



**MANAGING COMPLAINTS
POLICY AND PROCEDURE**

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

Version: 10
Date approved:
Next review date: October 2020

<p>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 a timely appropriate manner. Early Connections Kempsey does their best to provide a quality service and supports to families with a child with a disability, but issues can occur. All NDIS service providers have a responsibility to deliver safe and quality services to clients.</p>	
Standards or other external requirements	<ul style="list-style-type: none"> - NDIS Quality and Safeguards Commission (Quality Indicators) - NDIS Practice Standards
Legislation or other requirements	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - Employment Agreements NDIS Service Registered Service Provider obligations DoE (Sector Capacity Building project contract) - Funding Terms and Conditions (Funding Agreement)

POLICY STATEMENT:

Early Connections Kempsey is committed to ensuring that any person or organisation using Early Connections Kempsey, 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 and all complaints are acknowledged and recorded.

- 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
- Early Connections Kempsey ensures the client is involved with the complaint process.
- Is appropriately involved in the resolution of the complaint.
- Is kept informed of the progress of the complaint, including any action taken, the reasons the decision was made and options to have decisions reviewed.

PRINCIPLES

Early Connections Kempsey will:

- Acknowledge and 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 trained in how to receive a complaint, information about the complaint's 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 or prevented from use of services during the progress of an issue.
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements

PROCEDURE

❖ **Informal complaints, compliments or suggestions:**

Complaints may be made informally by talking to a staff member. Informal comments or suggestions can be:

1. lodged using our "We welcome your feedback" form.
2. Directed to any staff member. The staff member will ask the complainant if they would like to use our "we welcome your feedback form" or have the staff member pass the information on to the Manager. They will also explain our managing complaints procedures and ask if a formal complaint is requested.
3.
 - (a) To enable any person to make a complaint (**including an anonymous complaint**) to ECK as the registered NDIS provider about the supports or services provided by ECK; and
 - (b) **All complaints will be acknowledged.**
 - (c) Complaints will be dealt with directly and quickly at the point of service unless the complaint requires further investigation.
4.
 - (d) provide for an easy and accessible process for making and resolving complaints; and
5.
 - (e) ensure appropriate support and assistance is provided to any person who wishes to make, or has made, a complaint.
6. The complainant will be asked if they require feedback or follow-up following any needed actions (if any).
7. The staff member or Manager (whichever is appropriate) will give feedback to the complainant where it is requested.

- ❖ **Formal Complaints:** Complainants can escalate from an informal complaint to a formal complaint or initiate this in the first instance.
 1. A formal complaint must first put their complaints in writing, to make the terms or basis of any complaint as clear as possible. Those involved with a complaint will have the opportunity to present their point of view. Complaints will be investigated as soon as practicable after being received. All complaints will be acknowledged and treated seriously and investigated. Support can be offered to assist with this step in the process.
 2. The complaint will be forwarded to the Chairperson or in their absence a member of the executive committee).
 3. The Manager and Chairperson (or executive committee representative) will discuss the complaint and where appropriate the Manager will respond as deemed necessary. The Manager and Chairperson will:
 - Consider the nature and details of the complaint.
 - Give all involved an opportunity to prepare and present information regarding the complaint.
 - Maintain appropriate records of the complaints/disputes meeting. Hold records in a secure place (on cloud system in a file viewable by Manager only as well as in locked
 - Respect the confidential nature of information relating to the complaint.
 - Review all relevant information and documentation submitted by persons involved in the complaint.
 - Inform the complainant that they can be supported by an advocate or support person of their choice.
 - Meet individually with all persons mentioned in the complaint to gather information.
 - Call all parties together to meet as a group to endeavor to resolve issues/dispute.
 - Endeavor to resolve issues by mutual agreement.
 - Formulate a written resolution plan to be distributed to all parties.
 - Review the situation regarding resolution within the following month.
 - Keep the written complaint, all records and evidence of the resolution in a "Complaints File" kept in a locked cupboard.
 4. If a complaint cannot be managed as above, the Chairperson will form complaints (sub committee) and arrange a time to meet, inviting all personnel mentioned in the complaint. The above process will be followed by the sub-committee and actions decided upon.

LOGGING AN APPEAL

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

- ❖ If the complaint continues to be unresolved to the satisfaction of all parties, the sub-committee will refer the matter to the committee, accompanied by a full report of the situation.
- ❖ The complaints sub-committee (or Management Committee), will advise the complainant and other relevant parties, of any decisions they have made relating to the complaint. Where appropriate the Complaints Sub-committee (or Committee), will set in place relevant mechanisms and/or procedures to monitor progress.
- ❖ Complainants should be made aware that they may wish to contact the NDIA Ombudsman office at Level 24, 580 Georges Street, Sydney, 2000 – Ph: 1800 451 524 (especially in cases where they did not feel a satisfactory resolution was achieved).

External complaints by clients or stakeholders made against a staff member, volunteer or student will be managed by the Manager, who will:

- notify the staff member, volunteer or student of the complaint and its nature
- investigate the complaint and provide the staff member, volunteer or student with an opportunity to respond to any issue raised
- attempt to mediate the dispute (if applicable) and/or attempt to resolve the matter to the satisfaction of the outside party
- take any other action necessary to resolve the issue

Any disciplinary action against a staff member, volunteer or student arising from a complaint will be dealt with in an appropriate manner that will be based on the seriousness of the issue eg: disciplinary action:

- dismissed
- notification to an external agency
- criminal charges

Complaints involving the Manager will be managed by the Chairperson of the management committee.

Complaints involving organisation members or Management Committee members

Complaints made against a member of the Management Committee will be referred to the Chairperson. The Chairperson or their delegate will:

- notify the person about whom a complaint is being made of, the complaint and its nature
- investigate the complaint and provide the member with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party

Where the Chairperson is the subject of a complaint, the complaint should be referred to other office bearers.

If the matter remains unresolved, the Chairperson 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 Early Connections Kempsey constitution

REVIEWING THE COMPLAINT

If the complainant is not satisfied with the investigation and proposed resolution of their complaint or appeal, they can seek a further review of the matter by

REFERRAL TO EXTERNAL PROCEDURE

A formal external complaints procedure may follow if the complainant is still not satisfied with the outcome. The complainant will be referred to NDIS quality and Safeguards and the Ombudsman.

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.

A summary of any 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 staff and management meeting agendas

Complaints involving specific staff members, volunteers or students

The Manager has delegated responsibility for resolving complaints or disputes involving staff members, volunteers, or students.

Internal complaints, where a staff member, volunteer or student makes a complaint concerning another staff member, volunteer, or student, will be dealt with in accordance with the Early Connections Kempsey Managing Complaints Policy and Procedure.



Complaint/Concern Record

Complaint/Concern being made by (please circle or highlight):

Client or client representative / Staff member / Member from community /

Committee member / Volunteer

Name of person making complaint:		Date of Complaint:	
Contact details:			
Name of person handling complaint:		Role:	
Details of complaint/grievance:			
Efforts made to resolve complaint / actions taken:			
Resolution agreed upon by both parties:			<input type="checkbox"/> No resolution agreed upon
Details of follow up after			

_____ weeks:			
Issue resolved / complainant notified of resolution:	Date:	Issue referred for further review by management committee:	Date:
Manager Signature:		Date:	

RESOLVING THE COMPLAINT

- Deciding or referring to the appropriate people for a decision within 14 days of the complaint being received.
- informing the complainant of the outcome or following up to see if the complainant is satisfied with actions.
- Resolution agreed upon by both parties and
- Referral to management committee for further action where required
- Informing the complainant of any options for further action if required.

DOCUMENTATION

Documents related to this policy		
Related policies	<ul style="list-style-type: none"> - Inappropriate Workplace Behaviour and Complaints Policy and Procedure - Privacy Policy - Access to Confidential Information - Employee Performance Appraisal Policy - Termination of Employment 	
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> - Compliments and Complaints form - Complaint/Concern Record Form - Complaints/Disputes Register 	
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
6	October 2014	Management Committee	October 2015
7	July 2016	Management Committee	July 2017
8	March 2017	Management Committee	March 2018
9	March 2018	Management Committee	March 2019
10	October 2019	Management Committee	October 2020

Management Committee:

Signed: _____

Name:

Date: