conduct:

- The person sends large quantities of unnecessary information despite clear instruction on how to present a complaint; insists that you read it and wants to discuss it with you
- Makes very frequent and unnecessary contacts- telephone and email ; intrudes without appointments
- Insists on having regular meetings that would be unproductive
- Demands that their case be managed in a particular way, by a particular person
- Behaves in a rude and aggressive manner, using inappropriate language
- Is unable to let go, even when all avenues of appeal have been exhausted
- Looks for vindication or revenge
- Causes staff stress and safety issues to the organisation
- Changes the focus of complaints from the substantive issue that started them off to how their complaint was or is being handled; accumulates complaints after complaints
- Sends large quantities of long emails, sometimes during the middle of the night, uses capital, bold text in emails
- Refuses to examine possible reasonable solutions
- Complaints seem to have become the centre of their lives

How to Respond?

It can be very difficult to deal with unreasonable complainant conduct, and it requires a great deal of patience on the part of the complaint handler. The New South Wales Ombudsman has produced helpful publications on the matter that include strategies. Those interested in finding out more about the various strategies to adopt for each type of conduct, should consult the publications on their website at: <http://www.ombo.nsw.gov.au/>

Some strategies to handle unreasonable complainant conduct:

- **Manage complainant expectations** from the outset and exercise ownership over the handling of complaints. Pursue an approach or reach an outcome that you believe to be reasonable in the circumstances, whether or not the complainant agrees.
- **Communicate with empathy.** Control your emotions, acknowledge their point of view, and consider that there may be a valid issue despite the unreasonable conduct. Responding without empathy may actually add fuel to fire.
- **Provide clear, timely, and firm communication** with complainants. Respond consistently and as briefly as possible.
- **Insist that complainants show respect** for and cooperate with complaint handlers. Directly address the issue if the complainant uses angry, rude, aggressive, or threatening language. Remain calm. If there is ever a question of threat to safety, contact Protection Services.
- **Set limitations** such as notifying the person that all further communications must be in writing or that calls will only be taken at specific times, or clarifying what you are willing to investigate and what you will not. Setting limitations often needs to be reiterated and it doesn't necessarily mean the complainant will readily accept them.
- **Avoid using judgments** in your communication whether verbal or written; for instance, when you set conditions for future communications, do not say because you are not being professional or because you are unreasonable. This may just lead to another round of complaints.

Enquiries and feedback are always welcome.

