



## Feedback and Complaints Policy and Procedure

The purpose of this policy and procedure is to set out how any person can provide feedback and make complaints about any aspect of Empowered Community Service's operations and the process that Empowered Community Services will take to address or respond to feedback and complaints.

This policy applies to all stakeholders of the business, including participants, families, carers, advocates, staff, other service providers, government agencies and members of the community. It meets relevant legislation, regulations and Standards as set out in Schedule 1, Legislative References.

Feedback and Complaints raised by Empowered Community Services staff will generally be dealt with under Empowered Community Service's *Disputes and Grievances Policy and Procedure*, however from time to time staff may raise issues or provide feedback that is more suitably actioned under this policy and procedure.

Empowered Community Services also has obligations in relation to incident management systems and reportable incidents that may apply to a complaint. See Empowered Community Service's *Incident Management* policies and procedures.

Failure to comply with the complaint's management requirements of the NDIS legislation and rules may lead to the NDIS Commissioner taking compliance and enforcement action against Empowered Community Services.

### Feedback and Complaints Management

#### ***Outcome***

Each participant has knowledge of and access to the provider's complaints management and resolution system. Complaints and other feedback made by all parties are welcomed, acknowledged, respected and well-managed.

#### ***Indicators***

- A complaints management and resolution system is maintained that is relevant and proportionate to the scope and complexity of supports delivered and the size and scale of the organisation. The system follows principles of procedural fairness and natural justice and complies with the requirements under the *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*.
- Each participant is provided with information on how to give feedback or make a complaint, including avenues external to the provider, and their right to access advocates. There is a supportive environment for any person who provides feedback and/or makes complaints.
- Demonstrated continuous improvement in complaints and feedback management by regular review of complaint and feedback policies and procedures, seeking of participant views on the accessibility of the complaints management and resolution system, and incorporation of feedback throughout the provider's organisation.
- All workers are aware of, trained in, and comply with the required procedures in relation to complaints handling.

## Definitions

**Compliment** - an expression of praise, encouragement or gratitude about an individual staff member, a team or a service.

**Complainant** - a person who makes a complaint, or has a complaint made on their behalf.

**Complaint** - an expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected.<sup>1</sup>

**Procedural Fairness** – a principle that requires a fair and proper procedure be used when making a decision.

## Policy

Compliments, complaints and other feedback provide Empowered Community Services with valuable information about participant satisfaction and an opportunity to improve upon all aspects of its service.

Feedback is taken seriously by Empowered Community Services and is seen as an opportunity for improvement. Empowered Community Service's complaints management and resolution system ensures people can easily make a complaint and have them dealt with fairly and quickly.

Empowered Community Services makes information available to participants and other stakeholders about how to make a complaint to it, the NDIS Commissioner and any other relevant body and keeps adequate records about complaints received.

Empowered Community Services prioritises the safety and wellbeing of children and young people and recognises the role of families and communities in helping them to understand and use this policy and procedure.

## General

Empowered Community Service's Management Team must promote best practice, continuous improvement and an open, respectful culture that encourages and supports staff, participants and other stakeholders to make complaints without fear of retribution. This is assessed in yearly Performance Reviews of Management Team staff.

As per Empowered Community Service's *Human Resources Policy and Procedure*, all staff must undergo Induction, which includes training in Empowered Community Service's feedback and complaints processes. Training must also help staff to:

- Recognise and respond to neglect, grooming and other forms of harm to children;
- Understand the different ways children and young people express concerns or distress and disclose harm;
- Provide appropriate support to children and young people in these instances;
- Meet their legal requirements with respect to child protection;
- Respond to different types of incidents and complaints involving children;
- Understand their privacy obligations;
- Develop their listening skills;

- Feel confident drawing attention to breaches of Empowered Community Service's *Code of Conduct* and challenging these behaviours; and understand how to respond to disclosures of harm and their reporting obligations.

Staff knowledge and application of this policy and procedure, Empowered Community Service's feedback and complaints system and their obligation to protect children from harm is monitored on a day-to-day basis and through annual Performance Reviews. Additional formal and on-the-job training is provided to staff where required.

Agendas for team meetings include a standing item on Continuous Improvement, including a review of feedback and complaints.

Empowered Community Services uses its *Participant Handbook*, website and a *Feedback and Complaints Form* to provide participants, families, carers and all other stakeholders with information about this policy and procedure, in an easy to understand format. Information provided includes how to make a complaint to Empowered Community Services and to the NDIS Commissioner and other external bodies, how complaints will be addressed and external advocacy and support services that can assist people in the complaints process.

Staff must provide participants and their supporters with information about Empowered Community Service's feedback and complaints processes when they first access the service. Throughout service delivery, staff must remind participants and their supporters of their right to make a complaint without fear of affecting their service. Any person wishing to lodge feedback, or a complaint must also be provided with this information.

To ensure participants understand their right to make a complaint and how to make a complaint, staff must provide information to them and their supporters in ways that suit their individual communication needs. Written information can be provided in different languages and Easy English or explained verbally by staff. Staff can also help participants access interpreters or advocates where required.

The Managing Director or Human Resource Officer must track and review feedback and complaints to identify ongoing issues using Empowered Community Service's *Complaints Register* and report feedback and complaints data to the Management Team at its weekly meetings.

## **Privacy and Information Management**

All personal information Empowered Community Services collects to manage feedback or complaints must be handled in accordance with Empowered Community Service's *Privacy and Confidentiality Policy and Procedure*.

Staff must keep information about complaints confidential. They may only disclose necessary detail if they are required to do so by law, or if not disclosing is likely to place the safety, health or wellbeing of any person at risk. Staff must take all reasonable steps to notify the complainant before deciding not to keep personal information confidential.

Empowered Community Service's *Complaints Register* must be used to record information about feedback and complaints; any action taken to resolve complaints and the outcome of any action taken. All information regarding feedback and complaints is kept securely in accordance with Empowered Community Service's *Records and Information Management Policy and Procedure*. All records regarding complaints must be retained for at least 7 years from the date they are created.

## Feedback

Providing feedback to Empowered Community Services is voluntary.

Feedback can be provided at any time, in any way, by any stakeholder, through:

- A staff member;
- Email, mail or phone;
- Empowered Community Service's Feedback and Complaints Form;
- Empowered Community Service's website;
- Service delivery planning days (involving participants and other stakeholders);
- Management Team meetings (involving participants and other stakeholders);
- Staff collection of feedback after a person interacts with the service (e.g. initial assessment and planning; reviews; exit, etc.);
- Annual participant satisfaction surveys. All participants or their representatives or families will be asked to complete these surveys; and
- Annual staff and stakeholder satisfaction surveys. All staff will be asked to complete these surveys and stakeholders will be selected on a random basis.

Where feedback is provided verbally, the receiving staff member will transcribe it onto an Empowered Community Services *Feedback and Complaints Form*.

## Complaints

People can make a complaint about any aspects of Empowered Community Service's services, including breaches of policies and procedures or the Code of Conduct.

Empowered Community Service's complaints management process can be simplified into five steps:

### **1. Complaint Lodgement**

To lodge a complaint, people are encouraged to speak directly to a staff member first, in an attempt to resolve the matter without recourse to Empowered Community Service's complaints procedures.

Staff must:

- Listen openly to the concerns being raised by the complainant;
- Ask the complainant what outcome they are seeking;
- Inform the complainant of the complaint process and how to formally make a complaint to Empowered Community Services, the NDIS Commissioner or other complaints body and the time the process takes;
- Be empathic towards the person and action all commitments made; and action situations that pose an immediate threat or danger or require a specialised response.

If the complaint is resolved, it must be reported to the Managing Director or the Human Resource Officer for inclusion in Empowered Community Service's *Feedback and Complaints Register*.

If the complaint cannot be resolved promptly or within 24 hours, it must be referred to the Managing Director. The Managing Director will advise the person of their right to lodge a formal complaint if they have not already done so, with the assistance of a support person or advocate if they wish. A *Feedback and Complaints Form* will be made available to the individual to lodge their complaint, however it is not mandatory that they use the form.

Formal complaints can be lodged:

- Directly with a staff member, either verbally or by providing a completed *Feedback and Complaints Form*;
- By email to: [admin@empoweredcs.com](mailto:admin@empoweredcs.com); or
- By phone on 02 4054 9286;
- In writing to: Suite 102 286 Main Road Cardiff NSW 2285; or

Mail and phone submissions as well as the *Feedback and Complaints Form* and/or Suggestion Box can be used to make anonymous complaints.

Complaints and feedback can be lodged by a third party on behalf of another person, if their consent or the consent of their legal representative has been provided.

At any time, people can make a complaint about NDIS service providers or the support they provide to the NDIS Commission or other external complaints bodies (listed below).

Staff must assist people making a complaint, or people with disability affected by a complaint, to contact the NDIS Commission or other complaints body, where this is required.

People making or impacted by a complaint must be encouraged to use an advocate of their choice to act on their behalf if they wish. The advocate may be a family member or friend, or sourced (with assistance from staff if required) through the National Disability Advocacy Program.

If a complaint alleges actual or possible criminal activity or abuse or neglect, it must be referred to the Managing Director immediately. The Managing Director must report and action the complaint as per Empowered Community Service's Incident Management policies and procedures.

Staff must take all reasonable steps to ensure complainants or people with disability affected by complaints are not adversely affected or fear retribution because a complaint has been made by them or on their behalf.

Complaints made to Empowered Community Services, the NDIS Commission and other complaints bodies can be withdrawn at any time.

Where a complaint about Empowered Community Services is made to the NDIS Commission, all staff must:

- Comply with any orders or requests made by the NDIS Commission; and
- Assist in any resolution process or inquiry undertaken by the NDIS Commission.

### **External Complaints Bodies**

Outside Empowered Community Services, complaints can be made to the following bodies.

- ***NDIS Quality and Safeguards Commission***  
At any time, people can make a complaint about NDIS service providers or the support they provide to the NDIS Commission.
  - Online at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)
  - By phone on 1800 035 544.

- **Australian Human Rights Commission**
  - Phone: 1300 656 419
  - Online: [humanrights.gov.au](http://humanrights.gov.au)
- **Additional External Complaints Bodies** The New South Wales Ombudsman:
  - Online at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au);
  - By phone on 02 9286 1000 or (regional areas) 1800 451 524; and
  - By post to Level 24, 580 George Street, Sydney, NSW, 2000.

Participants also have rights and protections under the Australian Consumer Law (ACL), including provisions on customer guarantees and unfair contract terms. Fair Trading New South Wales ([www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)) provides information and advice about customer disputes under the ACL.

In addition, participants can contact the Australian Securities and Investments Commission (ASIC) if they have concerns regarding consumer protection in relation to finances.

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### **Privacy Complaints**

Complaints about privacy or the handling of personal or health information can be reported to the regulatory bodies listed in Empowered Community Service's *Privacy and Confidentiality Policy and Procedure*.

### **Complaints About the NDIA**

Complaints about the NDIA should be directed to the Agency itself or the Commonwealth Ombudsman.

Complaints to the NDIA can be lodged:

- By phone on 1800 800 110; and
- By email to [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au).

Complaints to the Commonwealth Ombudsman about the NDIA can be lodged:

- By phone on 1300 362 072; and
- Online at [www.ombudsman.gov.au](http://www.ombudsman.gov.au).

Staff must support people making a complaint about the NDIA to contact the Agency or Commonwealth Ombudsman, where this is required.

## **2. Record**

The Managing Director or Human Resource Officer must record all information relevant to complaints, in its original and simplest form, in Empowered Community Service's *Complaints Register*. The *Complaints Register* must be stored in a secure file, accessible only to the Management Team.

### **3. Acknowledge**

The Managing Director or Human Resource Officer must acknowledge receipt of complaints within 2 working days. However, where a person has requested to remain anonymous, contact may not be possible or expected.

In their acknowledgement, the Managing Director or Human Resource Officer must set realistic expectations regarding complaint resolution and refer the matter to other organisations where they are identified as being more suitable to handle it. Acknowledgements must provide timeframes for resolution where possible.

### **4. Resolve**

Investigation of complaints will not be conducted by a person about whom a complaint has been made, or a person who has a conflict of interest in the matter. If required, the Management Team will determine the appropriate person to undertake the investigation.

In resolving a complaint, the Managing Director or Human Resource Officer must involve the complainant and keep them informed of the progress of the complaint. They must discuss any disparities identified with the complainant and may request additional information when required. A timeframe within which further information is to be provided should be clearly communicated with the complainant.

The Managing Director or Human Resource Officer should consider granting extensions where necessary and always communicate any additional time requirements to the complainant with an explanation of the need.

Complaint investigation must focus on the identified complaint matters only. All parties involved in a complaint must be provided with procedural fairness and with the support and information necessary to participate in the complaints process.

All decisions or actions regarding complaint investigation must be recorded by the Managing Director or Human Resource Officer in *Empowered Community Service's Complaints Register*.

### **5. Communicate Resolution**

Empowered Community Services will respond to all complaints as soon as possible and within 28 days from acknowledgement.

If a complaint cannot be responded to in full within 28 days of acknowledgement, an update must be issued to the complainant. The update must provide the date by which a full response can be expected. The update should be provided verbally in the first instance then confirmed in writing.

The Managing Director or Human Resource Officer should discuss the outcome of a complaint investigation verbally with the complainant, where possible. This must be followed by written advice that provides the complainant an opportunity to make further contact with the Managing Director or Human Resource Officer if required.

The written advice must also include information on what further action may be available to the complainant at the conclusion of the complaint investigation. This may include escalating the matter further with an external agency or seeking a further review within the business. Written advice should also seek feedback from the complainant regarding their experience of the complaints process.

Support must be provided to assist complainants' understanding of correspondence regarding complaints, where this is required (e.g. interpreters, referral to advocates, etc.).

Options for responding to a complaint may include, but are not limited to:

- Explaining processes;
- Rectifying an issue;
- Providing an apology;
- Ongoing monitoring; and
- Training or educating staff.

Once resolved, complaint outcomes must be relayed to the appropriate area within Empowered Community Services in order to improve service delivery.

## **Feedback and Complaint Review**

Feedback and complaint review includes identifying, monitoring and acting upon trends and systemic issues identified through the analysis of feedback and complaint information.

The purpose of analysing feedback and complaint data is to learn from patterns in order to safeguard the safety and wellbeing of individual participants, as well as improve the quality of supports.

The *Complaints Register* must be reviewed at weekly Management Team meetings. The Managing Director is responsible for monitoring the *Complaints Register* in order to analyse and report on trends.

Reviews should consider:

- the causes, handling and outcomes of feedback and complaints;
- processes, timeframes and record keeping practices associated with feedback and complaint management; and
- feedback provided by staff and participants about Empowered Community Service's feedback and complaint management.

Where preventative or improvement measures are identified, these must be tracked in the *Continuous Improvement Register*.

## **Supporting Documents**

Documents relevant to this policy and procedure include:

- *Feedback and Complaints Form*
- *Complaints Register*
- *Continuous Improvement Register*
- *Privacy and Confidentiality Policy and Procedure*
- *Information Management Policy and Procedure*



## Monitoring Review

This Policy and Procedure will be reviewed at least annually by the Management Team. Reviews will incorporate staff, participant and stakeholder feedback.

- Empowered Community Service's feedback collection mechanisms, such as staff and participant satisfaction surveys, will assess:
- Satisfaction with Empowered Community Service's feedback and complaints processes;
- Whether stakeholders have received adequate information about making complaints and their awareness of complaints mechanisms;
- The extent to which participants and their supporters feel they have been included in the review of feedback and their satisfaction with this process;
- Whether stakeholders have received adequate information about how the organisation will use feedback, complaints and appeals information; and
- Any barriers to lodging complaints and feedback.

Empowered Community Service's *Continuous Improvement Register* will be used to record improvements identified and monitor the progress of their implementation. Where relevant, this information will be considered as part of Empowered Community Service's service planning and delivery processes.

## DOCUMENT CONTROL

Version No.	Issue Date	Document Owner
1	01/01/2019	Managing Director
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1	09 December 2019	Policy and Procedure Manual created to meet NDIS Quality and Safeguard Commission Practice Standards.