

COMPLAINTS HANDLING POLICY & PROCEDURE

Policy & Procedure number: PP.004.EC

Applies to: All Staff, Managers, clients, stakeholders, Management Committee and Volunteers / Students.

Specific responsibility: Management Team & Management Committee

Policy context: This policy relates to the following:

Legislation / Standards or other external requirements	▪ National Disability Insurance Scheme Act 2013 ▪ National Disability Insurance Scheme Rules and Guidelines 2018 - 2019 ▪ NDIS Terms of Business for Registered Providers ▪ NDIS Quality and Safeguards Framework, 2018 ▪ NDIS Code of Conduct for Workers 2018 ▪ United Nations Convention on the Rights of Persons with Disabilities (CRPD) ▪ Australian Human Rights Commission Act 1986ECIA ▪ ECIA Best Practice in Early Intervention Guidelines ▪ The Privacy Act 1988 ▪ Privacy Amendment (Enhancing Privacy Protection) Act 2012 ▪ Information Privacy Act 2000 ▪ Australian Charities and Not-for-profits Commission Act 2012 ▪ Associations Incorporation Act 2009 ▪ Associations Incorporation Regulation 2016 ▪ Relevant Industrial Awards ▪ Fair Work Commission ▪ Fair Work Act 2009 (FW Act) and the Fair Work Regulations 2009 ▪ National Employment Standards ▪ Children and Young Person (Care and Protection) Act 1998 (State)
Contractual obligations	▪ NDIS Service Registered Service Provider obligations ▪ DoE (Sector Capacity Building project contract) Funding Terms and Conditions (Funding Agreement)

POLICY STATEMENT

Early Connections - Coffs Coast is committed to ensuring that any person or organisation using Early Connections - Coffs Coast supports and services or is 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:

- ✓ acknowledges all complaints in a timely manner.
- ✓ 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.
- ✓ complies with the registered NDIS provider complaints management arrangements to ensure that people living with a disability can understand how to make a complaint to the organisation and to the NDIS Commissioner.
- ✓ improves the way the organisation operates by feeding directly into the Organisation's Quality Improvement Plan.

PRINCIPLES

Early Connections - Coffs Coast 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.
- ✓ ensure open communication is maintained throughout the process which includes all parties in all steps of the process.
- ✓ keep all parties involved informed of progress of the complaint.
- ✓ ensure that Management Committee members, team members, volunteers and students are given information about the complaints handling policy as part of their induction and are aware of procedures for managing client feedback and complaints.
- ✓ ensure that a complainant is not penalised in any way or prevented from using supports or services during the progress of an issue.
- ✓ accept all types of complaints, in any format, (phone, email, letter, social media) including anonymous complaints (can be delivered anonymously in the Feedback Box in the Centre Foyer).
- ✓ ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements.

COMPLAINTS REVIEW PROCEDURE FLOW CHART

STEP 1	1. We accept all types of complaints, in any format, (phone, email, letter, social media) including anonymous complaints which can be placed in the Feedback Box in the Centre Foyer. 2. Complainant takes up matter with individuals (team member) involved. 3. The Complaint is acknowledged and the complaint is documented in the <i>Continuous Improvement Register</i>. 4. The Complainant may also approach the Management team or the Organisation's President. 5. Certain complaints, including those raising serious concern, are to be automatically referred to the next stage. 6. If a complaint is of a serious nature and involves disclosure of Child Protection issues, Criminal behaviour, exploitation or discrimination this will be referred directly to an external support organisation including the NDIS Commissioner for Quality and Safeguards, NSW Communities and Justice - Community Services – Child Protection Unit and / or the Police.
 If not resolved	
STEP 2	1. Management team is informed and complaint is documented. 2. All parties start working together to develop an action plan and a resolution based on the desired goals of the complainant and possible solutions.

	3. Ensure the complainant has the opportunity to be supported by family members and/or other relevant people, and that these people are also able to participate in the review process. 4. All complaints are reported monthly to the Management Committee. 5. All action should commence within 5 working days of receiving complaint.
 If not resolved	
STEP 3	1. Ongoing communication / meetings with all parties to ensure everyone is kept informed of the progress being made and the decision-making process. Action and resolution process finalised. 2. In case an employee of another Organisation is involved – this Organisation will be notified. 3. If the complaint is an employment or Industrial relations issue external agencies may be involved for advice and support – ensuring all parties are informed and supported.
 If not resolved	
STEP 4	Complaint referred to external agency. Complainant may be advised to complain to another agency or to seek resolution of their concerns using other avenues of appeal or review. A complaint can be made to the NDIS Commission by: Phone: 1800 035 544. Interpreters can be arranged via the National Relay Service and ask for 1800 035 544. OR complete a complaint contact form https://www.ndiscommission.gov.au/participants/complaints The NDIS Commission can take complaints about services or supports that were not provided in a safe and respectful way OR services and supports that were not delivered to an appropriate standard.

RECEIVING COMPLAINTS

Complaints can be made in writing, by telephone, by email or in person. Complaints can also be made anonymously and placed in the Complaints and Feedback box in the office foyer. We will follow the same process for all complaints, but with anonymous complaints there may not be sufficient information to enable a complete investigation to be conducted. Anonymous complainants should also be advised that unfortunately we will not be able to resolve their specific concerns effectively or tell the complainant how we have responded to the complaint.

We will offer help if a person needs assistance to make a complaint, including a written complaint. This may include recording the conversation and arranging for the complainant to sign it, either through a personal interview or mailing / emailing it to them. It may include using an interpreter or telephone interpreter service or encouraging the person to use an advocate.

A complaint can also be completed on the *Complaints & Feedback Form* (which can be found in the building foyer OR on the EC website <https://www.earlyconnections.org.au>)

The Management Committee has delegated the task of complaints handling to the Management Team, unless the complaint is about the Management Team, then the complaint will be forwarded directly to the Management Committee President.

In all cases the individuals handling the complaint will:

- ✓ Consider the nature and details of the complaint.
- ✓ Arrange a time to meet, inviting all parties mentioned in the complaint.
- ✓ Give all involved an opportunity to prepare and present information regarding the complaint.



- ✓ Ensure that the complainant can be supported by family members or other appropriate people. Also inform the complainant that they can be supported by an advocate or support person of their choice.
- ✓ Ensure that the complainant has an opportunity to discuss their desired goals and possible solutions (record on Complaints and Feedback Form).
- ✓ Maintain appropriate records of the complaints/disputes meeting.
- ✓ Ensure all calls/emails and conversations are recorded in the Complaints section of the Quality Management – Quality Improvement Register.
- ✓ Respect the confidential nature of information relating to the complaint.
- ✓ Review all relevant information and documentation submitted by persons involved in the complaint.
- ✓ Endeavour 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.
- ✓ The Management Team will ensure that complaints are addressed on the agenda of all team meetings. Complaints / Compliments will be a re-occurring agenda item at all team meetings.
- ✓ The Management Team are responsible for analysing complaint data and preparing this information in monthly and annual reports.
- ✓ The Management team will ensure that complaints and compliments are entered into the *Quality Improvement register* to ensure a continual cycle of evaluation and review.

Complaints involving specific team member members, volunteers or students.

The Management team has delegated responsibility for resolving complaints or disputes involving team members, volunteers or students. The Management team will review and advise the complainant, and other relevant parties, of any decisions they have made relating to a complaint. Where appropriate the Management team will set in place relevant time frames, mechanisms and/or procedures to monitor progress.

External complaints by clients or stakeholders made against a team member, volunteer or student will be managed by the Management Team, who will:

- ✓ Notify the team member, volunteer or student of the complaint and its nature.
- ✓ Investigate the complaint and provide the team 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 all parties.
- ✓ Take any other action necessary to resolve the issue.

Any disciplinary action against a team member, volunteer or student arising from a complaint will be dealt with by following the appropriate policy and procedure. Based on the seriousness of the issue the following action will be taken:

- ✓ Disciplinary action
- ✓ Dismissed
- ✓ Notification to an external agency
- ✓ Criminal charges



- ✓ Complaints involving the Management team will be managed by the President of the Management Committee

Complaints involving organisation members or Management Committee members.

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

- ✓ Notify the person about whom a complaint is being made, 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 President is the subject of a complaint, the complaint should be referred to other Office Bearers from the Management Committee. If the matter remains unresolved, the President or the nominated Office Bearer will raise the matter at the next Management Committee meeting. Depending on the seriousness of the complaint, the Management Committee may:

- ✓ Refer the matter to the process outlined in Early Connections - Coffs Coast Constitution.

If your complaint is of a serious nature and involves disclosure of discrimination, abuse, neglect or exploitation OR Criminal behaviour, your complaint will be referred directly to an external support organisation including the NDIS Commissioner for Quality and Safeguards, NSW Communities and Justice - Community Services – Child Protection Unit and / or the Police.

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 the Management Committee or an external agency.

LODGING 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 Management team or President within 7 days of the decision notification. If the complaint continues to be unresolved to the satisfaction of all parties, the Management team will refer the matter to the Management Committee President, accompanied by a full report of the situation.

Sometimes we cannot resolve a complaint despite our best efforts. When the complaint is serious and the complainant's demands continue to impact on the time and resources of team member/s, the complainant should be referred to an appropriate external source for review or appeal.

Complainants should be made aware that they may wish to contact the NDIS Commissioner (especially in cases where they did not feel a satisfactory resolution was achieved). A complaint can be made to the NDIS Commissioner by Phone: 1800 035 544. Interpreters can be arranged if required.

OR complete a complaint form @ <https://www.ndiscommission.gov.au/participants/complaints>

The NDIS Commission can take complaints about services or supports that were not provided in a safe and respectful way OR services and supports that were not delivered to an appropriate standard.



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

RECORD KEEPING

A register of all complaints will be recorded in the Continuous Improvement Register. The complaints register will be maintained by the Management team confidentially. The Complaints register will record the following details for each complaint:

- ✓ Name
- ✓ Address
- ✓ Contact number
- ✓ Email
- ✓ Date complaint was lodged
- ✓ Responsible person
- ✓ Date of contact with complainants
- ✓ Action taken / dates / times of ongoing contact
- ✓ Resolution plan / desired goals
- ✓ Time frame of when plan will be implemented
- ✓ Decision / resolutions / reason for decision
- ✓ Complainants response to decision / feedback on review process
- ✓ Date of resolution
- ✓ Review / patterns trends / reoccurrence / opportunities to improve
- ✓ Final closure

A summary of any complaint will be reported by the Management team at each Management Committee Meeting. Complaints handling will be a reoccurring agenda item at all team meetings and Management Committee meetings. Data and results from this process will be reviewed by the Management team 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 team member and management meeting agendas.

Documents related to this policy.	
Related policies	▪ Access to Confidential Information ▪ Employee Performance Appraisal Policy ▪ Employment Policy
Forms, record keeping or other organisational documents	▪ Complaint Form ▪ Complaints Register



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Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
3	30.10.2017	Management Committee	Oct 2020
4	18.05.2020	Management Committee	May 2023
5	28.02.2024	Management Committee	February 2027

Name: Vicki Braine
President

Date: 28th February 2024