



# Charter and Guidelines for Community Clients and Third Parties

**FINAL REPORT**



CONFIDENTIAL

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Ageing Disability and Home Care  
Level 5, 83 Clarence Street, Sydney NSW 2000

Prepared by the Nucleus Consulting Group  
① [www.nucleusgroup.com.au](http://www.nucleusgroup.com.au)



# Background

## Project Brief

The NSW Department of Family and Community Services, Ageing, Disability and Home Care (ADHC) commissioned the Nucleus Consulting Group to:

- Complete the current draft Client Charter for ADHC that outlines key information about ADHC's service delivery approach and the relationship that ADHC seeks to have with community clients and third parties (which includes client families, guardians, and advocates)
- Develop a set of Guidelines that instruct staff on how to execute and comply with the Charter in their dealings with community clients and third parties, and that also explain roles and responsibilities of various staff groups
- Develop a Communication and Implementation Strategy that sets out how the Charter (once completed) will be communicated to community clients and third parties and how the Charter and Guidelines will be introduced to ADHC staff.

## Goals of the Charter and Guidelines

The broad goals for the Charter and Guidelines are to:

- Promote better communication and build respectful partnerships between ADHC and community clients and third parties, who are people that have significant roles in the lives of people with disabilities and people who are aging and includes families, carers, guardians and advocates
- More clearly articulate the expectations and responsibilities of all parties involved in providing a service to community clients including ADHC staff and significant people in the lives of clients, in a spirit of partnership and positive and effective communication
- Communicate ADHC's expectations to community clients and third parties about the communication approaches and behaviour that are not acceptable in their dealings with ADHC staff, such as aggression, bullying and harassment in the context of ADHC's duty of care towards its staff
- Assist ADHC to execute and comply with the NSW Work Health and Safety Act (WHS) 2011
- Reduce workplace hazards to staff from confronting difficult behaviour from some community clients and third parties.

## Obligations under the New Legislation

Under the WHSA, ADHC has certain obligations with respect to staff that may be experiencing or at risk of bullying or harassment from community clients or third parties. These include:

What	How
Acquire and keep up to date with knowledge of work health and safety matters	<ul style="list-style-type: none"><li>▪ Be aware of the duties imposed by the WHSA</li><li>▪ Attend briefings, seminars and presentations regarding work health and safety (WHS) matters</li><li>▪ Review any reports circulated regarding ADHC's WHS performance</li><li>▪ Review documented WHS policies and procedures</li><li>▪ Regularly discuss WHS as a key topic in meetings with peers, managers and subordinates</li></ul>
Know about the operations, nature and work carried out by the	<ul style="list-style-type: none"><li>▪ Review the type of work ADHC is engaged in</li><li>▪ Understand what hazards/risks have been identified or are identifiable in performing the work (this does not mean having</li></ul>

<p>organisation and the hazards and risks associated with those operations</p>	<p>first hand knowledge of each individual risk but, rather an understanding of those risks generally associated with ADHC's core activities)</p> <ul style="list-style-type: none"> <li>▪ Discuss with direct reports/employees any risks/hazards they perceive in respect of performing their work</li> <li>▪ Review previous reports and/or WHS audits to identify any issues and areas for improvement</li> </ul>
<p>Ensure appropriate resources and processes are available and used to minimise or eliminate risks and hazards that have been identified</p>	<ul style="list-style-type: none"> <li>▪ Be confident that sufficient resources have been made available, or will be available, to attend to WHS issues</li> <li>▪ Review any prior risk assessments and audits and follow up with WHS department or delegates as to what measures were put in place to address risks identified</li> <li>▪ Review ADHC's policy in respect of a response to reported risks/hazards and implementation of the hierarchy of controls</li> <li>▪ Be confident that persons designated to deal with WHS issues have sufficient qualifications, training and instructions to do so</li> </ul>
<p>Have appropriate processes in place for receiving and considering information regarding incidents, hazards and risks; and respond in a timely way to that information</p>	<ul style="list-style-type: none"> <li>▪ Review any documented procedure for risk, hazard or incident notification within ADHC and satisfy yourself that the procedure is adequate to deal with the hazards/risks</li> <li>▪ Discuss processes for considering and responding to reports of hazards, risks and incidents with the WHS department</li> <li>▪ Ensure there is adequate documentation of all risks identified and their subsequent minimisation or resolution</li> <li>▪ Ensure appropriate notification is made by staff through SAP system incidents or injuries</li> </ul>
<p>Ensure processes are in place and implemented to comply with any duties or obligation under the WHSA</p>	<ul style="list-style-type: none"> <li>▪ Know what ADHC's duties are under the legislation (e.g. the duty to notify incidents, the duty to consult with employees, the duty to comply with notices, the duty to provide instructions and training to employees, etc)</li> <li>▪ Be confident that the processes in place to comply with these duties are adequate</li> <li>▪ Review any audits conducted in respect of ADHC's WHS compliance</li> <li>▪ Regularly review ADHC's documented policies/procedures</li> <li>▪ Regularly review with WHS department steps taken by ADHC to meet its obligations under the Act</li> <li>▪ Regularly review examples of previous incidents and assess whether/how ADHC responded and whether it complied with its obligations (i.e. workplace injury and management, notification, consultation etc)</li> </ul>
<p>Verify the provision and use of the resources and processes</p>	<ul style="list-style-type: none"> <li>▪ Ensure that any risks/hazards notified are addressed</li> <li>▪ Follow up with the WHS department steps taken to address previous identified incidents</li> <li>▪ Review any feedback on WHS issues</li> <li>▪ Review with subordinate managers whether employees are receiving training required and whether resources are available to address WHS issues as and when they arise</li> </ul>
<p>Have a governance structure in place that enables the flow of all relevant information</p>	<ul style="list-style-type: none"> <li>▪ Ensure robust reporting mechanisms that supply reports at regular intervals to senior officers which address: the risks, including emerging risks; resources available to address the risks; and how the risks are actually being addressed</li> </ul>

# Client Charter

## What is a Service Charter?

A service charter is a short publication that describes the service experience a client can expect from an agency. It allows for an open and transparent approach that all parties understand and can work within. It covers key information about an agency's service delivery approach and the relationship the client will have with the agency, including:

- What the agency does
- How to contact and communicate with the agency
- The standard of service clients can expect
- The basic rights and responsibilities of the client
- How to provide feedback or make a complaint.

A charter need not cover every function and service that an agency provides or detail every aspect of service delivery. Rather, it should focus on the key areas seen as important by the agency's clients, stakeholders and staff.

A charter in itself is not intended to confer legally enforceable rights to clients of government agencies, although some individual commitments within the charter may have legislative links. (ADHC might consider having its charter reviewed by a legal expert to ensure that wording used does not inadvertently give rise to legal liability).

A service charter is a public document that may be used as a driver of cultural change within the agency. This may encompass enhanced client-focus, improved business practices, outcomes over process, better and more responsive communications, and improved relationships with clients.

## Charter Format

Most service charters are concise documents – two or three pages as print publications and available in a range of viewing formats including online, pdf or Word etc.

The charter should also be available in formats accessible to particular client groups eg languages other than English, Braille, audio tape, large print etc.

Given that ADHC's clients include people with various disabilities and older people, the client charter should be particularly succinct and accessible to people with low literacy, communication impairment and intellectual disability. As far as possible the charter should be written in plain English, explain key concepts, with versions that include diagrams or symbols to aid understanding.

Other guidance on format to assist to ensure that the charter meets client needs includes:

- Provide a title that clearly identifies the document as a Client Service Charter
- Include a statement of purpose, as well as the date of charter publication and date for next review
- Include relevant contact details as well as details about how to give feedback on the charter itself
- State where clients can obtain agency publications or supporting documents (and cost if chargeable)
- Web-based documents and sites should not impose access barriers - overall design should consider navigation requirements, contrast between text and background (including not having background images under text) and use of colour and text size.

## Some Sample Charters

A selection of sample charters from other government agencies and private businesses, reviewed in the course of refining ADHC's charter, may be found at Attachment 1.

## Revised ADHC Charter (updated January 2012)

After review of a range of sample Charters from other agencies, the draft Charter provided by ADHC in the project brief has been revised in certain respects:

### About Us

*This section has been simplified, with some material removed and duplication reduced*

Ageing, Disability and Home Care (ADHC) is part of the Department of Family and Community Services.

ADHC is responsible for providing services and support to:

- Older people
- People with a disability
- Their families and carers.

### Our Core Values

Our core values guide all our work, decisions and actions. Our core values are:

- Client focus – the client comes first
- Equity - services should be readily accessible, within available resources
- Integrity – honesty, openness and accountability in dealing with others
- Performance – striving for excellence and continuous improvement
- Valuing people – recognising our people.

### Services Provided

Services for older people include:

- Help at home with personal care, domestic tasks and meals
- Home modifications
- Respite and support for carers
- Community transport
- Community nursing and related health services.

Services for people with a disability include:

- Early intervention programs for children and young people
- Supported accommodation both within the community and in specialist centres
- Programs that develop independent living skills
- Helping people with a disability become active in their communities through social groups, work and other activities
- Therapies such as occupational therapy, speech pathology and physiotherapy
- Respite that provides a break and support for carers and meaningful activities for people with a disability
- Advocacy, information and case management.

Services for carers include:

- Respite and support
- Training for parents of children with an intellectual disability
- Help in managing challenging behaviour
- Support groups and networks.

We also support programs that raise awareness about the importance of carers and encourage the general community to offer them greater support and understanding.

## Our Promise To You

*Section redrafted and summarised – intention to provide an overarching statement, not duplicate list of rights*

We want to provide you with the highest quality of service that we can.

We will listen to and work with you to make sure that you get the help and assistance that is available and right for you.

When you use our services we will aim to:

- Treat you with dignity and respect your culture and diversity
- Be honest and fair
- Take the time to ensure that you have all the information you need to understand how our services work
- Work with you, your family and carers to build a respectful partnership
- Support you to make decisions about everyday matters and live the kind of life you would like to have
- Consult you on how our services are provided and any decisions that affect you.

## Service Standards

*This section has been added – reference to service standards is a appropriate inclusion*

All services provided or funded by ADHC have to meet quality standards:

- Disability Services must meet the *National Standards for Disability Services*
- Home and Community Care services must meet the *Community Care Common Standards*.

From time to time, clients will be invited to participate in reviewing services against the standards. At any time, clients are encouraged to tell us how services might be improved.

## Your Rights

*Language has changed from 'my' to 'your' to reduce potential confusion. Bullet points have been simplified to a single key concept instead of multiples (eg abuse, neglect, discrimination and harassment). Language used is consistent with other client documents as far as possible*

As a client you have the following rights:

### Respect

- To be treated with dignity
- To have your culture and diversity respected
- To use all your human and legal rights, including freedom of speech
- To be treated as an individual with respect for choices you make about your life
- To be safe from all forms of abuse:
  - being yelled at or called names
  - being hurt by anyone
  - being forced to do things you don't want to do.

### Participation

- To communicate with support workers in the way you prefer
- To be involved in identifying the support that you need and how it is provided
- To participate in making decisions that affect you
- To have a family member or representative help make decisions about your support.

### Care and Support

- To have your care and support needs met, within the resources available
- To be given a written plan specifying the support that you can expect to receive
- To receive services that are delivered at the time and place that has been agreed
- To receive services that are safe
- To receive services from staff that know how to do their job
- To have your privacy respected when care is being provided
- To receive care and support that takes into account your lifestyle and availability
- To receive care and support that respects your culture, values and beliefs.

### Personal Information

- To confidentiality of your personal information
- To access your personal information held by ADHC.

### Complaints and Feedback

- To be given information on how to make comments and complaints about the services you receive
- To complain about the care and services you receive, without fear of losing the care or being disadvantaged in any way
- To have complaints investigated fairly and confidentially
- To have appropriate steps taken to resolve concerns.

### Fees

- To have any fees clearly explained and determined in a way that is open and fair
- If any fees apply, to have payment arrangements clear so that you can keep track of your money

### **Your Responsibilities**

*Client rights and obligations on staff are spelt out in a number of other documents (eg Code of Conduct, Accommodation Support Statement, best practice guidelines, policy manual etc) but client responsibilities are not detailed as often. The Charter should set out these responsibilities clearly.*

As a client, family member, carer or representative of the person with a disability, you have the following responsibilities:

### Respect

- To treat support workers with dignity and respect:
  - Be polite
  - Value people and ideas
  - Respect individual cultures and differences.
- To help keep support workers safe by keeping equipment and environments in good order and following directions related to care provision
- To behave appropriately towards support workers and other service users. It is not acceptable to:
  - Make comments or jokes that make other people feel bad
  - Bully or harass other people
  - Threaten someone
  - Infringe their privacy.

### Communication

- To be honest and open and provide information that helps services to deliver support appropriate to assessed needs

- To tell support workers about any changes to needs or circumstances
- To tell the service provider about any problems with the care and services
- To provide reasonable notice if you do not require a service
- To manage any differences of opinion:
  - Try not to raise your voice or get angry
  - Stay calm and talk things through.

#### Participation

- To understand and comply with the terms of any written agreement or program guideline that relates to the services provided
- To accept responsibility for your actions and choices
- To look after yourself, your health and well-being
- To pay any fee agreed in the service plan or to negotiate an alternative arrangement if any changes occur in your financial circumstances.

#### **Partnership Approach**

Successful implementation of this Charter requires a commitment from all parties to work together in partnership.

#### **Client Feedback and Complaints**

We are committed to delivering the best possible services but recognise that sometimes things go wrong. If this happens we will do what we can to fix it and keep you informed.

We aim to take a positive approach and encourage open communication to resolve any issues that may arise.

Client feedback is an important part in improving our services. If you are dissatisfied you can make a complaint to ADHC about any aspect of the services it provides.

Complaints can be made in a number of ways, by letter, email, over the phone, in person or by using the [online complaint form](#).

You can also contact the NSW Ombudsman toll-free on 1800 451 524 or (TTY) 9264 8050 or write a letter to NSW Ombudsman, Level 24, 580 George Street Sydney 2000 or email [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

#### **How to Contact Us**

If you want to provide feedback and your branch or regional contact is not suitable, ADHC Central Office can be contacted by post, phone or email.

For meetings in person please make an appointment so that ADHC can ensure an appropriate staff member is available.

Address: Level 5, 83 Clarence Street, Sydney NSW 2000

Phone: (02) 8270 2000

TTY: (02) 8270 2167 (for people who are deaf)

Email: [servicembx@fac.nsw.gov.au](mailto:servicembx@fac.nsw.gov.au)

#### **Service Charter Review**

ADHC will review this Service Charter every two years in consultation with service users and their families, staff and other stakeholders.

# Guidelines

*It is intended that prior to release this chapter would be reformatted by ADHC, with design features, structure and artwork to maximise impact of communication*

## Scope

ADHC has a strong commitment to providing a safe workplace for employees. The new *Work Health and Safety Act 2011* (WHS Act) puts the responsibility on employers to ensure all employees are safe in their workplace, including client homes and community settings. This includes protecting employees from bullying, harassment and discrimination from clients and third parties (those people who have a connection with the client such as family members, guardians and advocates).

ADHC recognizes that one of the most effective means of ensuring the safety of employees in client homes and in the community is to work in partnership with clients and their significant others. Strong partnerships that have the client at the centre of service planning and delivery encourages good communication and respect between clients, their significant others and employees.

Employees often work on their own in client homes and in the community and these factors are known to increase the risk of bullying, harassment and discrimination. While the majority of employees have good and positive relationships with clients and their significant others, it is recognized that some clients and third parties do not always behave in a fair and reasonable manner and may engage in behaviour that is rude, offensive, humiliating, threatening or that undermines an employee's right to dignity and respect. This behaviour will not be tolerated in any form by ADHC. ADHC recognizes that employees cannot be fully productive if they feel that anyone they work with including clients, their family members, guardians, advocates or visitors to the client home or the workplace is bullying, harassing or discriminating against them.

All incidents of bullying, discrimination and harassment will be treated seriously and dealt with quickly, fairly, confidentially, impartially and without victimization.

## Purpose

The main objectives of these Guidelines are to:

- Assist ADHC to meet the requirements of the NSW Work Health and Safety Act (2011)
- Help ADHC employees develop positive partnerships with community clients and third parties to build effective communication and minimise the risk of bullying, harassment and discrimination occurring
- Help ADHC employees identify when community clients and third parties are engaging in bullying, harassment and discriminatory behaviour
- Provide guidance on how to manage bullying, harassment and discriminatory behaviour perpetrated by community clients and third parties
- Provide resources to assist ADHC employees when community clients and third parties are engaging in bullying, harassment and discriminatory behaviour.

## Applicability and Target Groups

These Guidelines apply to all ADHC employees including Home Care employees. They also apply to agency employees, contractors, volunteers and students on placement.

These Guidelines do not apply to employees who are subject to challenging behaviours from clients in ADHC's accommodation services. Such incidents would be covered by the ADHC publications *Our Commitment to Residents 2011* and *Draft Accommodation Support Statement*. Further advice can also be provided by the Office of the Senior Practitioner.

## **Legislative and Policy Environment**

*Content of this section to be confirmed by ADHC*

### Legislation

- Age Discrimination Act 2004 (Cth)
- Aged Care Act 1997 (Cth)
- Anti Discrimination Act 1977 (NSW)
- Carers (Recognition) Act 2010 (NSW)
- Child Protection (Offenders Registration) Act 2000 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 2006 (NSW)
- Children's Services Regulation 2004 (NSW)
- Commission for Children and Young People Act 1998 (NSW)
- Crimes Act 1900 (NSW)
- Disability Discrimination Act 1992 (Cth)
- Disability Services Act 1986 (Cth) & Disability Services Act 1993 (NSW)
- Family Law Act 1975 (Cth)
- Home and Community Care Act, 1985 (Cth)
- Industrial Relations Act 1996 (NSW)
- Privacy Act 1998 (Cth)
- Public Sector Employment and Management Act 2002 (NSW)
- Residential Tenancies Act 2010 (NSW) & Regulations
- Work Health and Safety Act 2011 (NSW)
- The Ombudsman Act 1974 (NSW)

### Policies

- ADHC Code of Conduct, February 2011
- ADHC Dignity and Respect – Anti Bullying, Discrimination and Harassment Policy, November 2010
- ADHC (2010) Our commitment to residents
- Abuse and Neglect Policy and Procedures, May 2007 amended September 2010
- Strategies for facilitating cooperative relationships with clients (Home Care) 2009
- Client risk policy and procedures, March 2008, Amended September 2010
- Feedback and complaint handling fact sheet 1 May 2005
- ADHC (2010) Living in your supported accommodation
- ADHC (2010) Information pack for families
- ADHC (2010) Good communication with families and carers
- ADHC (undated) Draft accommodation support statement (Version 3)
- ADHC (undated) Draft best practice guidelines: building partnerships with families, carers and guardians through effective communication (Version 15)

#### Other NSW Government Agencies:

- New South Wales Ombudsman: external complaints body for clients and third parties <http://www.ombo.nsw.gov.au/>
- Workcover New South Wale: Advice on workplace health and safety <http://www.workcover.nsw.gov.au/Pages/default.aspx>
- Workcover New South Wale: Bullying at Work <http://www.workcover.nsw.gov.au/Pages/default.aspx>
- New South Wales Anti-Discrimination Board [www.lawlink.nsw.gov.au/lawlink/adb/ll\\_adb.nsf/.../adb\\_contactus](http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/.../adb_contactus)

## Definitions and Abbreviations

Advocacy can be defined as speaking, acting or writing with minimal conflict of interest on behalf of the interests of a person or group, in order to promote, protect and defend the welfare of and justice for either the person or group by:

- Being on their side and no-one else's
- Being primarily concerned with their fundamental needs
- Remaining loyal and accountable to them in a way which is empathic and vigorous<sup>1</sup>.

Bullying is any behaviour or series of behaviours that is unreasonable or undesirable at the place of work (and/or in the course of or related to employment) which intimidates, humiliates or undermines a person or a group of people. Bullying will generally meet the following criteria:

- It is repeated
- It is unwelcome and unsolicited
- The recipient/s considers the behaviour to be offensive, intimidating, humiliating or threatening
- Based on the available information, the behaviour would be considered offensive, intimidating, humiliating or threatening to the individual it is directed at, or, for that matter, others who are witness to or affected by it<sup>2</sup>
- The behaviour poses a risk of psychological injury or actual psychological injury.

Examples of bullying include:

- verbal abuse
- putting someone down
- spreading rumours or innuendo about someone
- interfering with someone's personal property or work equipment<sup>3</sup>.

Community clients are clients in receipt of ADHC Aged, Disability and Home Care Services in the client's home or the community. This does not include clients with an intellectual disability receiving ADHC disability accommodation services.

Confidentiality means not disclosing any information about clients or employees or ADHC business unless given authority or official permission to disclose the information<sup>4</sup>.

Discrimination is to treat someone less favourably because of their sex, race, pregnancy, disability, age, marital status, carer's responsibilities, religion, sexual preference or transgender identity<sup>5</sup>.

Harassment is unwelcomed or unreciprocated behaviour which makes an employee or customer feel intimidated, offended, or belittled in the workplace. It can take place between:

- an employee and a manager or supervisor
- co-workers
- an employee and another person in the workplace, for example a student.

Harassment can occur in any location where people are working including a client's home.<sup>6</sup>

Third parties are family members, carers, guardians, advocates and other significant persons of a client of ADHC services.

WHS Act is the Work Health and Safety Act 2011 (NSW) in effect from 1 January 2012.

Workplace is where work is carried out for a business or undertaking and includes any place where an employee goes, or is likely to be, while at work.<sup>7</sup>

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<sup>1</sup> Family and Community Services (2011) Advocacy and Information Services, ADHC

[http://www.adhc.nsw.gov.au/individuals/support/directing\\_my\\_own\\_life/advocacy\\_and\\_information\\_services](http://www.adhc.nsw.gov.au/individuals/support/directing_my_own_life/advocacy_and_information_services)

<sup>2</sup> Dignity and Respect: Policy and Guidelines on Preventing and Managing Workplace Bullying, NSW Premier's Department, 2007

<sup>3</sup> WorkCover Authority of New South Wales definition,

<http://www.workcover.nsw.gov.au/healthsafety/healthsafetytopics/Psychosocialissues/Pages/Bullying.aspx>

<sup>4</sup> ADHC (2011) Code of Conduct

<sup>5</sup> ADHC (2011) Code of Conduct

<sup>6</sup> Harassment free workplace policy and guidelines, NSW Premier's Department, 1996

## Procedural Detail

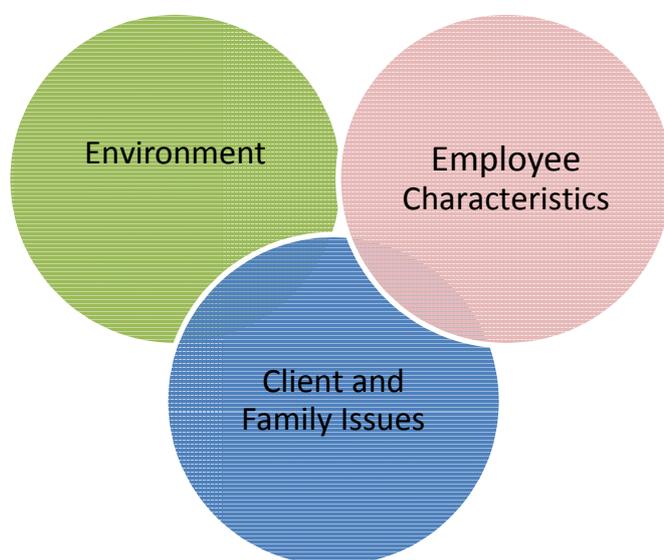
Clients who receive aged, disability and home care supports need these supports as they are unable to live independently in the community without them. These clients often rely on many different people to perform very personal tasks and this can make them feel vulnerable. Employees frequently provide these services on a one-to-one basis with clients, in client homes, in the community and in group homes. While most clients and ADHC employees have good positive relationships it is recognised that some employees may be more at risk of bullying, harassment and discrimination by community clients and third parties, such as family members, guardians and significant others, because of the personal nature of the work and the locations in which the work is undertaken.

ADHC has a strong commitment to providing safe workplaces for its employees and takes seriously any risks and incidents of bullying, harassment and discrimination.

The following guidelines will assist employees to minimise and address incidents of bullying, harassment and discrimination:

### Understanding bullying, harassment and discrimination

There are some factors that put employees at higher risk of bullying, harassment and discrimination. These factors can be specific to the work environment, the employee or the personal circumstances of the client or third parties:



Environment	Employee Characteristics	Client and Family issues
<ul style="list-style-type: none"> <li>• Employees dealing with the public</li> <li>• Working at night or during early morning hours</li> <li>• Working in direct physical contact with clients</li> <li>• The situation is isolated</li> <li>• Working with people in distress<sup>8</sup></li> <li>• Working alone</li> </ul>	<ul style="list-style-type: none"> <li>• Culturally or linguistically diverse</li> <li>• Younger</li> <li>• Require modified tasks or equipment to support their ability (long term or until recovered from illness or injury)</li> <li>• Contractors (short or long term)<sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>• History of unresolved complaints/allegations</li> <li>• Distressed or under pressure</li> <li>• Have unmet needs</li> <li>• People that employees have least in common with</li> <li>• Affected by factors external to the service such as unemployment, financial difficulties, drug and alcohol dependency, family law</li> </ul>

<sup>7</sup> Work Health and Safety Act 2011 section 8

<sup>8</sup> Comcare (undated) *Prevention and Management of Customer Aggression: A Guide for Employers*  
[http://www.comcare.gov.au/\\_data/assets/pdf\\_file/0019/41266/OHS33\\_00751\\_July10\\_v2\\_web.pdf](http://www.comcare.gov.au/_data/assets/pdf_file/0019/41266/OHS33_00751_July10_v2_web.pdf)

<sup>9</sup> NSW Workcover, *Vulnerable Workers*

<http://www.workcover.nsw.gov.au/healthsafety/healthsafetytopics/Psychosocialissues/Pages/Vulnerableworkers.aspx>

## Recognising bullying, harassment and discrimination

Disagreements and differences of opinion occur in any workplace. You may not agree with something a client or their relative, guardian or advocate says or even the tone of voice they use - but this may not mean you are being bullied or harassed.

The following are examples of where people may be hurt or offended but the incidents do not constitute bullying, harassment or discrimination:

- Mutual arguments and disagreements: are upsetting, but usually everyone involved wants to solve the problem and there is no power imbalance. A mutual argument or disagreement is not bullying
- Not liking someone: unless you deliberately and repeatedly try to cause someone distress, exclude them or encourage others to dislike them, not liking someone is not bullying
- Random or one-off events: single acts of meanness, spite, conflict, rejection, exclusion, physical harm and emotional aggression can hurt people and cause distress, but are usually not bullying, harassment or discrimination.

However, if someone is doing these things *deliberately* and *repeatedly*, they may become bullying and harassment.

### Example 1

A client tells the home carer they don't like being left on the shower chair while the carer gets their clothes from the bedroom. This could mean the client is scared of being left alone or is uncomfortable or cold. Asking the client before they have their shower how they want the shower completed and getting clothes ready beforehand would make them feel safer. This is not bullying or harassment as the client is within their rights to state how they want their support provided.

Bullying, harassment and discrimination are higher level issues that involve behaviours that can harm, intimidate, threaten, undermine, offend, degrade or humiliate. Using the example above, the behaviour would become harassing and discriminating if:

### Example 2

A client tells a qualified home carer in an angry voice they don't like being left on the shower chair while the carer gets their clothes from the bedroom. The client follows the comment with "you are too young and stupid to be doing this job, why don't you learn to do it properly". The client may still be scared of being left alone or uncomfortable or cold, however their language is discriminatory (referring to age), offensive (calling them stupid) and derogatory (stating they are not adequately qualified). This behaviour is repeated when the carer tries to assist the client with shaving with the client commenting "you wouldn't know about shaving you haven't started yet" and then when the carer does the dishes "I suppose you still live with your mother and she does all the house cleaning." This is bullying behaviour, repeated unwelcome, unwarranted comments of a personal nature that are designed to humiliate or offend.

Harassment and bullying may also arise from the behaviour of family members and third parties. Bullying and harassment can occur in the workplace but also out of hours via the telephone, internet (such as social networking sites) or other communications channels.

Some people confuse assertiveness with aggression. Assertiveness, which is backed by integrity, recognises and respects people's boundaries and values, any request is polite and unconditional and there are no negative consequences if the person being asked says no. Bullying and aggression does not respect people's rights and requests come with a negative consequence if the course of action demanded by the bully is declined:<sup>10</sup>

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<sup>10</sup> UK National Workplace Bullying *Myths and misperceptions about workplace bullying*, <http://www.bullyonline.org/workbully/myths.htm>

### Example 3

A disability worker of Indian background takes a client out for regular community access. The client's brother is often in the house when he picks up the client and always makes monkey noises just before he opens the door. He can also be heard making insulting comments to the client such as "going off to eat bananas again today are we". The brother is never directly rude to the worker but can be heard making rude comments about the carer to other family members who are laughing inside the house

### Example 4

A parent rings a group home at the beginning and end of each shift to check which employees are rostered on and make sure they have not left early. During the calls the parent is abusive towards staff and targets one employee in particular whom they dislike. The client is aware of this behaviour and threatens staff with contacting his parent to report on activities undertaken in the house, which he does. Staff are distressed by the phone calls and the targeted employee is taking sick leave

### Example 5

Family members repeatedly ring a case manager requesting they move their daughter from present accommodation to a different house because they are unhappy with the care she is receiving. The client is happy in the house and has not expressed any concerns. Meetings have been held with the client, family members, house team leader and case manager to address the situation but there are no vacancies in the houses or areas the family prefers. The family escalate their request to the line manager and senior executive. They begin making daily telephone calls and sending multiple emails each day demanding that action be taken and threatening to go to the media and the Minister. The family state they are advocating in the interests of their daughter. The case manager and line manager state they are feeling harassed and employees at the house are electing not to work on weekends when the family visit

### Example 6

A home care worker has a mild hearing impairment which she has told her client and the client's partner about so that they do not think she is ignoring them if she cannot hear them properly. The client's partner thinks it funny to creep up on the worker and shout comments to her while she is cleaning the house. When the worker requests he stop, he tells her he only wants to make sure she can hear him. He has now started waving his hands around and is pretending to speak to her using 'sign language' and writing notes and messages in big letters which he holds up to her. The home care worker feels demeaned and insulted with his bullying behaviour

### Example 7

Friends of a client's brother were at the client's house when an ADHC employee arrived to help the client with showering and dressing. The employee heard the friends say "you'd have to be a bit queer to do that sort of work" and laughing in a derogatory way. The employee also found out through his friends at his football club that derogatory and homophobic comments have been made about him on social networking sites

### Example 8

An employee lives in a small community in rural NSW. A client has obtained the person's mobile telephone number through friends of friends. The client started calling the employee 'just to say hi'. When the employee requested the client not call him using his personal mobile, the client threatened to tell her friends and others that the employee had declared his love for her. When the employee told the client he would report the incident to his boss the client said she would tell his boss that he had sexually abused her

It is important for your safety that you can recognise when bullying, harassment and discrimination occurs:

Discrimination and Harassment	Bullying
Are always linked to anti-discrimination laws and tend to focus on unfair, unwanted, offensive and intrusive treatment or behaviour based on one's gender, race, age, disability or sexual orientation	Is usually not strongly linked to the grounds for discrimination - is linked to WHS laws and focuses on a person's right to a safe workplace
Discrimination can be direct or indirect, harassment tends to be relatively direct	Can be direct or indirect, and by one or more persons
May be a single incident or series of incidents	Usually repeated behaviour. Tends to be an accumulation of small incidents each of which, when taken in isolation and out of context, may seem trivial
Tend to focus on individuals for what they are, eg. female, disabled	Anyone will do
The person being harassed or discriminated against knows almost straight away they are being harassed	The person being bullied may not realise they are being bullied for weeks or months, until there is a moment of enlightenment
Almost always have a strong clear focus, eg sex, race, disability	The focus is on competence (envy) and popularity (jealousy)
Everyone can recognise harassment, especially if there is assault or sexual assault	It is hard to recognise bullying
Harassment often reveals itself through use of recognised offensive words	Tends to fixate on trivial criticisms and false allegations of underperformance. Offensive words rarely appear, although swear words may be used when there are no witnesses
There's often an element of possession, eg. stalking	Phase 1 of bullying is control and intimidation. When this fails, Phase 2 is elimination of the target
Can have a strong physical component, eg. contact and touch, or intruding into personal space or possessions	Usually emotional or psychological, eg. criticism, but may become physical later
Often is for peer approval, bravado, macho image, etc	Tends to be secret behind closed doors with no witnesses
Can take place both in and out of work	Takes place mostly at work
The harasser often perceives their target as easy, albeit sometimes a challenge	The target is seen as a threat who must first be controlled and intimidated, and if that doesn't work, eliminated
Are often used for domination or superiority	Bullying is for control of threat (of exposure of the bully's own inadequacy)
The harasser often lacks self-discipline.	The bully is driven by envy (of abilities) and jealousy (of relationships).

Source: ADHC (2010) Dignity and Respect – Anti-Bullying, Discrimination and Harassment Policy, November (pp15-16)

Individuals who experience bullying, harassment and discrimination will react differently. Some people have greater resilience levels than others however the impact of bullying, harassment and discrimination can have serious consequences. Reactions may include any combination of the following:

- distress, anxiety, panic attacks or sleep disturbance
- impaired concentration or ability to make decisions
- loss of self-esteem and confidence, a sense of isolation or withdrawal from the workplace
- physical illness, including digestive problems, skin conditions, headaches and musculoskeletal disorders
- injury, or increased risk of injury, particularly psychological injury
- reduced work performance
- incapacity for work resulting in employees' compensation claims
- loss of employment
- deteriorating relationships and reduction in quality of home life
- depression and risk of suicide<sup>11</sup>.

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<sup>11</sup> Comcare (2010) *Prevention and Management of Customer Aggression: A Guide for Employers*  
[http://www.comcare.gov.au/\\_data/assets/pdf\\_file/0019/41266/OHS33\\_00751\\_July10\\_v2\\_web.pdf](http://www.comcare.gov.au/_data/assets/pdf_file/0019/41266/OHS33_00751_July10_v2_web.pdf)

### Effective communication (person centred approach)

One of the most effective ways of minimising the risk of bullying, harassment and discrimination is to build positive working relationships with clients that are based on the principles of dignity and respect for all parties.

Person centred practice is where the person who is receiving the service (the client) is put at the centre of planning and service delivery. Employees and clients work with the client and their significant others (where appropriate) to identify what the person wants to achieve and the supports they require to make this happen.

#### *Know your client and your work environment*

- ✓ Know as much about your client as you can before you meet with them. Ask the referring agency to identify any issues with the person, their home or their personal circumstances that may impact on the health and safety of you or other employees. You are able to ask reasonable questions related to work health and safety and not breach privacy legislation (see Resources Section for examples).
- ✓ Read the referral request, intake information, service assessment and client plan (if developed) before you provide a service. This means you will better understand their circumstances and can provide a more personalised service.
- ✓ Ask your supervisor or manager if there are any issues or alerts that you need to be aware of before you work with the client. Keep to the facts. Ask to see a Risk Management Plan or a Behaviour Management Plan if there are concerns about health and safety and make sure you are aware of how to implement them.
- ✓ Keep an open mind about clients who are labelled by co-workers as 'difficult' or 'rude' as this may influence how you first interact with them (and potentially create a conflict that could have been avoided).
- ✓ Make sure you are aware of any cultural or language needs and arrange for necessary services to be available, such as interpreters. Some clients and third parties may have had very negative experiences with governments in their country of origin or within Australia. These people see all employees as 'the government' and can be hostile, angry or scared about receiving services.
- ✓ If you are providing services in the client's home, know who else may be there and their relationship to the client, e.g. family members, guardians, advocates, friends or other service staff. Ask the client who will be present and what their role is.
- ✓ Get ready for the meeting by making a list of the things you need to talk about and any decisions that need to be made.
- ✓ Make sure you are adequately trained to provide the level of support that the client requires. Well trained and confident employees help to reassure clients and family members. Clients and family members can become very anxious and scared if they feel the employee does not have the necessary skills to perform the required tasks and this can result in aggressive, threatening or abusive behaviour.
- ✓ Ask the client and family members (where appropriate) how they would like supports provided. This will indicate you are sensitive to their needs and make them less likely to criticise you.
- ✓ People tend to respond in the same way they are spoken to. Conduct all conversations with clients and third parties courteously and politely.
- ✓ Provide adequate time for appointments and be on time. Call people back as soon as you can. Clients and family members can interpret being rushed or kept waiting as not being interested or regarding them as unimportant.
- ✓ Ask your manager for a copy of the workplace health and safety policy and other relevant policies on bullying, harassment and discrimination. This will help you know your rights and process for managing any incidents if they occur.
- ✓ Always look for the best possible outcomes for the client – this is your purpose.

### *Build good relationships*

- ✓ Good working relationships are built on trust and good communication. Where good relationships exist, issues that arise can be addressed quickly, misunderstandings corrected and services and supports resumed in a way that meets client requirements.
- ✓ You can develop good communication with clients and third parties by the words you use and the way you speak and behave:
  - Ask only questions that are relevant to the task. Avoid personal questions that have nothing to do with the reason you are providing support. Try using phrases such as “What services would help you the most?”
  - Let families tell you about themselves. Ask about culture or language that may impact on the type of service provided. Understand what the family is good at, needs help with, likes and does not like.
  - Listen to what people are saying and check you have heard them correctly. Try using phrases such as “I think you are telling me ...” or “I heard you say...” This will help to clarify their exact issue.
  - Avoid giving your opinion by telling people what you would do in a particular situation. Instead try using phrases such as “What do you think is best for you in this situation?”...“What do you think would help you best?” This also helps people to focus on their strengths and problem solve for themselves.
  - Be honest. If you are unable to answer client or third party questions, tell them you don’t know but will follow up with people who can help. Keep to your word and make sure you follow up as this will help people to trust you.
  - Make regular times to speak on the phone to families to make sure they are kept up to date with progress.
  - Maintain confidentiality at all times. This is especially important for employees in country areas or small communities. It is never right for you to talk about a client to people who have no involvement in their care. It is never right for you to gossip about a client to anyone.
- ✓ Recognise and value the role of family members and significant others. They are important and have usually dedicated many years to caring for clients and advocating for the best possible outcomes for them. Help families to lead by understanding how they can help clients achieve their goals. Keep in contact with families and let them know when something good or bad has happened.
- ✓ Consider the situation from the other person’s perspective. Clients and family members have usually had many years of working with lots of different employees who come and go. Some people are tired, others frustrated, some angry, some grateful...understand their emotions and behaviour and do not treat it as personal (ie it’s not about you).
- ✓ Try to find an answer: be flexible, creative, work out problems, believe that all problems have an answer, do not give up and get help if you need it.
- ✓ Always provide information including: how the service works, rights and responsibilities, how they can help to support their family member, how they can get what they need in the community and inform them how they can make a complaint – or compliment.
- ✓ Recognise how your own behaviour and the way you feel influences the way you behave at work. We are complete people sometimes affected by issues that happen in our own lives, such as family stress, unemployment, financial difficulties or legal matters. Use the Employee Assistance Program or speak to your manager if you think issues in your personal life are affecting the way you interact with clients and third parties (see Resources Section for more details).

## Managing Incidents

### *Assess the situation*

When you are confronted with incidents of bullying, harassment and discrimination it is important to assess the situation:

- ✓ Stay calm. Pay attention to your own responses, such as feeling embarrassed, stomach churning, feeling hurt or angry or being tearful. Take a deep breath and try to physically calm yourself. Remain professional at all times and never fight back no matter how tempting.
- ✓ Ask yourself: "Am I being over sensitive, have other issues in my life made me over-react to this situation, did the client/other person mean any harm with the comment, are there cultural issues that I am unaware of that may have resulted in confusion?"
- ✓ Understand that it is not personal. Don't focus on who is right and who is wrong. Look at the situation objectively and consider the other person's situation. Assess whether the person is responding to some other issue such as being uncomfortable (are they too hot or cold, seated uncomfortably, scared or in pain).
- ✓ Offer comfort if needed, a glass of water, box of tissues to help show the person you are genuinely interested in what is causing their behaviour.
- ✓ Assess whether you are in danger or if the person is under the influence of drugs or alcohol. If this is the situation you must look after your own safety first. Always remove yourself as quickly as possible from any immediate danger.

### *Take control to stop the behaviour*

Where you are sure bullying, harassment or discrimination has occurred it is essential that you act immediately. Doing nothing will more likely increase the unacceptable behaviour and your health and safety can be affected in the long term.

It is important that the person who is doing the bullying or harassing is made aware that their behaviour is not acceptable and must stop.

- ✓ Many people are not comfortable or confident to confront someone who is bullying or harassing them. If you are not confident in speaking directly with the person, seek advice and help from your manager to help you tell the person that their behaviour is not acceptable and that it must stop.
- ✓ Be calmly assertive but not aggressive and ask the person to stop the offending behaviour. Be specific and use 'I' statements such as, "I find it offensive when you call me stupid. Please don't say that again."
- ✓ Stay calm and don't engage people in a fight or defend yourself. Avoid general statements and using 'you' sentences and words such as 'should' and 'always'. For example don't say "I'm not stupid, you are the one who is always rude and nasty, stop it." Defending yourself encourages people to keep the argument going and can provoke them into becoming more aggressive.
- ✓ Try and get a witness to the incident who can provide an objective account.

### *Address the issue*

- ✓ Separate the person from the issue and stick to the issue to help get control of the situation. If people are unhappy with something that has occurred and they harass or insult you, discuss the issue, not the person. Try adding additional statements such as, "I find it offensive when you call me stupid. Please don't say that again. I am happy to discuss with you what you are unhappy about".
- ✓ Ask people what the issue is and then feed it back to them to make sure you have understood it correctly. Discuss the issue and give them time to tell you specifically what is upsetting or annoying them. Use statements such as "Are you saying you are unhappy with the way I am showering you?"

### *Apologise and empathise*

- ✓ If you inadvertently contributed to an incident, apologise promptly and sincerely but not excessively. This will help calm the situation and allow you to move to problem solving.
- ✓ Never blame a colleague or co-worker.

### *Engage the person in problem solving*

- ✓ Don't offer your solutions to an issue, instead get the person to state what they would like done. Try using sentences such as "What would you like done differently?", "What do you think would improve the outcomes for you?"
- ✓ Write down all the options they can think of – this helps to slow down the pace of the interaction. Use paper, whiteboard, envelope, serviette – anything will do.
- ✓ Some people who have long standing issues want to go over and over detail and yet appear resistant to change. These people can still be engaged in problem solving by asking them "If you were in my situation what would you do?" This helps them to consider the other side of the issue and contribute to solutions.
- ✓ If people are still dissatisfied encourage them to enter into discussion by using phrases such as, "We both want to see this situation sorted out, let's get some extra help from (supervisor/manager)".
- ✓ If people persist and become demanding, clarify the issue, write it down if possible, confirm it with the person (read it back) and agree on how you will address it. Try using sentences such as, "I understand you are unhappy with the standard of care that your family member is receiving. Is that correct? I will speak to my manager and get her to call you within the next two days."
- ✓ Write down the issues and any agreed action and show the person. Make a copy and give it to them if possible.
- ✓ Provide the person with information on how they can make a complaint or have their issue addressed. For example, refer to internal (such as your manager) or external (see the Resources section) complaints mechanisms.
- ✓ Never make promises you cannot keep and learn how to say 'no' without offending a person or putting yourself in danger. ADHC Values state that 'we will do what we say we will do'. If clients or third parties make demands you know you cannot meet, be honest, remind them of the ADHC value and use statements that mean 'no' but are unlikely to offend, such as, "I am not sure ADHC can do x or y for you and I do not want to make a promise to you that cannot be kept", or, "I am not able to make that decision however, I will make sure I will follow up your request as soon as I get back to the office."

Make an offer that you can achieve, such as arranging a meeting with their case manager within an agreed timeframe, getting a supervisor to call them within the next 24 hours, or providing them with information and a process on how to have their demand/request addressed. If you agree to do something for a client or third party make sure you follow through with it in order to keep their trust.

- ✓ Thank the person for meeting with you, providing their comments and taking the time to try and sort out the issue. Always finish the conversation on a positive note. This will help the person leave the meeting with a sense that something is being done to address their issue and less likely that they will leave angry. Angry people are more likely to contact friends and relatives to complain, post comments on social media or escalate the issue by seeking external recourse such as through media or a politician.

### Warning signs of aggressive behaviour

Understand that your words and actions will be your best tools in helping to defuse a potentially dangerous situation. Be aware of behaviours that indicate someone may be becoming aggressive or abusive and be prepared to act and calm the situation if possible. It is highly unlikely that a client or other party will suddenly turn aggressive or violent without warning. Someone who is becoming potentially violent will nearly always give off early warning signs. These can include:

- Tapping the table
- Loud or very fast speech
- Muscle tension in face, hands or limbs
- Fidgeting or hand wringing
- Finger wagging or jabbing
- Pacing, staring eyes
- Sweating
- Over sensitivity to what is being said
- Rapid moods swings
- Rapid unpredictable arm movements<sup>12</sup>.

### Managing difficult situations

The following tips can assist in managing aggressive people:

Listen and observe	<ul style="list-style-type: none"><li>✓ Pay attention to the person's voice and the way they are behaving</li><li>✓ Stay calm, use clear communication and listen to what the person is complaining about</li><li>✓ Ask why they're upset and acknowledge their feelings and viewpoint</li><li>✓ Don't rush into finding a solutions, let them have their say</li><li>✓ If you are near them, angle your body away from them slightly and do not face them straight on. This can be confronting and can escalate their behaviour</li><li>✓ Speak clearly and simply using assertive non-aggressive language</li><li>✓ Ask for help from another staff member if they are nearby</li><li>✓ Clarify the issue by asking closed questions, e.g. "You said you are unhappy with x, y and z - is this correct?"<sup>13</sup></li></ul>
Calm communication and warn softly	<ul style="list-style-type: none"><li>✓ If they are still behaving in an aggressive manner, let the person know that their behaviour is not acceptable</li><li>✓ Try phrases like: "I can see you are angry but that won't help. We need to sort out the issue, what is you are wanting from us?"</li></ul>
Formal warning to control aggression	<ul style="list-style-type: none"><li>✓ Take control by using a statement that focuses on the outcome and lets the person know their behaviour is unacceptable</li><li>✓ Speak at the same pace and tone as the other person (but never as loudly); over time reduce the pace and volume of your voice</li><li>✓ Let them know their behaviour is not acceptable, e.g. "I find the language and way you are speaking to me unacceptable. If you keep talking like this I will end the discussion"</li></ul>

<sup>12</sup> Nationwide Group Staff Union (2009) *Dealing with Aggressive Customers* <https://www.ngsu.co.uk/aggressivecustomers.htm>

<sup>13</sup> New South Wales Housing, *Building Leaders Together*, <http://www.housing.nsw.gov.au/>

<p>Manage your own safety first and terminate the interaction</p>	<p>Always manage your own safety first and remove yourself from any dangerous situation as quickly as possible:</p> <ul style="list-style-type: none"> <li>✓ If the person is at your office ask them to leave</li> <li>✓ Don't threaten the person directly but be firm and clear, e.g. <i>"I do not want to call the police so please leave now"</i>.</li> </ul> <p>If the person refuses to leave, seek help from colleagues and senior employees. If required the most senior person should call the police.</p> <p>If you at a client's home or in the community, take sensible safety precautions such as:</p> <ul style="list-style-type: none"> <li>✓ Know where the exits are and identify the quickest route</li> <li>✓ Always carry your car keys and mobile telephone with you, never leave them in a bag or out of reach</li> <li>✓ Have an emergency code or word you can use when you phone your office so your supervisor will know it is an emergency</li> <li>✓ Make sure your car is parked in the street, not blocked in by other cars and facing in the direction you want to go</li> <li>✓ If you are being chased by someone, try to keep distance between you by running around an object such as a table</li> <li>✓ If in immediate danger, call out for help to alert others in the building or nearby</li> <li>✓ Avoid physical contact; if they attack you first, use only reasonable self-defence.</li> </ul>
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Some actions can make the situation worse. Do not:

- Invade the person's personal space
- Touch the person or move quickly
- React, argue or fight back
- Be judgmental – don't apply your own values, try and be objective
- Push the person into accepting advice or outcomes that you think is best. Instead provide options for the client/third party and discuss how they may work; let them choose the best outcome.

## Record and Report

Some employees may not report bullying or harassment. They may:

- Not recognise the behaviour as a hazard
- Accept bullying or harassment as a normal part of work culture
- Feel intimidated or embarrassed
- Worry that reporting bullying or harassment may reflect badly on them and affect their career prospects (that they may be labelled 'weak' or 'whinging')
- Aren't sure how to deal with the problem or who to report it to
- Believe no-one will act on the problem or they won't be believed
- Think management will always side with the client or third party
- Fear retribution from the person who is bullying or harassing them<sup>14</sup>.

It is essential that you treat all incidents seriously. Some types of bullying are a criminal offence. If you experience violence, assault or stalking, [report it directly to the police](#).

ADHC encourages all employees to report incidents of bullying, harassment or discrimination and is committed to dealing with matters quickly, fairly, confidentially, impartially and without victimisation.

- ✓ Make a diary note of the incident and keep to the facts – what happened, when, where it occurred, who was present and your response
- ✓ Get a witness to the event if there is one
- ✓ Inform your manager immediately verbally and in writing. Debrief with them
- ✓ Complete an incident report
- ✓ Ask for interpreter assistance to assist you to make a complaint in writing or verbally if you need it
- ✓ Ask your manager to let you know in writing what action is being taken
- ✓ Try to contribute to the problem solving. It is difficult not to take the behaviour personally but you will feel more confident and in control if you can objectively discuss strategies for addressing the behaviour rather than getting upset, hurt and distressed
- ✓ Get support from someone you trust. This can be your manager, a close friend or co-worker, a workplace health and safety officer or a support service such as ADHC's Employee Assistance Program
- ✓ Keep the matter confidential. It is alright for you to speak about the matter with a trusted person and have it investigated but not alright for you to tell everyone you come into contact with. The person you are accusing of bullying, harassment or discrimination is also entitled to the same rights in having the matter investigated, even if you feel cross or angry or humiliated about it.

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<sup>14</sup> Comcare (undated) *Prevention and Management of Customer Aggression: A Guide for Employers*  
[http://www.comcare.gov.au/\\_data/assets/pdf\\_file/0019/41266/OHS33\\_00751\\_July10\\_v2\\_web.pdf](http://www.comcare.gov.au/_data/assets/pdf_file/0019/41266/OHS33_00751_July10_v2_web.pdf)

### *Follow up*

- ✓ Follow up and find out what action has been taken to address any bullying, harassment or discrimination
- ✓ Work collaboratively with your manager to address the situation in a positive way
- ✓ Do not treat the incident as one of revenge or getting back at the person who engaged in the behaviour. This does not work because:
  - The behaviour is likely to escalate
  - Someone will get hurt, either you, the client or another employee. You have a duty of care to your client to provide a service, not to get caught up in a personal battle. You also have a responsibility to care for yourself. Don't engage in behaviour that will cause you more stress and anxiety
  - If the behaviour is not addressed the person will often find another target for their bullying, harassment or discrimination. The person will often have a history of this behaviour usually due to some unmet need in their life.
- ✓ Take further action if you think the situation has not been adequately addressed. You can make a report to someone else within ADHC:
  - Your Regional or Area Manager
  - Central Office Director
  - Your local ADHC HR Adviser or NSW Businesslink HR Adviser
  - The Ethics and Professional Standards Unit, telephone 8270 2081
  - A Dignity and Respect Contact Officer
  - A Union Delegate
  - The Employee Assistance Program, telephone 1800 337 068.

You can make a report to someone outside ADHC

- Bullying – WorkCover NSW Assistance Service, telephone 13 10 50 [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)
- Discrimination or harassment – NSW Anti-Discrimination Board, telephone 9268 5544 or 1800 670 812 (TTY 9268 5522), Newcastle 4926 4300 or Wollongong 4224 9660 [www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)
- Discrimination or harassment – Commonwealth Human Rights Commission, telephone 1300 369 711 (TTY 1800 620 241) [www.humanrights.gov.au](http://www.humanrights.gov.au)

### Example 9

The partner of a home care client who is non-verbal makes a racist comment to a Vietnamese employee "I don't like Asians they don't clean houses properly"

#### Suggested Response

"I am offended when you speak about Asians that way. Would you prefer I didn't clean your house today?"

This moves the comment away from the employee's characteristics and redirects the conversation back to the issue and whether or not the client's partner chooses to have their house cleaned by the employee.

### Example 10

Each week the grandmother of a home care client follows an employee around the house criticising the work they are doing and requesting he completes tasks outside of the agreement

#### Suggested Response

"I find it difficult to concentrate and do my work properly with you following and speaking to me all the time. Your Home Care agreement states these are the tasks I'm supposed to do. I'll speak with you when I'm finished about anything you're not happy with. If you're still unhappy I can also give you my supervisor's name and you can discuss it with her."

This focuses the attention on the agreement in place and the tasks to be completed, gives the grandmother a chance to provide feedback and a further option of contacting a supervisor if still dissatisfied.

### Example 11

Family members at a group home constantly ring a manager demanding expensive landscaping and a courtyard when there are insufficient resources to fund it

#### Suggested Response

Ask the family why the courtyard is a priority – find out what the unmet need is. Are they dissatisfied with the general level of care and using the courtyard as a tangible item to focus on? Do they think the residents are not spending enough time outdoors? Are they concerned about the general standard of maintenance of the house?

Try addressing the underlying issue/s: explain why there are scarce resources to complete the works when there are greater capital works priorities at other houses.

If the request is reasonable but resources are scarce, ask the family to help identify how funds for the courtyard could be raised? Be creative, e.g. hold a garage sale, ask a local service club to donate, put an article in the local paper, hold a stall at a local venue and get the residents to staff it. Ask the family to join in the activities.

If they families insist on the purchase but are not prepared to assist in raising funds and apply undue pressure, ask them to consider the problem from your perspective: "If you were in my situation where I have a request for very expensive landscaping at this house and houses x and y need new floor coverings because the clients can't use their wheelchairs on the existing flooring, what would you do? What would you suggest I say to the parents of the residents at that house."

### Example 12

Family members of a client form close relationships with some employees and alienate another. They attempt to undermine the efforts of the alienated employee by criticising their work to their colleagues and withholding important information about the client

#### Suggested Response

The case manager and senior management meet with the family to address any concerns they have about the quality of care. Employees are provided with team building training on 'team splitting' behaviour by clients and third parties and scripts on how to manage behaviour when it occurs.

#### Example 13

A home care client frequently accuses employees of stealing her handbag and being unprofessional. She has made calls to a radio station to air her complaints. Complaints are investigated by an appropriate authority and found to be unsubstantiated – the client had hidden the handbag in the wardrobe

#### Suggested Response

The case manager meets regularly with the client to identify the problem behaviours and attempts to address her concerns. Two employees are always sent to the home (and are in and out quicker i.e. from two hours to one); employees are rotated every few weeks to ensure they are not burnt out; training and supervision is provided to employees to build their resilience and help them to understand the cause of the behaviour and appropriate responses; and other professional supports available within the department are utilised.

#### Example 14

An NGO makes regular contact with a case manager demanding that the department provides a client of theirs with additional services. The type and level of support demanded by the service provider is not possible. The service provider considers itself to be advocating in the best interests of the client

#### Suggested Response

A meeting is held with the management and staff of the other agency and the department's case manager and senior manager. The service access policies and resource limitations are explained as well as the impact on other clients if the demands were to be met. Using a person centred approach, another meeting is held with the agency and the case manager to clearly articulate the client's issues and an agreed plan put in place. Other options could include:

- Ensuring the client has an advocate formally appointed who is then directly involved in the decision
- Making a formal presentation to all staff at the service provider agency
- Developing protocols on how referrals will be managed.

#### Example 15

Geoff lives in a small rural community and has reluctantly agreed to home care following several falls getting in and out of bed. He will only accept his niece Linda as the paid carer because she understands his family and culture. Geoff has recently started ringing Linda several times a day at home demanding she come at different hours of the day to assist him with a range of activities that are not part of his care plan. He is also telephoning other family members and asking them to pressure Linda to come and help him. Linda is torn between doing the right thing by her uncle but is feeling harassed by the constant telephone calls and unrealistic demands

#### Suggested Response

- The case manager and the worker meet with the client to go back over the agreement and explain what the client is entitled to and what the worker can do
- The case manager identifies why the client is making extensive calls – is he lonely, does he need more hours of care, are there maintenance issues that could help the client feel more independent etc?
- The case manager asks the client if there are other services he would like, e.g. arranging for visitors to call in to keep him company or going to local groups so he see other local people in his community
- The case manager and the worker meet with other family members and explain the role of the worker and stress that paid carers who are related to family members must be treated with dignity and respect
- With the client's permission, other family members are invited to look at ways they can help the client.

### Example 16

A therapist completed a home assessment for a client who lives with his parents and advised he could only be transferred safely from his bed using a hoist. The therapist also advised that the shag pile carpet throughout the house be replaced with smooth flooring so that the hoist would be stable and safe. The family refused to replace the carpet, arguing that it was safe and insisting that the home care employee use the hoist. The employee is feeling pressured and stressed dealing with the incessant demands from the family which they know defy work health and safety requirements

#### Suggested response options

- Find out why the family will not remove the carpet: is it because of cost, or concern that the flooring will be too cold for their son, or another reason?
- Agree that you all want the best outcomes for the client, i.e. that he can get in and out of bed safely so he can go to the footy/meet with friends/go to work etc
- Explain that there is no problem providing a service to the client except for the issue of safe operation of the hoist and it must be resolved
- Get the therapist to provide the manufacturer's documentation that describes safe operation of the equipment
- Talk about the consequences of the hoist failing and the potential injury to their son. Provide actual data/examples of what has happened to other users (both clients and employees) when equipment has not been used in accordance with the manufacturer's instructions
- Explain that work health and safety regulations are in place to protect the client and the employees
- Provide a copy of the agreement the family has signed stating they will provide a safe workplace for home care employees
- Be firm but gentle in saying 'no' to the family's request. Explain that home care employees have been directed by their manager not to use the hoist under the present conditions and do not have any discretion in the matter
- Engage the family in problem solving and include the therapist to ensure that suggested solutions are safe. Ask the family how they think the carpet issue can be addressed, e.g. can the client move to another room with more suitable flooring, can funds be raised to replace the carpet etc
- If the family still insist they will not change the current situation, state they can continue to receive home care but it will exclude tasks involving the hoist
- Document the agreed course of action and redraft a new service agreement

### Example 17

A family believes that their daughter has such high support needs that she must have 1:1 staff support in her group home at all times, even though the service assessment indicated it was not required. The parents contact the team leader daily demanding to know progress in getting more staff and wanting updates on how their daughter's care is being managed in the interim. The parents visit every week and criticise the care their daughter is receiving, e.g. her hair isn't brushed properly, her teeth aren't clean, there is a mark on her socks so her clothes are not being washed properly. Many of the group home employees are becoming antagonistic and stressed by the parents continued involvement and feeling devalued in their role

### Suggested response options

- Ask the family about themselves, how they have cared for their daughter and what has led to her living in the group home. Try to understand why they are so anxious about their daughter's care, e.g. when living at home it required the two parents to care for her because they are elderly so they assume this level of care is required; they heard stories from other parents who had a bad experience in a group home; she is the only child they have living near them etc
- Explain how the number of employees is calculated and why it is not possible with the current assessment to provide 1:1 care
- Offer to get another assessment done to review the level of support required (either internally or through an independent external assessor)
- Talk about the positive activities their daughter has been engaged in and her response to them. Explain how her care was managed during these activities. Take photographs showing her participating in the activities as reassurance
- Ask the parents to contribute positively to her care, e.g. provide photographs of her as a child to develop a communication book; provide recipes for favourite food. This shows the parents you want to work together to get the best possible outcomes for their daughter
- Ask the family if they would like to take responsibility for some specific tasks, e.g. cleaning good dresses/coats
- Invite the family to share in activities at the house and whether they have any special skills they would like to contribute, e.g. help the clients with cooking, working in the garden, reading to them
- Indicate the family is welcome to visit anytime however they need to respect the professionalism of the staff
- Learn to say 'no' gently but firmly and without offence, e.g. "I understand you are still wanting the 1:1 staff however I do not have the authority to provide this so we cannot meet your request at this time"
- Document the agreed actions and schedule a date to review the client's individual plan; provide the family with a copy
- Provide the family with information on how to make a complaint.

### Example 18

A family whose son attends a group respite program have demanded to meet with the service coordinator because their son received a severe bite on his cheek from another resident that has required plastic surgery. At the time a casual staff member said that their son had brought the incident on himself because he 'annoyed the other resident'. The family is irate and highly demonstrative

#### Suggested response options

- Offer to meet the family at a neutral venue and invite them to bring along a support person
- Offer to provide an independent facilitator if the family would prefer
- Provide a note-taker and explain their role and that confidentiality will be maintained
- Agree at the beginning of the conversation that you are trying to achieve the best possible outcomes for the client
- Ask the family to tell you what their concerns are, e.g. fear their son will be hurt again and concern for his safety; fear their son will lose his place; concern the staff are not adequately trained to manage behaviours of concern. Use a whiteboard to write this down and check with the family they are accurate
- Let them have their say or 'vent' and don't interrupt
- Acknowledge any hurt that the family may have experienced and apologise sincerely. Try sentences such as, "I understand how distressing this incident has been for you and your son and I can see you are still upset by it. We are very sorry it has occurred and we want to do everything we can to prevent it happening again in the future"
- If they become rude or aggressive, place limits on the behaviour by using firm statements such as "I would like to stick to the issue and keep personal comments out of the conversation"
- Explain the impact the incident has had on the staff using "I/we" statements, e.g. "we are also upset it has occurred and sincerely regret the insensitive comment made to you"
- Ask the family what changes they would like to see – don't impose a solution. Work together to see how you can improve the outcome for the client, e.g. are there good ways to distract their son when his behaviour is escalating (and becoming annoying to others) such as going for a walk, jumping on a trampoline, shooting hoops with a basketball, putting on music and dancing
- Be clear about what can be provided (e.g. a review of the behaviour support plan, staff training) and what cannot (that it will never happen again). Do not make promises you cannot keep
- Make meeting notes: date, time, venue, who was present and what was agreed
- Provide a copy to the family as soon as possible after the meeting establishing the best way to do this, e.g. photocopy and send home at the end of the meeting, email or mail within an agreed timeframe
- Thank the family for taking the time to meet with you to help address the issues
- Contact the family at the agreed follow up time and let them know the actions you have taken
- Regularly update the family and let them know activities their son has engaged in and his response.

### Example 19

A resident at a group home was given an iPod by her sister which she loved and used all the time. The iPod went missing and despite extensive searches it could not be found. The sister saw one of the employees at the house at the local shops with an iPod identical to the one she gave her sister. She confronted the employee who insisted it she owned it (which was in fact true). The sister made comments on social networking sites and harassed the employee accusing her of theft. The employee then started getting comments from other people calling her a liar and a thief. The employee did not report the incident to her manager because she doubted anyone would believe her and in any case the incident occurred outside the workplace.

### Suggested response options

- Collect the facts, e.g. compare the serial number of the client's iPod from the client asset register with that from the staff member's iPod
- Schedule a meeting between the resident's sister and the employee. Present the facts and the relevant policies, e.g. client asset register, incident reports and formal mechanisms for making a complaint. Ask the employee to state the impact the incident and the accusations have had on her
- Ask the sister to make a genuine apology, including on social networking sites and provide evidence it has been done
- Identify an activity that might repair the damage, e.g. the sister and the employee helping the client to download new music
- Schedule bullying, harassment and discrimination as part of the agenda for employees meetings so that staff develop a better understanding of these issues; use actual examples and workshop strategies to address them
- Stress to employees the importance of reporting all incidents of bullying and harassment to management even if they occur outside the workplace
- Provide ongoing personal support to the employees, e.g. check whether she is still being harassed and victimised outside of the workplace; offer counselling support; refer to the Employee Assistance Program
- If the sister continues making false allegations or the employees is continuing to be harassed, refer the matter to a senior manager.

### Example 20

A new employee at a day program reports to her manager that a client is a bit 'creepy'. He makes suggestive comments to her and rubs up against her when she walks past. This is repeated several times but she doesn't feel confident enough to say anything to him because she expects he will deny it and she is frightened she will lose her job. She tells her manager twice that she doesn't like going to this client but the manager laughs and tells her the client is harmless and he "couldn't do anything anyway." The manager also tells her that as this client is in her area she must attend to him. The employee is having trouble sleeping nights before work and is often tearful at the prospect; she thinks she just has to put up with it and just hopes nothing happens

All incidents of harassment and bullying must be reported, especially where an employee fears for their safety. The employee should:

- Make a note of the location, date, time, people present and details of the incidents. Only write down the facts. It is OK to say how the incident affected her, e.g. made her feel unsafe
- Make a note of the days and times she raised the matter with her manager, e.g. during formal supervision, at a team meeting, or over a cup of coffee in the lunch room, and the manager's response
- Make a note of any witnesses who may have been present when the matter was reported to the manager
- Formally request the matter be addressed by the manager, e.g. refer to the Bullying, Harassment and Discrimination policy
- Discuss with the manager how the matter could be addressed, e.g. the manager to visit the client and restate his obligations under the service agreement; have two employees present at all times; assign a different employee to the client
- Seek immediate support from someone trusted, e.g. friend, colleague, counsellor, Employee Assistance Program
- Report the matter to a more senior manager if the line manager does not take immediate action. The incidents are of a serious nature, are having a significant impact on the employee's health and must be addressed
- If that fails, the matter can be reported to a union delegate or the Employee Assistance Program; the matter can also be reported to the WorkCover NSW Assistance Service
- If the matter includes a sexual assault it should be reported to the police as this is a criminal offence.

### Example 21

A client advocate requested a meeting with the team leader and the client's parents to discuss the "abuse of the client's rights" and the "disgusting treatment the client was receiving". The advocate stated the client had been denied the right to choose her own clothes even if it meant she was dressed inappropriately for the weather and in a way that drew unwelcome attention to her. The advocate insisted the parents agreed with her and kept referring to their distress. However, it is not clear from the parent's reaction that they fully share the advocate's concerns. The atmosphere in the room is tense with the advocate becoming louder, slapping her hands on the table, insisting the client's rights are being violated and that the parents support her claim

### Suggested response options

- Understand the difference between assertiveness and aggression. Good advocacy uses assertiveness that recognises and respects people's boundaries and values; any requests are polite. Aggression involves threatening behaviour such as shouting, intimidation and anger and people on the receiving end feel extremely uncomfortable, unsafe or scared
- Ensure you are well prepared for the meeting. Take copies of the Disability Standards, Quality Framework and other documentation that clearly states ADHC's position on client rights and how they are upheld
- Speak confidentially with other employees who may have experienced similar situations and ask for their advice on how it was managed
- Discuss the situation with a senior manager to make sure you are the best person to manage the meeting and are confident to do so
- Be aware of body language and behaviours others are displaying. Stay calm and do not defend yourself or others if you are personally insulted
- Acknowledge the issues that are raised in a genuine manner and set some ground rules, e.g. "I understand you are advocating for the best outcome for the client and we all want to address that today. However, I ask that we all respect each other's position and listen calmly to what each person has to say. Little will be achieved if we just get angry with each other"
- Let the advocate and the parents have their say in turn. If one party interrupts the other, stop the conversation and make statements such as "I would like to hear from (the advocate/parents) first and then I will hear from you. Please let him/her speak now and then you will have the same opportunity"
- Offer to make a separate time for each party if one group has different issues that need to be addressed separately, e.g. if the parents are feeling pressured to agree with the advocate on issues that are not of concern to them
- Use a whiteboard or a piece of paper to write down the exact issues for everyone; read back the issues and check that they accurately reflect each party's concern; highlight common issues and stress that everyone can work together to address them
- Discuss ways the issue can be better managed, e.g. the night before discuss with the client the temperature and planned activities for the next day and which clothes would be a suitable match. Open the wardrobe and work together to find combinations of clothes that are most suitable and use guiding statements such as "there is no point looking at summer clothes because you are going bushwalking and it is only going to be 15°"
- Provide other advocacy opportunities for the client, e.g. participation in regional forums or consultative groups

## Executives, Managers and Supervisors Responsibilities

Executives, managers and supervisors are responsible for ensuring the workplace is free from bullying, harassment and discrimination. This includes:

- Identifying the risks
- Assessing the likelihood of those risks causing injury or illness
- Implementing measures to eliminate the risks (or where that is not practical, reducing the risk so far as reasonably possible)
- Reviewing and improving the effectiveness of risk control measures over time.
- Responding immediately to allegations/complaints alleging bullying, harassment, discrimination, victimisation
- Accurately assessing the matter and determining an appropriate course of action for resolution (formal or informal)
- Ensuring that effective and efficient remedies are in place to resolve the matter
- Monitoring the effectiveness of the remedies for an appropriate period of time to ensure the matter is fully resolved.

### *Consultation*

Managers must consult with Health & Safety Representatives, Health & Safety Committees and employees to:

- Identify risks and potential risks
- Make decisions about how to control risks
- Make decisions about developing and implementing procedures for resolving complaints
- Make decisions about providing information and training on prevention strategies
- Review the existing policy and procedures
- Address any signs of bullying, harassment or discrimination that affect the health and safety of employees
- Address changes to the way work is performed<sup>15</sup>.

### *Minimising the risks*

Managers can minimise risks of bullying, harassment and discrimination occurring by:

- ✓ Promoting a culture that does not tolerate bullying, harassment or discrimination. Managers should also model respectful behaviour and take a lead role by putting bullying, harassment and discrimination regularly on the agenda at meetings
- ✓ Having clear entry and exit policies that are known and understood by staff, clients and third parties. There must be a process for actively communicating the policies at service entry and at regular intervals for long term clients
- ✓ Implementing service agreements that are signed by the service provider, client and where required a third party, that clearly states the type of support/service to be provided; how often; fees and charges; and the roles and responsibilities of the respective parties. This information should be provided in a format that all parties can understand (e.g. translated information, alternative formats)
- ✓ Helping clients and third parties to understand that:
  - A workplace is anywhere an employee provides service (including client homes)
  - Clients and third parties have an obligation to keep the workplace safe
  - Safe workplaces are consistent with person centred practice.
- ✓ Ensuring employees who are engaged with clients and third parties are adequately skilled for the work they are undertaking

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<sup>15</sup> Workcover New South Wales: Bullying at Work <http://www.workcover.nsw.gov.au/Pages/default.aspx>

- ✓ Ensuring employees are very clear about the type of services that can and cannot be provided, including those mandated in legislation, to minimise the risk of promises/comments that set up unrealistic expectations
- ✓ Ensuring employees are aware of and sensitive to the important role family members and third parties have in advocating for the best interests of the client, and that they may often have had many years carrying out this role
- ✓ Ensuring employees who are supervising others are adequately trained in effective supervision
- ✓ Ensuring employees are supported and encouraged to report incidents of bullying, harassment or discrimination through supervision, debriefing and incident reporting
- ✓ Ensure employee allegations of bullying, harassment or discrimination are treated seriously and acted on. Some employees feel there is little purpose in reporting incidents as management are likely to support the client or their family
- ✓ Regularly rotating employees through services to ensure employee/client/third party relationships remain professional
- ✓ Make decisions that are consistent with policy rather than bending to pressure that may be applied by clients or third parties. This will give employees the confidence to follow policy in the future and confidence they will be supported by management. If the policy is wrong then change it
- ✓ Where possible engage all the parties in problem solving to encourage ownership of the outcomes and demonstrate that management takes the issue seriously
- ✓ Review health and safety and complaints data to identify problem areas and address proactively.

*Responding to an allegation<sup>16 17</sup>*

Effective management of a complaint of discrimination, harassment or bullying is critical to having it resolved quickly, repairing any hurt that has occurred, stopping the behaviour if found to be true, getting employees back into a safe workplace and delivering high quality services to clients.

Take it seriously	<ul style="list-style-type: none"> <li>• Treating all complaints seriously encourages reporting and shows ADHC's commitment to its employees and relevant policies</li> <li>• Assess all reports on merit and facts</li> <li>• Appoint a lead person to investigate the complaint and assume responsibility for all communication with the parties.</li> </ul>
Act promptly	<ul style="list-style-type: none"> <li>• Reports should be dealt with quickly, courteously, sensitively, fairly and within established timelines</li> <li>• Schedule a meeting at a neutral venue, provide an agenda, have a whiteboard available to list options for addressing the issues, appoint a minute taker and distribute notes on agreed outcomes</li> <li>• All relevant parties should be advised how long it will take and kept informed of progress (e.g. regular updates, even if there has been little progress, to provide reassurance that the complaint has not been forgotten or ignored)</li> <li>• If additional time is required to address the issues, all relevant parties should be kept informed and advised of new deadlines</li> </ul>
Do not victimise	<ul style="list-style-type: none"> <li>• It is important to ensure that anyone who raises an issue of bullying, harassment or discrimination is not victimised for doing so</li> <li>• The person accused of bullying and any witnesses should also be protected from victimisation</li> </ul>

<sup>16</sup> Workcover New South Wales: Bullying at Work <http://www.workcover.nsw.gov.au/Pages/default.aspx>

<sup>17</sup> ADHC (2010) Dignity and Respect—Anti-Bullying and Harassment Policy, NSW

Support all parties	<ul style="list-style-type: none"> <li>• Once a complaint has been made, the employees involved should be told what support is available (eg Employee Assistance Program)</li> <li>• The person accused should also be advised of available support</li> <li>• Treat all employees involved with sensitivity, respect and courtesy</li> <li>• All employees involved should be allowed to have a support person present at interviews or meetings (eg Health &amp; Safety Representative, union representative, work colleague or friend)</li> </ul>
Be neutral	<ul style="list-style-type: none"> <li>• Impartiality towards everyone involved is critical. This includes the way that people are treated in any process</li> <li>• The person in charge of an investigation or resolution process should never have been directly involved in the incident they are attempting to address; they should also avoid any personal or professional bias</li> </ul>
Communicate process and outcomes	<ul style="list-style-type: none"> <li>• All parties need to be informed of the process, how long it is expected to take and what they can expect will happen during the process and at the end</li> <li>• Provide all parties with clear reasons for any actions that have been taken or, in some circumstances, not taken</li> </ul>
Maintain confidentiality	<ul style="list-style-type: none"> <li>• Those involved need to be assured that confidentiality will be maintained</li> <li>• Details of the matter and access to the documents should only be known by those directly concerned. This is important in case the matter is not proven and to prevent the matter from escalating</li> <li>• Breaches of confidentiality may result in an employee being sued for defamation. It may also be regarded as misconduct and lead to disciplinary action</li> </ul>
Keep records	<ul style="list-style-type: none"> <li>• Documentation is important - even if the matter is not being formally investigated, a record should be made of all meetings and interviews detailing who was present and any outcomes</li> <li>• The person making the complaint should be provided with a copy of the complaint documentation and the person accused of bullying, harassment or discrimination should be provided with enough written information to understand the complaint made against them</li> <li>• Documentation must be kept secure and access limited to staff involved in the resolution process only</li> </ul>
Provide information	<ul style="list-style-type: none"> <li>• Tell all parties about: <ul style="list-style-type: none"> <li>– How the incident will be managed</li> <li>– Their right to privacy and that no information about the incident will be provided to third parties, unless absolutely necessary</li> <li>– Their own roles in ensuring confidentiality is maintained</li> <li>– That they will be given fair opportunity to put forward their case</li> <li>– Any immediate action deemed necessary in the circumstances</li> <li>– That they will be provided with information on progress of the investigation and on any decisions made that may affect them</li> <li>– Access to the Employee Assistance Program for ADHC staff and the NSW Ombudsman for clients or third parties</li> <li>– The right to seek independent advice, including from a union, and a support person</li> </ul> </li> </ul>
Natural justice	<ul style="list-style-type: none"> <li>• The principles of natural justice should be followed in all cases. These principles are designed to protect all parties involved</li> </ul>
Procedural fairness	<ul style="list-style-type: none"> <li>• Procedural fairness is a legal safeguard applying to individuals whose rights are or could be affected and must be applied during the investigation process</li> </ul>

### *Strategies for resolving issues*

The strategies used for resolving issues will depend on the nature and severity of the incident and can include:

- ✓ Gain commitment to cease the behaviour
- ✓ Run an awareness update
- ✓ Provide training (eg communication skills, diversity awareness, interpersonal skills)
- ✓ Workgroup training or organisation-wide training
- ✓ Providing coaching, counselling support and/or mentoring
- ✓ Review the workplace policy with all employees and managers
- ✓ Mediation (only where both parties agree to mediation and to the mediator)
- ✓ Structured program to re-integrate a person into the workplace
- ✓ Move the perpetrator away from the affected person
- ✓ Implement disciplinary action
- ✓ Require an apology<sup>18</sup>.

The nature of ADHC clients means many families and third parties may have had years of involvement with the department and different staff. Some families may be carrying issues where they feel they have been repeatedly wronged and/or consistently blame others for their grievances. Even when a situation has deteriorated it is important to recognise that the outcome for clients is most important. The following tips may assist managers where they are dealing with complex situations:

- ✓ Determine whether you are the best person to address the issue. Some people just don't get along with each other, 'oil and water'. Should someone else be taking charge of this matter?
- ✓ Use a mediator/facilitator if all parties agree
- ✓ Agree that all parties want the best outcome for the client
- ✓ Formalise meetings in a neutral venue, with an agenda, note-taker and minutes
- ✓ Agree on issues for discussion (the current presenting problem) and areas not for discussion (past grievances). Use sentences such as "I understand you have some long standing issues that have occurred in the past. We are sorry they have occurred but unfortunately we can't change those. Today we will focus on going forward and working out what is best for (client's name)"
- ✓ Place limits on behaviour, what will be acceptable and what not
- ✓ Agree to treat people with respect. If you don't receive it, that's their problem not yours
- ✓ Provide copies of documentation on policies and procedures. Where the client or third party is making requests outside these, use the documentation to indicate what is possible and what is not
- ✓ Utilise a whiteboard to list issues and options. This will ensure the same matters are not played over and over
- ✓ Agree on outcomes and make sure they are followed through
- ✓ Keep perspective. Given the overall number of clients and third parties across the state, those who behave inappropriately may be quite few.

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<sup>18</sup> Workcover New South Wales: Bullying at Work <http://www.workcover.nsw.gov.au/Pages/default.aspx>

## **Monitoring, evaluation and review**

### Charter

The Client Charter should be a living document that evolves in line with changes that occur within ADHC and that may affect clients. To this end, the Charter should be reviewed at regular intervals to ensure its ongoing relevance. Questions to address include:

- Does the Charter continue to reflect ADHC's approach to client services?
- Is it in line with new initiatives?
- Are the commitments and standards still aligned to the needs and priorities of the agency and its clients and key stakeholders?
- Does the content remain accurate?
- Does the format, design and availability meet client needs?

Maintenance of the Charter should be the responsibility of the Law and Justice Directorate.

### Guidelines

Regular monitoring of data and information will enable ADHC to identify whether the Guidelines are having an impact.

To monitor effectively, baseline data will need to be established.

Data sources may include:

- Records of staff grievances and complaints regarding alleged incidents of bullying, harassment or discrimination
- Workers compensation data eg number of psychological injuries
- Sick leave and other absenteeism data eg increased levels, changed individual patterns of leave etc
- Exit interviews data citing relevant incidents
- Staff turnover statistics.

ADHC should also considering monitoring the level of awareness of the Guidelines amongst staff by:

- Ensuring bullying, harassment and discrimination are regular agenda items for staff meetings
- Encouraging employees to share (de-identified) examples of client and third party bullying, harassment and discrimination, as the basis for workshopping appropriate strategies during team meetings and planning days
- Including questions in staff supervision templates that seeks to establish level of awareness of the Guidelines (and identifies staff supports required)
- Including questions in staff exit interviews that specifically address client and third party bullying, harassment and discrimination.

The Guidelines should be subject to an ongoing cycle of review to ensure they are updated as employees become more aware and skilled in addressing bullying, harassment and discrimination. Maintenance of the Guidelines should be the responsibility of the Workforce Safety and Wellbeing Unit, Strategic Human Resources Directorate.

# Communication Strategy

In communicating the Charter to community clients and third parties, and the Charter and Guidelines to ADHC staff, the following actions should be considered:

## Information for Clients and Third Parties

It is essential that clients and third parties receive regular and ongoing information about their role in providing safe workplaces and acceptable treatment of workers. Avenues for distributing this information include:

- Making Charter available through all client contact points
- Discussing the Charter and Guidelines with clients and explaining what it means in practice. Examples of acceptable and unacceptable behaviour should be provided
- Providing presentations at regional parent/carer forums
- Including articles in newsletters developed by business streams and regions
- Developing posters and displaying them at service delivery sites
- Developing Fact Sheets that can be left with families at the commencement of a service, during reviews and when an incident arises
- Discussing during meetings with families known to have unresolved issues
- Distribute through peak bodies and representative groups, such as advocacy organisations, the NSW Ombudsman etc
- Post an article on the ADHC website.

ADHC will be accountable for its performance against the Charter and may publish performance against commitments in its annual report - this will also assist to develop awareness of the Charter amongst clients, staff and other stakeholders.

## Information for Staff

A range of mechanisms will be necessary to assist employees to learn about, discuss and address bullying, harassment and discrimination by clients and third parties, including:

- A training package for frontline employees on recognising unacceptable behaviour, impact of the behaviours and strategies to manage  
Business streams should consider the range of training delivery methods available such as online training and train-the-trainer and tailor training specifically to their needs and circumstances. Within this however, face-to-face training with facilitated role plays, group work and opportunities to ask questions and share experiences is considered important  
Business streams should also look at existing training that is occurring on related issues (such as performance management, supervision, bullying and anti-discrimination) with a view to integrating with these programs
- Measures to identify (and later address) specific workplace risks
- Include as a regular agenda item at employee and team meetings. Employees should be encouraged to think creatively about how to address problem behaviours rather than discuss the shortcomings of particular people. Employees should be encouraged not personalise the behaviour but rather contribute to problem-solving
- Include as a regular item during staff supervision. Supervision may include:
  - Raising the issue for all staff and ensuring staff who are more vulnerable to bullying, harassment and discrimination are made aware of unacceptable behaviours and encourage them to make reports

- One to one teaching/individualised instruction to support an employee to increase awareness
- Facilitating reflection, asking questions and giving feedback to review an experience so as to learn from it and therefore inform future action
- Identifying a problem and developing solutions
- General discussion about work and responses to it.

Business streams should ensure that employees who manage or supervise others have good communication and people management skills, and if necessary provide/supplement training in these areas

- Examples of unacceptable behaviours and scripts on how to manage incidents might be developed as online resources and available for use during team meetings and individual supervision
- Conduct information sessions to reinforce the department's safe workplace policies and how reports should be made
- Develop pamphlets, posters and fact sheets on bullying, harassment and discrimination and circulate to employees; make available in offices and workplaces
- Make regular announcements to keep the issue at the forefront of employee thinking via payslip attachments, intranet announcements and email messages. The messages should include statements that employees will be supported by their managers if they report an incident
- Encourage reporting by:
  - supervisors and managers promoting reporting
  - providing consistent and effective responses to reports
  - regularly providing information (e.g. quarterly) to health and safety committees on numbers of reports made, how they were resolved and what control measures were put in place to address underlying risk factors (and making this information available to health and safety representatives and employees).

As a component of a broader strategy, training is integral to developing the appropriate workplace culture - training reduces the risk of incidents occurring by building employee confidence and better equipping employees and managers to understand issues and prevention strategies at the workplace level.

#### Additional resources

Resources are required to help employees across all levels of the organisation to understand what constitutes bullying, harassment and discrimination, the department's policy, guidance on how employees who are subjected to this behaviour should respond and for managers to understand their responsibilities. Resources may include:

- A formal standardised agreement for clients and third parties to sign at service entry that makes clear statements about the level of service being provided, cost and complaints processes. A copy of the Charter should be included with the agreement
- A set of intake questions that are completed by referring agencies and intake workers that includes 'safety' questions that may flag issues for service delivery employees
- Provide a 1800 number that employees can ring anytime (especially out of hours and weekends) to report matters immediately. This may be important for employees providing services in client homes on the weekend or at night
- A checklist for employees to complete that helps them identify bullying, harassment and discriminatory behaviour
- A 'decision tree' describing behaviours/circumstances that may become bullying, harassment or discrimination, and when and how to report
- DVD of examples of bullying, harassment and discrimination for use in training frontline employees

- Develop case studies and scenarios that can be used in employees meetings and supervision<sup>19</sup> and ensure the case studies reflect the cultural and linguistic diversity of clients and employees
- Provide an online training program for all employees to complete (that registers completion); incorporate as part of orientation and induction
- Develop a checklist for managers on how to recognise bullying, harassment and discrimination and how to implement the WHSA
- Sourcing specialist conflict resolution training and managing vexatious complainants training, e.g. training provided by the NSW Ombudsman
- Ensuring employees are well supported and informed of other supports including the Employee Assistance Program.

#### Other considerations

The Charter and Guidelines need to be well tested, clearly positioned, appropriately supported, easily understood and effectively communicated to all stakeholders. It is important for families and clients to be included in the final development of the Charter and Guidelines to ensure alignment with their expectations and identify any implementation considerations. Managing bullying, harassment and discrimination requires a partnership approach so it is essential that views are sought broadly and the documents reflect input from appropriate stakeholders. Consulting with the NSW Ombudsman would also provide a valuable perspective as that office receives complaints from clients and third parties and are well practiced in managing these in a professional and conciliatory manner.

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<sup>19</sup> Refer to ADHC (2006) *Cares: A better way to work with our clients and each other: Aboriginal Home Care*, NSW for a sample of this resource

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New South Wales Housing, Building Leaders Together, <http://www.housing.nsw.gov.au/>

NSW Department of Housing (2010) Client Initiated Violence Policy

Office of the Senior Practitioner for assistance with clients with complex and challenging behaviours

[http://www.adhc.nsw.gov.au/about/our\\_structure/office\\_of\\_the\\_senior\\_practitioner](http://www.adhc.nsw.gov.au/about/our_structure/office_of_the_senior_practitioner)

Reach Out: Advice on workplace bullying

<http://au.reachout.com/find/articles/workplace-bullying>

UK National Workplace Bullying Myths and misperceptions about workplace bullying, <http://www.bullyonline.org/workbully/myths.htm>

Victorian Department of Human Services (undated) Victorian residential statement template

Workcover NSW (undated) Advice on workplace health and safety

<http://www.workcover.nsw.gov.au/Pages/default.aspx>

Workcover NSW (undated) Bullying at Work

<http://www.workcover.nsw.gov.au/Pages/default.aspx>

# ATTACHMENT 1 – SAMPLE CHARTERS

## Telstra Customer Service Charter

Telstra is committed to knowing our customers and meeting their telecommunication needs. We aim to provide each customer with a personalised, seamless experience that makes it easier for them to manage their lives. Our Charter sets out how we propose to meet these commitments to our customers and fulfil our legal and self-regulatory obligations. The following are the basic commitments we make to our customers:

### Contacting Telstra

- We are committed to:
  - enabling you to [contact us](#) in the way you prefer – by telephone, teletypewriter (TTY), online, in writing or in person
  - being available 24 hours a day, 7 days a week for you to report any faults or service difficulties
  - enabling customers who speak a language other than English to contact us through our [multicultural call centres](#) (selected languages) or by using the Australian Government’s Translating and Interpreting Service (TIS)
  - responding to your letters and emails within five working days; and
  - maintaining a Sales Watch Hotline, where you can report instances of unethical sales behaviour you experience.

### Choosing your services

- We are committed to:
  - providing information about our products and services in plain language to enable you to make an informed purchase decision that best suits your communications needs
  - ensuring that our consumer contracts do not contain unfair terms
  - providing services that recognise the individual needs of customers, including our [Disability Equipment Program](#) for people with a disability and our [Access for Everyone](#) package for people on a low income
  - providing for the communications requirements of regional Australia through providing appropriate products and infrastructure investment decisions
  - providing people and businesses in Australia with reasonable access to the Internet, whether via dial-up, cable, ADSL, wireless broadband, satellite or mobile
  - connecting your mobile service and responding to your mobile billing enquiries and reports of network problems within published timeframes
  - providing [Priority Assistance](#) for connection and fault repair to residential customers who have a person residing at their home with a diagnosed life threatening medical condition whose life may be at risk without access to an operational telephone service.

### Your privacy

- We are committed to:
  - [protecting your personal information](#) (including your phone calls and other communications) from misuse and loss and from unauthorised access, modification or disclosure
  - providing you with access to your personal information that we have on record and taking reasonable steps to keep your details accurate and up-to-date
  - having our performance in relation to privacy independently audited annually
  - not contacting you for marketing purposes if you [tell us you do not wish to receive such contact from Telstra](#).

## Billing and payments

- We are committed to:
  - providing you with bills that are accurate and easy to understand and giving you access to the detail you need
  - presenting your telephone bill in a form that suits your needs, with options including online, paper, large print and Braille
  - [providing you with a range of easily accessible payment methods](#) which allow you to be in control of your payment
  - working with you to negotiate tailored, flexible payment solutions, including assisting people who are experiencing financial hardship.

## Your safety and security

- We are committed to:
  - providing an option to block your mobile handset so that it cannot be used on Telstra's digital networks to make voice calls (other than emergency calls or calls to customer service) if it has been stolen or lost
  - providing information about the [safety of electromagnetic energy from mobile phones and base stations](#)
  - providing assistance to help you to [manage unwelcome and nuisance calls](#).

## Your concerns and complaints

- We are committed to:
  - [dealing with your concerns or complaints](#) promptly, fairly, completely and courteously informing you of how we propose to act, how long it should take and what the results are
  - reviewing your complaint through Telstra's Complaint Review Centre, at your request, if you feel that it has not been resolved to your satisfaction
  - advising you of the Telecommunications Industry Ombudsman scheme and/or Privacy Commissioner if you cannot directly resolve your complaint with us.

## Universal Service Regime

- Telstra has the responsibility of ensuring that people in Australia have reasonable access to standard telephone services and payphones. Telstra's Standard Marketing Plan sets out how Telstra has committed to fulfil this responsibility.
  - Telstra's [Universal Service Obligation Standard Marketing Plan \(PDF\)](#)
  - Telstra's [Universal Service Obligation Standard Marketing Plan \(DOC\)](#)
  - Telstra's [Universal Service Obligation Policy Statement \(PDF, 104KB\)](#)
  - Telstra's [Universal Service Obligation Policy Statement \(DOC, 86KB\)](#)

## Customer Service Guarantees

- The legislated [Customer Service Guarantee for Standard Telephone Services](#) and the Telstra Mobile Customer Service Commitment, commit Telstra to providing a guaranteed level of service for telephone and mobile services.
- If Telstra is unable to meet the above guaranteed service levels you may be entitled to a customer service payment.

## Maroondah City Council Aged and Disability Services

### Our commitment to the Maroondah community

Maroondah Aged and Disability Services is committed to providing services that are responsive, flexible and innovative in adapting to changing community needs.

Maroondah Aged and Disability Services will strive to deliver quality services of a consistent high standard to the community with an emphasis on access and equity.

We undertake to comply with Maroondah City Council's principles of Best Value and with the specific service standards of our Charter.

Our Service Charter is on display at all Service Centres and copies are available free of charge.

### Contacting Aged and Disability team

- In Person: 8.30 am - 5.00 pm (Mon-Fri) Council Offices Civic Square, Croydon
- By Telephone: 8.30 am - 5.00 pm (Mon - Fri) 9294 5729
- By Fax: 9294 5744
- By Email: maroondah@maroondah.vic.gov.au
- Postal Address: Aged and Disability Services  
Maroondah City Council, PO Box 156, Ringwood 3134
- General Council Enquiries: 8.30 am - 7.00 pm (Mon)  
8.30 am - 5.00 pm (Tues - Fri) 1300 88 22 33

### Information available

- The Maroondah City Council Web Site [www.maroondah.vic.gov.au](http://www.maroondah.vic.gov.au) has information on Aged and Disability Services within Maroondah and also provides an overview of all Council's services.
- The following is available to the community free of charge: Home And Community Care Services Information booklet.

### Our Service Standards

- All staff will be appropriately qualified as specified by the Department Of Health.
- Staff will wear identification to show their employment by Maroondah City Council or its agents.
- Clients will be notified promptly of results of their assessment for access to services.
- The Aged and Disability Services procedures meet the State guidelines and comply with relevant acts.
- All personal information collected by the service during the course of assessments will remain confidential and not disclosed outside of the service.

### Services Available

- Home and Community Care (HACC)

The HACC program aims to support frail older people, and people with a disability and their carers, to maximise their independence by supporting them to remain at home and stay connected to their community.

A Staff member will visit applicants to undertake an assessment of their needs and requirements.

- Food Services

Residents seeking Food Services (meals on wheels) can make application to be assessed by contacting Council's Aged and Disability Services.

Delivered meals are provided to HACC eligible persons who have been assessed as being nutritionally at risk and / or have no other options available to support their nutritional needs.

- Social Inclusion and Wellbeing Program

This program provides a variety of centre and non-centre based activities both passive and active for isolated HACC clients to enhance their health and wellbeing.

- Community volunteers

Volunteers undertake a variety of roles within the Aged and Disability service including the social inclusion and wellbeing program and delivery of meals to homes within the community.

Maroondah Council recognises the high level of involvement and dedication of its volunteers and provides them with appropriate training and support.

Individuals wishing to find out more about becoming a volunteer with Aged and Disability Services should contact Council.

- What we need from our service users

To ensure a prompt and efficient response to your request, we will need complete and accurate information and cooperation.

Some information provided may need to be validated by a medical practitioner or assessment report.

- When telephoning or writing:

Provide name, address and contact details to clarify issues if required.

- Feedback

We welcome feedback on our services and the opportunity to rectify misunderstandings or service failures. Aged and Disability Services Management may be contacted to discuss any issues relating to the Aged and Disability Services Service Charter, or the services provided.

Aged and Disability Services Management - 9294 5727

In most instances, issues are resolved at this first point of contact. However, further redress or arbitration is available using Council's Customer Action Program. Brochures are available at all Council's Service Centres.

If a mistake has occurred or a service standard not met, the service user is entitled to an explanation and assistance to rectify the matter.

- Commitment to monitoring

Aged and Disability Services will be surveyed as part of Maroondah City Council's independent annual Customer Service Survey and the results will be published in Council's Annual Report and considered as part of our service planning process.

- Commitment to equity

Maroondah City Council is committed to fair and equitable distribution of and access to municipal resources. We value the diversity and the rich social fabric of the community.

## FaHCSIA Service Charter

### About our Department

The Department of Families, Housing, Community Services and Indigenous Affairs is the Australian Government's principal source of advice on social policy. We work in partnership with other government and non-government organisations in the management of a diverse range of programs and services in order to deliver on the Government's broad social policy agenda.

Our [Strategic Framework 2008-10](#) outlines our purpose, key objectives and values.

### We support and help:

- Aboriginal and Torres Strait Islander peoples
- carers
- communities across the country
- families and children
- people from diverse cultural and linguistic backgrounds
- people living in rural and remote areas
- people who are homeless or at risk of homelessness
- people with disabilities, mental illness or mental health conditions
- the aged
- volunteers
- vulnerable people
- women
- working-age people.

### We work in partnership with:

- individuals, families and communities
- the not-for-profit community sector
- peak representative organisations
- organisations that provide services on behalf of the Department
- other Australian Government departments and agencies
- state and territory governments
- local government
- foreign governments
- businesses
- research bodies.

### Our commitment to you:

We observe the [Australian Public Service Values](#) and [Code of Conduct](#).

In line with [Our Values](#) you can expect us to:

- be professional
- be fair and impartial
- respect your privacy
- treat you with dignity, courtesy and respect
- provide you with clear, accurate and timely information

- continually look for better ways to deliver our service to you
- inform you of any delays in our response to you
- continually improve procedures to simplify administration and reduce red tape
- ensure staff have skills, information and other resources necessary to assist you
- accommodate your special needs
- refer you to an appropriate contact if we are unable to assist you.

#### Our Service Standards

When developing policy advice, we will where possible:

- consult widely
- design services based on a detailed understanding of client needs and expectations
- explore opportunities for better coordination and collaboration with other agencies
- explain the process
- provide reasonable timeframes to respond to policy proposals.

When policy decisions have been made, we will where possible:

- provide information to stakeholders about decisions
- consult stakeholders during the implementation of decisions.

When administering programs, we will provide:

- clear, accurate advice and information
- ready access for clients
- services that enhance client self esteem and best use capability of different agencies
- services that reflect a close working relationship between relevant agencies
- fair, unbiased treatment
- an explanation of our decisions.

When you deal with us, we will abide by the Privacy Act 1988, which requires us to:

- keep personal information private and confidential unless the law requires disclosure
- give you access to your personal information if you ask.

If you phone us, we will:

- return telephone messages promptly
- respond to queries within a reasonable timeframe if unable to resolve immediately.

If you e-mail or write to us, we will:

- respond to written queries and requests for current Departmental printed information or publications in a timely manner. If your query is complex, we will provide an interim response to inform you of our progress.

#### How you can help us to help you

You can help us by:

- treating our staff with courtesy and respect
- telling us if you have special needs or requirements (such as the need for an interpreter) so that we may accommodate you
- providing us with the information we need to respond to your enquiry
- responding to all reasonable requests.

## Compliments and Suggestions

FaHCSIA aims to provide consistent and quality services to the Australian community through our staff and service providers. If you have a compliment about a FaHCSIA program or a FaHCSIA funded service provider or would like to make a suggestion about how we could improve our services we would like to hear from you.

More information on how to make a [Compliment or Suggestion](#) can be found on the FaHCSIA website.

## Complaints

We encourage all clients to provide feedback on their experiences with FaHCSIA or one of our funded service providers.

The complaints management process ensures that any problems you have with the services or decisions of FaHCSIA or a FaHCSIA-funded service provider are taken seriously and dealt with promptly. Expressing your concerns can help us to improve our processes.

We will treat your concerns as a priority, manage your complaint with integrity and fairness, and keep you informed while working with you towards a satisfactory resolution.

In each Annual Report, FaHCSIA will provide information about the number of complaints received and resolved.

More information on making a [Complaint](#) can be found on the FaHCSIA website.

Reviewing our client service charter

We will review this Service Charter in detail every three years.

## How to contact us

Telephone: 1300 653 227

(calls are charged at a local rate except from mobile phones which are charged at mobile rates)

Mail: PO Box 7576, Canberra Business Centre, ACT, 2610

Email: [enquiries@fahcsia.gov.au](mailto:enquiries@fahcsia.gov.au)

If you are deaf or have a hearing or speech impairment, you can use the [National Relay Service](#) to contact any of FaHCSIA's listed phone numbers.

To send email to staff in the Department, use the following template: [firstname.lastname@fahcsia.gov.au](mailto:firstname.lastname@fahcsia.gov.au).

Additional [contact information](#) is available on the FaHCSIA website.

## Department of Human Service Victoria

### Our service commitment to you

Respect, Safety, Privacy, Fair process and Participation

### About us

The Department of Human Services is a Victorian Government department. We are committed to making a positive difference for Victorians most in need through the provision of housing and community services. We plan, fund and deliver community and housing services, directly and with our community sector partners.

### Our commitment to you

We want to provide you with the highest quality of service that we can.

We will listen to and work with you to make sure that you get the help and assistance that is available and right for you.

The Charter tells you what you can expect from the department and our staff.

It also tells you what you can do to help us give you the best service we can.

### What you can expect of us

We will:

- make it easy for you to contact us
- help you to apply for or use our services
- tell you about your rights and responsibilities
- arrange for an interpreter or other language services, if you need this
- do the things we say we will do, like getting back to you when we say we will
- be polite and respect your views, opinions and personal circumstances such as your culture, family situation, age, gender, disability, faith, sexual orientation or gender identity
- protect your personal information and only use it for the right reasons
- tell you if you are not eligible for a service or if there is a waiting list
- provide you with advice on other support that may be available
- give you opportunities to be involved in decisions about the services you access, and support you to have a say
- tell you about any decision that affects you and the reasons for our decision
- tell you how to ask for a decision to be reviewed or how to make a complaint.

### How you can help us

You can help us provide a better service if you or your support person were to:

- give us complete and accurate information
- tell us if your situation or things in your life have changed or might be about to change
- treat our staff with respect and courtesy
- do the things you have agreed to do like keeping appointments with us, or letting us know if you can't attend appointments
- nominate a support person to assist you in dealing with us, if you need to
- respect our property and other people using our services
- give us honest feedback about our services.

## Our offices and services

We will do everything we can to:

- make our offices and services welcoming, safe and accessible
- respond to any concerns you have about our offices, services or your safety.

## Feedback and complaints

We welcome feedback on our services. It helps us to understand your experience and to better meet your needs. We also know that you may want to make a specific complaint about our service. You can provide feedback or make a complaint to your case worker, staff contact or your local office.

## Making a complaint

We want to resolve complaints openly, honestly and quickly. If you want to make a complaint you should talk to your case worker or a staff member in the first instance. They will tell you what you need to do, how your complaint will be managed, and when to expect a response.

We will respond to your complaint within 14 days, or earlier if required.

If you are not satisfied with our response you can ask the regional office to review your complaint.

If you are still not satisfied with our response after the regional review, you can ask the Corporate Integrity, Information and Resolutions Unit (CIIRu) to review your complaint. CIIRu can be contacted on 1300 884 706.

CIIRu will coordinate the response across the department and get back to you regarding the outcome and other options for dealing with the complaint, such as contacting external complaint oversight bodies.

## Department of Health and Ageing

### Charter of Residents Rights and Responsibilities

#### A. Each resident of a residential care service has the right to:

- full and effective use of his or her personal, civil, legal and consumer rights
- quality care which is appropriate to his or her needs
- full information about his or her own state of health and about available treatments
- be treated with dignity and respect, without exploitation, abuse or neglect
- live without discrimination or victimisation, and without being obliged to feel grateful to those providing his or her care and accommodation
- personal privacy
- live in a safe, secure and homelike environment, and to move freely both within and outside the residential care service without undue restriction
- be treated and accepted as an individual, and to have his or her individual preferences taken into account and treated with respect
- continue his or her cultural and religious practices and to retain the language of his or her choice, without discrimination
- select and maintain social and personal relationships with any other person without fear, criticism or restriction
- freedom of speech
- maintain his or her personal independence, which includes a recognition of personal responsibility for his or her own actions and choices, even though some actions may involve an element of risk which the resident has the right to accept, and that should then not be used to prevent or restrict those actions
- maintain control over, and to continue making decisions about, the personal aspects of his or her daily life, financial affairs and possessions
- be involved in the activities, associations and friendships of his or her choice, both within and outside the residential care service
- have access to services and activities available generally in the community
- be consulted on, and to choose to have input into, decisions about the living arrangements of the residential care service
- have access to information about his or her rights, care, accommodation, and any other information which relates to him or her personally
- complain and to take action to resolve disputes
- have access to advocates and other avenues of redress
- be free from reprisal, or a well-founded fear of reprisal, in any form for taking action to enforce his or her rights.

#### B. Each resident of a residential care service has the responsibility to:

- respect the rights and needs of other people within the residential care service, and to respect the needs of the residential care service community as a whole
- respect the rights of staff and the proprietor to work in an environment which is free from harassment
- care for his or her own health and well-being, as far as he or she is capable
- inform his or her medical practitioner, as far as he or she is able, about his or her relevant medical history and his or her current state of health.

# ATTACHMENT 2 – CONSULTATIONS

The following people were consulted in development of this paper:

## Community Access

- Peter de Natris, Executive Director
- Jan Devos, Director Children Family and Therapy
- Melinda Norton

## Prevention and Pathways

- Anne Marie Dwyer, Executive Director
- Alix Goodwin, Director, Prevention and Pathways

## Accommodation Policy and Development

- Michelle Dodd, Executive Director

## Home Care

- Steve O'Neill, Executive Director
- Marie Jolley Manager, Attendant Care and Physical Disability Unit

## Strategic Human Resources

- Ian Peters, Executive Director
- Anne Denny, Manager, Workforce Diversity
- Sofia Stavropoulos, Director, Workforce Safety and Wellbeing

## Law and Justice

- Lyndsay Brooker, Director

## Aboriginal Service Development and Delivery

- Pauline Brown, Executive Director
- Warren Steadman, Director Aboriginal Service Development
- Lyall Gibbs, Manager Aboriginal Service Development and Support
- Annette Houston, Director Strategic Development and Evaluation
- Kelly Chatfield, Aboriginal Access and Assessment Team
- Jenny Brown, Manager Strategic Capacity Development
- Thelma Brown, Assessment Officer
- Belinda Cain Assessment Officer

## Office of Senior Practitioner

- David Coyne, Executive Director
- Anna Edwards, Manager, Case Management and Clinical Services
- Jennifer Pospelyi, Manager Accommodation and Respite
- Stephanie Thompson, Team Leader Case Management and Clinical Services
- Matt Frize, Team Leader Practice Development, Community Justice Program

### Large Residential Centres and Specialist Support

- Kathryn Smith, Executive Director
- Zubin Mody, Principal Business Analyst
- Laura Gerges, A/g Manager, Project Development Team
- Lynne Ready, CEO Metro Residences
- Carol Tranter, A/g CEO Hunter Residences
- Deidre Russell, Director, Specialist Support Living
- Jennifer Quill, Manager, Riverside

### Metro North Region

- Gino Dekoster, Manager A&R Nepean
- Merrill Patton, Manager A&R Parramatta
- Patrick Codner, Coordinator A&R Parramatta
- Diane Dicker, Team Leader
- Eilise Kennedy, Team Leader
- Eugene McGarrell, Deputy Regional Director

### Western Region

- Scott Griffiths, Regional Director
- Tim Evans, A/Deputy Regional Director
- Jodi Bassett, A/Regional Manager Accommodation and Respite
- Michael Evans, Regional Manager Home Care
- Karen Peters, Regional Executive Officer
- Spyros Kehris, Principal Business Analyst
- Brendan Smith, Business Support Coordinator
- Ben Wyatt, A/Manager Service Development and Planning
- Justine Summers, Senior Manager Access (Riverina Murray)
- Rob Van Dartel, A/Senior Manager Access (Orana and Far West)
- Kerry Stevenson, Community Access Manager
- Robyn Kent, Home Care Branch Manager
- Sherry Hall, PQI Officer
- Ewen Powell, Accommodation and Respite
- Liz Reinhard, Accommodation and Respite
- Leah Muhlhan, Accommodation and Respite
- Darren Richards, Practice Support Coordinator

## Hunter Region

- Carrie Whithers, Acting Deputy Regional Director
- Eric Harper, Manager Sector Development and Planning
- Jodie Calvert, Senior Project Manager
- Julie Sedon, Senior Manager Access – Central Coast
- Karen Pickering, Manager Intake and Referral
- Kellie Gilbert, Manager Regional Development
- Pauline Lennox, Senior Manager Access – Newcastle
- Toni Carson, Senior Practitioner
- Colin Lynch, Project Officer A&R
- Anna Keating, Case Manager
- Christina Lincoln, Manager Community Access
- Louise Cahill, Manager Community Access
- Matt Dougherty, Manager Community Access – Newcastle
- Petrina Ahearn, Manager Community Access
- Roslyn Whalan, Manager Community Access
- Sonya Carroll, Manager Community Access
- Suzanne Punshon, Manager Community Access – Lake Macquarie
- Virginia Briand, Manager Specialist Support Team
- Maria Holland, Senior Service Support and Development Officer
- Naomi McCorkell, Access Manager
- Toni Cosentino, Service Support and Development Officer
- Kim Evans, Senior Specialist Psychologist
- Sue Lloyd, A/Regional Manager Accommodation and Respite
- Brenda Gledhill, Manager Accommodation and Respite
- Paul Hilson, Manager Accommodation and Respite
- Louise Leadbeatter, Coordinator Accommodation and Respite
- Darrin Morgan, A/Coordinator Accommodation and Respite
- Kym Toussaint, Coordinator Accommodation and Respite
- Deborah Smith, Coordinator Accommodation and Respite