

SAPS Injury Management Practice Note

Complaints

Objectives, Targets & Performance Indicators

Objective	Target	Performance Indicator
Agencies have a complaint management procedure for breaches of the service standards in the Return to Work Act 2014	All SAPS agencies	Implemented procedure

Purpose

SAPS agencies have a clear documented process to inform SAPS employees about the Agency's complaint management procedure, in particular complaints relating to breaches of the service standards in the Return to Work Act 2014.

Context

The Return to Work Act 2014 (RTW Act) relevantly provides as follows:

<p>2 – Interpretation</p> <p>Unless the contrary intention appears, a reference in these standards to the Corporation includes-</p> <ul style="list-style-type: none"> (a) a reference to a self-insured employer; (b) a reference to a claims agent or to a provider of services engaged by the Corporation or a self-insured employer 	<p><i>Schedule 5 – Part 1 – Introduction</i></p>
<p>4—The standards</p> <p>The Corporation will—</p> <ul style="list-style-type: none"> (a) view a worker's recovery and return to work as the primary goal if a worker is injured while at work; (b) ensure that early and timely intervention occurs to improve recovery and return to work outcomes including after retraining (if required); (c) with the active assistance and participation of the worker and the employer, consistent with their obligations under this Act, ensure that recovery and return to work processes focus on maintaining the relationship between the worker and the employer; (d) ensure that a worker's employer is made aware of, and fulfils, the employer's recovery and return to work obligations because early and effective workplace-based coordination of a timely and safe return to work benefits an injured worker's recovery; (e) treat a worker and an employer fairly and with integrity, respect and courtesy, and comply with stated timeframes; (f) be clear about how the Corporation can assist a worker and an employer to resolve any issues by providing accurate and complete information that is consistent and easy to understand (including options about any claim, entitlements, obligations and responsibilities); 	<p><i>Schedule 5 – Part 2 – The Standards</i></p>

<ul style="list-style-type: none"> (g) assist a worker in making a claim and, if necessary, provide a worker with information about where the worker can access advice, advocacy services and support; (h) take all reasonable steps to provide services and information in a worker's or employer's preferred language and format, including through the use of interpreters if required, and to demonstrate respect and sensitivity to a person's cultural beliefs and values; (i) respect and maintain confidentiality and privacy in accordance with any legislative requirements; (j) provide avenues for feedback or for making complaints, and to be clear about what can be expected as a response; (k) recognise a right of a worker or an employer to be supported by another person and to be represented by a union, advocate or lawyer. 	
<p>Part 3 - Complaints about breaches of these standards</p> <p>5—Overview</p> <p>(1) A worker or an employer who has a concern about whether the Corporation has complied with any of these standards may—</p> <ul style="list-style-type: none"> (a) raise the issue or concern directly with the Corporation so that it can be dealt with in an immediate way; or (b) lodge a complaint with the Ombudsman (including in a case where the matter is a concern in relation to a self-insured employer or a provider of services engaged by a self-insured employer). <p>(2) In connection with the operation of subclause (1)—</p> <ul style="list-style-type: none"> (a) the preference is to attempt to resolve a matter directly with the Corporation; and (b) if the matter is referred to the Ombudsman, the Corporation will comply with any recommendation of the Ombudsman in order to ensure compliance with these standards; and (c) without limiting subclause (3), sections 17(1) and 25 of the Ombudsman Act 1972 do not apply in relation to a matter referred to the Ombudsman. <p>(3) If a complaint is lodged with the Ombudsman under subclause (1) in relation to a self-insured employer or a provider of services engaged by a self-insured employer—</p> <ul style="list-style-type: none"> (a) the Ombudsman may, in investigating the complaint, exercise the powers of the Ombudsman under the Ombudsman Act 1972 as if carrying out an investigation under that Act, subject to such modifications as may be necessary, or as may be prescribed; and (b) the self-insured employer or provider will be taken for the purposes of the investigation to be an agency to which the Ombudsman Act 1972 applies; and (c) the Ombudsman must report to the Corporation on the outcome of the investigation. 	<p>Schedule 5 – Part 3 – Complaints about breaches of these standards</p>
<p>6—Procedures for the Agency to deal with a complaint</p> <p>(1) The Corporation will work with a person who lodges a complaint to help him or her to address and resolve problems and concerns and to find a resolution to the matter in an effective way.</p> <p>(2) As an important part of the steps to be taken under subclause (1), the Corporation will advise the person of—</p>	<p>Schedule 5 – Part 3 – Complaints about breaches of these standards</p>

<p>(a) <i>what steps have been taken in relation to the relevant problem or concern; and</i></p> <p>(b) <i>the procedure that can be followed to lodge a complaint with the State Ombudsman if the person is not satisfied with the resolution of the matter by the Corporation.</i></p> <p>(3) <i>The Agency will provide a response to a complaint within 10 business days after the complaint is lodged with the Corporation.</i></p> <p>(4) <i>If a matter requires extended investigation, the person will, within 10 business days, receive an interim response and an indication of when a final response will be provided.</i></p>	
<p>7—Remedies</p> <p><i>If it is found that the Corporation has breached any of these standards, the Corporation is to do 1 or more of the following:</i></p> <p>(a) <i>provide a written or oral apology;</i></p> <p>(b) <i>furnish a written explanation;</i></p> <p>(c) <i>meet with the worker or employer to consider his or her views and to achieve a resolution of the matter;</i></p> <p>(d) <i>furnish information to the worker or the employer, in an appropriate form, which outlines, where relevant—</i></p> <p style="padding-left: 20px;"><i>(i) the status of any claim and extent of entitlements; and</i></p> <p style="padding-left: 20px;"><i>(ii) the review rights that exist under this Act; and</i></p> <p style="padding-left: 20px;"><i>(iii) the services that are available and the timeframes that should apply in relation to a dispute;</i></p> <p>(e) <i>provide a worker with a copy of his or her file in accordance with section 180 of this Act or under the Freedom of Information Act 1991;</i></p> <p>(f) <i>invite feedback about any response and ensure that any questions are answered or requests are responded to in an appropriate manner;</i></p> <p>(g) <i>take any other reasonable steps to remedy the matter.</i></p>	<p><i>Schedule 5 – Part 3 – Complaints about breaches of these standards</i></p>

SAPS Practice

Each SAPS agency will develop, document, maintain and make readily accessible to all employees a complaint management procedure dealing with, at a minimum, complaints relating to breaches of the services standards in the RTW Act.

The following elements must be addressed in the complaint management procedure:

- The agency will work with the person lodging the complaint to address and resolve problems and concerns in an effective way, advising what steps have been taken.
- The agency will advise of the procedure that can be followed to lodge a complaint with the State Ombudsman if the person is not satisfied with the resolution of the matter by the agency.
- The agency will provide a response to the complaint within 10 business days after the complaint is lodged with the agency or, if the matter requires extended investigation, an interim response will be provided within 10 business days with an indication of when a final response will be provided.
- If it is found that the agency has breached any of the standards, the agency must do one or more of the remedies listed in Schedule 5 – Part 3, section 7.