

# Complaints Management Procedure

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## Objective:

To provide staff with clear instructions for receiving, recording, and managing complaints from service users, their families, community members, and staff to ensure all complaints are registered and resolved in a timely manner and to the satisfaction of the complainant.

This procedure steps out a process to be followed in the event that a complaint is received.

This procedure is to be read in conjunction with the **focus** Complaints Management policy as well as the **focus** Complaints Process Flowchart.

This procedure will contain information on the following:

- how to make a complaint or lodge an appeal, including an anonymous complaint
- contact person for lodging a complaint or appeal
- how **focus** will deal with the complaint or appeal, the steps involved and the timelines
- the rights of the complainant to an advocate, support person or interpreter
- how the person will be informed about the outcome of their complaint or appeal
- how to make a complaint to an external body including contact details

## Scope:

All **focus** employees, contractors, and volunteers.

Please note this instruction does not cover complaints by an employee against another employee or the employer about matters that do not relate to the services **focus** provides. In this instance please refer to the Staff Grievances and Disputes Policy.

## Responsibilities:

Everyone at **focus** has a role to play in maintaining a supportive, open atmosphere for the people we support.

All **focus** staff are responsible for familiarising themselves with the relevant policy, procedure, forms, documentation mechanisms, and processes related to complaints management.

All **focus** staff members are responsible for assisting and supporting people wishing to make a complaint in order that they understand their rights, the complaints procedure, and additional complaint avenues.

The staff member receiving the complaint is responsible for recording the complaint on the electronic complaints managements system: Riskman - via the

Feedback/Complaint Module. This will formally register the complaint once submitted and will automatically notify relevant staff of the complaint via email.

The Continuous Improvement Officer will assist the Chief Operating Officer and/or the CEO when required to assess all complaints and allocate to an appropriate staff member for handling and resolution.

The Chief Operating Officer and/or the CEO will manage all Highly Complex Complaints directly.

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The Chief Operating Officer and/or the CEO is responsible for ensuring;

- The complaint is assessed and allocated to an appropriate person
- The complaint is handled in a timely manner and a satisfactory resolution is reached.
- Where required a thorough investigation of the issue is undertaken
- The complainant receives notification of any outcomes of the complaint.
- The complainant is provided opportunity to give feedback on how the complaint resolution process was handled
- The complainant is provided with information regarding further avenues to pursue if they are not satisfied with the complaint.
- The complaint is reported to the Board of Directors

The Chief Operating Officer will assume the role of the Complaints Contact Person for the organisation.

The Complaints Contact Person will oversee or conduct the **focus** response to the complaint.

The role of the Complaints Contact Person is to:

- Ensure that the person making the complaint is contacted within 2-days to verify the complaint has been received and reassure them on how the matter will be managed
- Support the Manager of the service (or the person designated) to manage the complaint.
- Represent **focus** in the ongoing management and development of individual complaints and reporting requirements

## Process Steps:

### 1 Making a Complaint

A person wishing to make a complaint may do so in writing, electronically, verbally, anonymously, and/or in a communication method that reflects their preference to:

- the staff member they were dealing with at the time
- the Customer Relationship Leader or Activities Facilitator of that staff member
- the relevant Area Manager, Chief Operating Officer, or another Member of the Executive Team
- **focus** Head Office
- the **focus** Board
- the NDIS Quality and Safeguards Commission should they wish to contact an external agency

Complaints may be made by submitting a completed **Feedback and Complaints form**. The Feedback and Complaints form is available **online** at the **focus** website. A copy of the form can be mailed out upon request.

Written complaints may be sent to:

Continuous Improvement Officer  
**focus** Individualised Support Services  
The Coolstores  
4/475 Moorooduc Hwy  
Moorooduc 3933

- The Continuous Improvement Officer will be responsible for receiving this correspondence and directing it to the appropriate person.
- Feedback and complaints via telephone may be made on (03) 5981 5100
- Anonymous complaints may be made via the website feedback and complaints link.

## 2 Receiving a Complaint

Any staff member may be a recipient of a complaint, and is responsible for listening to the complainant, acknowledging the concern raised, and explaining the next steps to the complainant

All complaints received must be entered into Riskman- Feedback/Complaint Module by the person receiving the complaint within **focus**. This is usually the Active Support Worker or the Customer Relationship Leader/Activities Facilitator.

If the complaint has been made in writing or via electronic correspondence then a copy of this must be attached to the Riskman entry.

When staff are documenting the complaint they must ensure that the information contained in the Riskman entry is consistent with what the complainant has told staff.

If the complainant is a person with a disability, they should be offered the assistance of an advocate to support them through the complaints process.

Where ever possible the complaint should be dealt with and a resolution reached immediately by the person receiving the complaint and the relevant Customer Relationship Leader/Activities Facilitator.

If further action is required, inform the Chief Operating Officer by the next working day.

The complainant must be kept informed of progress at each stage and informed of the outcome in writing.

## 3 Seeking Additional Support

Receiving complaints can be difficult and distressing, it is important that all staff remember to:

- Remain calm and where necessary, remove the complainant to a more private place if possible
- Ask a senior staff member to provide support if necessary
- Acknowledge the person's concerns and reassure them that you will document their complaint

If you cannot resolve the complaint immediately, inform the complainant that you will pass the information along and confirm that a senior person will contact them within 2- working days.

Provide your details, it is imperative they have your contact name and work number.

## 4 Categories of Complaints

All complaints received by **focus** will be assessed by the person receiving the complaint and their relevant CRL/AF into one of three categories:

### Category C

- Based on day to day operational matters which should be resolved as far as possible between the people concerned - usually the staff member receiving the complaint, their CRL/AF and the people served or family members.
- A routine complaint is managed through a process of listening and resolving the problem at a local level. Informal procedures emphasise resolution rather than factual proof of a complaint.
- These complaints should be dealt with immediately and a resolution reached.

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A complaint can be managed at this level when;

- It is of a minor nature;
- The complainant wishes the matter to be dealt with informally
- The staff member and relevant CRL/AF considers this appropriate in the circumstances

These concerns/complaints should always be referred to the Customer Relationship Leader/Activities Facilitator or the Area Manager for further follow up with the complainant.

Complaints at this level should be resolved within **2-days** to the satisfaction of the complainant. The outcome/follow up and correspondence must be documented within Riskman and Supportability updated with all information relevant to the person involved in the complaint.

## **Category B**

These may be ongoing complaints that are not able to be resolved at a local level or that need intervention from another organisation or professional. These will be referred to the Area Manager who will deal with this or refer it to higher level of management.

These complaints will often be received by an Area Manager, Continuous Improvement Officer, Executive Manager Client Services, and/or Chief Executive Officer (CEO) via the feedback email address. In all cases the Chief Operating Officer and CEO will be notified.

A complaint will be managed at this level when;

- The matter is unresolved and the complainant wishes to pursue the matter;
- The matter is of a serious nature and warrants a thorough review of the situation or an investigation.

Complaints at this level should be finalised within **14-days**.

## **Category A**

These are issues that need to be dealt with immediately and will involve the Chief Operating Officer, and/or the Chief Executive Officer and will eventually be reported to the Board of Directors. (In some instances these issues will also be incidents that would require completion of a Riskman Incident Report and other necessary documentation).

Complaints at this level will require a thorough investigation of the issues raised. Investigations may be conducted by the Continuous Improvement Officer or a suitably trained and impartial staff member at **focus** however there will be times that the complaint or incident is of such a serious nature that an external investigator will be engaged to investigate the complaint/incident.

Complaints at this level may take some time to resolve but we would aim to finalise the complaint within **30-days** wherever possible. The complainant will be kept informed of the status of the complaint until a resolution is reached.

For complaints relating to serious misconduct, illegal activities, and/or breach of legislative requirements under relevant Commonwealth or State laws, the Chair of the Board will be informed and appropriate contact made with relevant authority bodies including the police.

## 5 Complaint Investigated

Some complaints may warrant a full investigation of the issues identified before the complaint can be resolved.

If an investigation is required the Chief Operating Officer may appoint the Continuous Improvement Officer or another person to make an initial contact with the complainant to advise that they are handling the complaint and to ensure that all relevant information has been provided, and to seek information about the resolution the complainant requires.

The complainant will be informed that:

- Interviews will be held with persons relevant to the complaint or concerns
- Natural justice principles will be followed, which means that the respondent is presumed innocent and until the facts show otherwise, and that the investigation will proceed on this basis
- The requirement to maintain strict confidentiality of all parties
- Our legal obligation to report complaints of a serious nature to the NDIS Quality and Safeguards Commission and police where required
- The name and contact details of the person managing the complaint
- Their right to an advocate
- The date, time, and venue of the next meeting

If the complainant is a person with a disability, the person investigating the complaint should offer to contact an advocate to support the person through the complaints process.

In every situation the person investigating the complaint must be independent of the issues raised in the complaint.

The Chief Operating Officer or person assigned by them to conduct the investigation will work with the manager of the service to look into all the details of the complaint by:

- Speaking to individuals and active support workers that may have some perspective on the issue
- Looking at daily notes, incident reports, and other communications to verify facts.

Each case will be assessed on its own particular set of circumstances and the timeline for this step in the process will depend on the nature of the complaint, the amount of time required to investigate; and the possible negotiations for resolution. Our aim is always to resolve the issue within **30 days**, however if an external investigator is required these timelines may have to be extended.

If there are allegations against a staff member the specific allegations will be provided in writing to the staff member or others involved with sufficient time provided to prepare an adequate written response. This will occur in consultation with the Executive Manager People Culture and Safety to ensure appropriate HR policies are followed.

This process may result in further contact with the complainant to request further information.

For all investigations witness statements will be made in writing and included in the investigation.

Up until this point a number of individual meetings or phone conversations may be required between the relevant stakeholders to gain sufficient information to make a determination.

## 6 Resolution Reached

With all complaints, the outcomes and any actions are to be communicated to the complainant by the most appropriate method, given all the circumstances and communication needs of the people involved.

In some cases it may be necessary for the Continuous Improvement Officer, The Chief Operating Officer and/or CEO to contact the complainant to arrange a meeting so that the outcomes of the resolution process or investigation can be explained.

Following the meeting where applicable, a Corrective Action Plan may be developed outlining the process for remedying the issues that have been raised. The Corrective Action Plan will state who is responsible for each action.

Once a resolution to the complaint has been reached - the issue should be considered to be finalised and the complaint closed.

At the conclusion of the complaint process, the complainant will be sent a letter (via email or post - depending on the preferred method of contact) to communicate to the complainant that the complaint is now finalised.

Further to this, a Complaints Feedback form will be provided to the complainant to seek feedback to understand if the resolution process met the expectations of the complainant. This feedback form will be either emailed, mailed or if language is a barrier, the person will be contacted via phone and the form completed accordingly. This feedback will be assessed by the Chief Operating Officer and/or CEO as part of continuous improvement opportunities.

## 7 Where Complaints are Investigated

Once the investigator/s are satisfied that they have an accurate account of the issues surrounding the complaint - they should document this information and save all relevant information within the Riskman file.

The Continuous Improvement Officer in consultation with the Chief Operating Officer and/or the CEO or another member of the Executive will make a final assessment based on the:

- Desired outcome of the complainant
- Facts as presented by all parties
- Balance of probabilities where the allegations cannot be substantiated
- Credibility of the parties involved where there are no witness statements

As soon as a decision has been made the Continuous Improvement Officer or person who undertook the investigation will create a final report and send it to the CEO for consideration. All supporting documentation should be included with the final report and held in the complaints file.

In the event that the complaint is accepted and it relates to unsatisfactory performance or inappropriate behaviour the Disciplinary Policy and Procedure will be followed.

The complaint will be finalised in Riskman by the Continuous Improvement Officer and/or Chief Operating Officer.

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In the event that the complaint relates to a change in service delivery, Support Plans, Routines and Time-tables may need to be updated to reflect the desired outcomes. All stakeholders must be informed of changes to ensure outcomes can be met. Supportability must also be updated with all changes, outcomes, and information relevant to the person's support documented.

## 8 Quality Review of Complaints

**focus** will provide feedback mechanisms to the complainants to whether the the complaint was handled appropriately and to ensure that the complainant was satisfied with the outcome.

**focus** will seek feedback from the complainant in a language they understand. This may include providing a hardcopy feedback form or equivalent for the person to complete and send back to **focus**, or where required, contacting the person via an interpreting service to discuss the outcome of the complaint and seek feedback.

In order for **focus** to attain its goal of continual Quality Improvement, all complaints will be reviewed and analysed regularly by the Chief Operating Officer and/or the CEO. This will allow the identification of any areas of service provision or policy that may require change.

## 9 The Role of the NDIS Quality and Safeguards Commission

A person with a disability, family member or concerned party can lodge a complaint with the NDIS Commission at any time, and **focus** staff have a responsibility to assist and support complainants to access information this avenue of complaint. If a complainant is not satisfied with the process and/or outcome of a complaint they have raised, **focus** will provide information and assistance to use those avenues where necessary and/or requested.

The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS funded services and supports.

A complaint can be made to the NDIS Commission by:

- Phoning: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.
- National Relay Service and ask for 1800 035 544.
- Completing a complaint contact form available on the NDIS Commission website  
**<https://www.ndiscommission.gov.au/resources>**

The NDIS Commission can take complaints from anyone about:

- NDIS services or supports that were not provided in a safe and respectful way
- NDIS services and supports that were not delivered to an appropriate standard

How an NDIS provider has managed a complaint about services or supports provided to an NDIS participant

## 10 Record Keeping

A register of complaints and appeals will be kept within the Electronic Complaints Management System: Riskman Feedback and Complaints Module for a minimum of seven years after the complaint has been made. The register will be maintained by the Chief Operating Officer and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint

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- 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 within the personal file of the relevant client

The complaints register and files will be confidential and access is restricted to Executive Management.