

MANAGING COMPLAINTS

Applies to: Staff Members, clients and stakeholders, Management Committee members and Volunteers/Students.
Specific responsibility: Manager and Management Committee.

Version: 5
Date approved: 30.07.2019
Next review date: July 2021

Policy context: This policy ensures that all client, staff members, management committee and community partners have the right to have all complaints heard and responded to in an appropriate manner	
Legislation or other requirements	National Disability Insurance Scheme Act 2013 National Disability Insurance Scheme Guidelines (Quality Indicators) 2018 National Disability Insurance Scheme (Incident Management & Reportable Incidents) Rules 2018 NDIS Terms of Business for Registered Providers NDIS Quality and Safeguards Framework, 2016 NDIS Code of Conduct for Workers 2018 United Nations Convention on the Rights of Persons with Disabilities (CRPD) Children and Young Person (Care and Protection) Act 1998 (State) Australian Human Rights Commission Act 1986
Contractual obligations	Employment Agreements NDIS Service Registered Service Provider obligations DoE (Sector Capacity Building project contract) Funding Terms and Conditions (Funding Agreement)

POLICY STATEMENT:

Early Connections - Port Macquarie/Hastings (EC-PMH) is committed to ensuring that any person or organisation using EC-PMH services, who may be affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation and to have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

The organisation will provide a complaints and appeals management procedure that:

- is simple and easy to use
- is effectively communicated and promoted to all clients and stakeholders
- ensures complaints or appeals are fairly assessed and responded to promptly
- is procedurally fair and follows principles of natural justice
- complies with legislative requirements

PRINCIPLES

EC-PMH will:

- consider all complaints it receives
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution
- ensure advocacy is available to clients who make a complaint and require support
- resolve complaints in a timely manner
- keep parties to the complaint informed of progress of the complaint

- ensure that Management Committee members, staff, volunteers and students are given information about the complaints procedure as part of their induction and are aware of procedures for managing client feedback and complaints
- ensure all services users, stakeholders and members are aware of the complaints policy and procedures
- ensure that a complainant is not penalised in any way prevented from using EC-PMH services or subject to unfair treatment in the workplace during the progress of the complaint.
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements

PROCEDURE

COMPLAINTS FROM SERVICE USERS OR OTHER STAKEHOLDERS

Informal complaints, compliments or suggestions:

- 1.** These may be made informally to any staff member or lodged using the "We Welcome Your Feedback" form (Available in the enrolment pack, on our website and in the foyer of the all EC-PMH offices.) All Compliments and Suggestions will be passed on to the Manager.
- 2.** If a complaint is made to a staff member they will thank the complainant for bringing the issue to their attention and endeavour to resolve it informally through discussion.
- 3.** If they are unable to resolve the complaint they will provide the complainant with a "We Welcome Your Feedback" form and ask them to complete it. If they are unwilling to do this the staff member will complete the form with the information that has been provided to them and give it to the manager, along with an account of how they have tried to resolve it. The complainant will be informed of the Managing Complaints procedure by that staff member. This step will be completed on the day the complaint is received.
- 4.** When the Manager receives the WWYF form she will endeavour to resolve the complaint and provide feedback/follow up actions to the complainant within 1 week.
- 5.** If the complaint cannot be resolved by the Manager it will be escalated to Formal Complaint status.

Formal Complaints: Complainants or the Manager can escalate an informal complaint to a formal complaint at any stage of the process or initiate this in the first instance.

- A formal complaint must be made in writing, stating the nature of the complaint, the names of any staff members involved and specific dates if possible. It is recommended that the "Complaint/Concern Record" form be used for all formal complaints with extra documentation as required. Support can be offered by the Manager to assist with this step in the process.
- All Formal Complaints are to be made to the Manager who then informs the President of the Management Committee or in their absence a member of the Executive Committee. All complaints will be treated seriously and investigated.
- The Manager and/or President (or Executive Committee Rep.) will discuss the nature and detail of the complaint and instigate the following steps:

Initial Investigations (to be completed within 1 week)

- Inform any persons who are named or implicated in the complaint of the details of the complaint.
- Inform all persons of the steps in this Complaints Management Procedure.
- Give all people involved an opportunity to prepare and submit information and responses in regards to the complaint.
 - Review any information and documentation submitted by persons involved in the complaint.

Further Investigations (to be completed within 2 weeks)

- Inform the complainant and the staff member/s involved that they can be supported by an advocate or support person of their choice. **Other current staff members or committee members cannot be used as a support person/advocate for either party.**
- Meet individually with all persons mentioned in the complaint to gather and document relevant information. (Minutes of meetings to be taken.)
- Call all parties together to meet as a group to endeavor to resolve issues/dispute by mutual agreement. (Minutes of meeting to be taken.)

- Formulate a written resolution plan to be signed by and distributed to all parties.

Ongoing Procedures

- Meet with the complainant to review the situation in regards to the resolution plan within one month. (Minutes of meeting to be taken.)
- Ongoing monitoring may be required as set out in any specific conditions in the resolution plan.

A summary of any Formal complaint will be reported by the Manager at the following Management Committee Meeting.

Results from this report will be reviewed by the Manager and the Management Committee and used to:

- inform service planning by including a review of complaints and appeals in all service planning, monitoring and evaluation activities.
- inform decision making by including a report on complaints and appeals as a standard item on management meeting agendas.

The written complaint, all meeting minutes, records and resolutions will be saved in a "Complaints File" kept in a secure locked drawer in the Manager's office and will only be accessible by Management.

In the event that a complaint cannot be resolved following the procedure outlined above, the President will take the complaint to the next management committee for discussion of the complaint and review of the resolution plan.

The President and the Manager will meet with the complainant to inform them of the Committee's findings/decisions and advise them of the Appeal Procedure

LOGGING AN APPEAL

Complainants or their advocates may lodge an appeal if they disagree with the final decision made by the Management Committee. An appeal should be made in writing and submitted to the Manager or President within 7 days of the decision.

- ❖ In the event that the complaint continues to be unresolved to the satisfaction of all parties, the Management committee will refer the complainant to the following complaints procedures with the NDIS. Complainants should be made aware that they may wish to contact the NDIS Quality and Safeguards Commission Ph: 1800 035 544. From NDIS Quality and Safeguards Commission "How to make a Complaint" brochure:

Where to go with a complaint

I'm not happy with NDIS funded services	→ The NDIS Commission	→ 1800 035 544
I'm not happy with the NDIA's actions or decisions	→ NDIA or Commonwealth Ombudsman	→ 1800 800 110 www.ndis.gov.au www.ombudsman.gov.au
I'm not happy with a service provided by another agency or body	→ Your state or territory complaints body	→ Find links on the NDIS Commission website www.ndiscommission.gov.au

COMPLAINTS FROM STAFF

1. Staff are encouraged to use open and honest communication to resolve simple disputes between themselves. Staff or manager are able to escalate the complaint to a Formal complaint at any time if they consider this necessary.
2. If they are unable to deal with a dispute without additional support they are required to seek a meeting with the manager to inform them of their complaint.

3. The manager will meet with the parties, either individually or together (manager's discretion), and seek to resolve the issue.
4. If the manager is unable to resolve the complaint it is escalated to a Formal Complaint and the Formal Complaints procedure outlined above is employed.

Any disciplinary action against a staff member, volunteer or student arising from a complaint will be dealt with in line with the "Formal Warning Process" in the Disciplinary and Termination Policy.

COMPLAINTS INVOLVING THE MANAGER

Complaints involving the Manager will automatically be deemed to be a Formal Complaint and the Formal Complaints procedure will be implemented. The complaint will be managed by the President of the management committee or a member of the executive committee in their absence.

COMPLAINTS INVOLVING MANAGEMENT COMMITTEE MEMBERS

Complaints involving organisation members or Management Committee members

Complaints made against a member of the Management Committee will be referred to the President and deemed to be a Formal Complaint. Where the President is the subject of a complaint, the complaint should be referred to other office bearers.

The President or their delegate will implement the Formal Complaint procedure.

If the matter remains unresolved, the President or notified office bearer will raise the matter at the next Management Committee meeting. Depending on the seriousness of the complaint, the Management Committee may:

- deal with the matter at its meeting

or

- refer the matter to the process outlined in EC-PMH constitution

RECORD KEEPING

A register of complaints and appeals will be kept in a register/file in a locked cupboard. The register will be maintained by the Manager and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

Copies of all correspondence will be kept in the register/file.

The complaints register and files will be confidential and access is restricted to the Manager/Management Committee.

DOCUMENTATION

Documents related to this policy	
Related policies	<ul style="list-style-type: none">- Conduct and Inappropriate Workplace Behaviour Policy- Privacy Policy

	<ul style="list-style-type: none"> - Access to Confidential Information Policy - Employee Performance Appraisal Policy - Staff Disciplinary and Termination Policy
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> - We Welcome Your Feedback Form - Complaints & Grievance Form - Complaints/Disputes Register - Alliance Compliments and Complaints brochure - NDIS "How to make a complaint" flyer

Reviewing and approving this policy		
Frequency	Person responsible	Approval
Annually	Manager and Management Committee	Management Committee

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1	11.10.1996	Management committee	
2	22.09.2003	Management committee	
3	03.05.2009	Management committee	
4	23.06.2014	Management committee	2016
5	30.07.2019	Management committee	July 2021

Management Committee:



Signed:

Name: Tiama Pride

Position: President

Date: 30.07.2019