

COMPLAINTS, COMMENTS AND FEEDBACK PROCEDURE

VERSION:	3.2
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EFFECTIVE DATE:	September 2021
NEXT REVIEW DATE:	September 2024

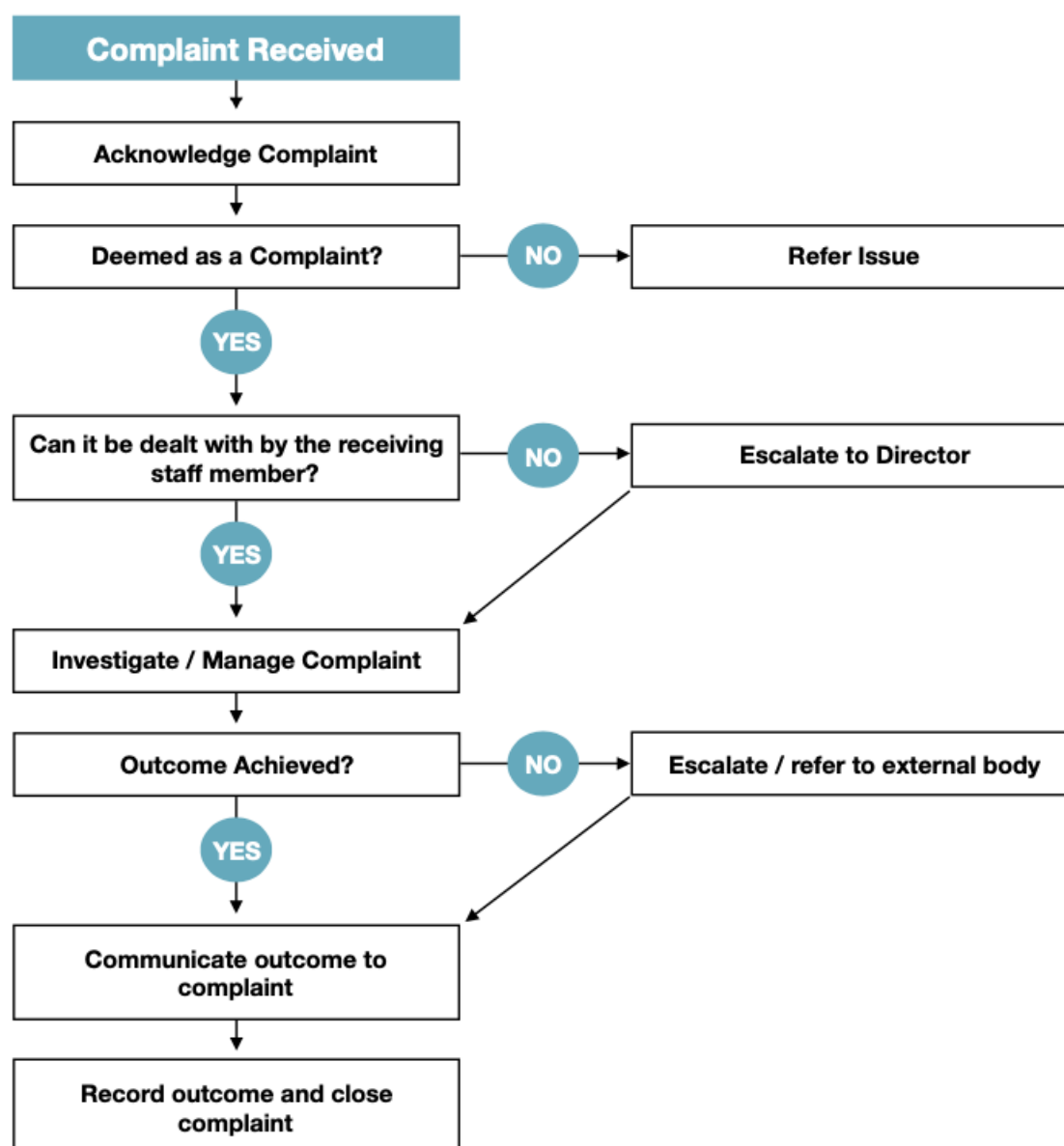
1. COMPLAINTS MANAGEMENT PROCESS

All complaints must be resolved in accordance with the principles contained in this document and the Complaints, Comments and Feedback Policy.

All complaints and notes relating to correspondence from clients must be recorded.

The Director will be responsible for monitoring the complaints process across Shannon Spence and Associates and including establishing a process for performance monitoring, evaluation and reporting the complaints management process.

2. PROCESS FOR HANDLING COMPLAINTS:



3. GUIDANCE

3.1. RECEIPT OF COMPLAINTS

A complaint can be received from a Client, Participant, Staff member or Visitor in written form (Complaint Form, letter, email, online etc.) or verbally (in person or by telephone). Shannon Spence and Associates accepts anonymous complaints and investigates these as far as possible.

In some instances, Shannon Spence and Associates staff may be required to assist clients to make their complaint. In this instance, an appropriate method of communication for that person should be explored and implemented.

3.2. ACKNOWLEDGEMENT OF A COMPLAINT

The information provided should be in a relevant format to address the needs of the complainant.

Complaints that are not resolved immediately should be acknowledgement in a manner which is consistent with the way in which it was received unless the complainant requests that they be contacted in an alternative method e.g. if a complaint is received via email, acknowledgement of the complaint should also be sent via email unless requested otherwise by the complainant. Complaints resolved immediately do not require a formal acknowledgement unless specifically requested by the complainant.

Timeframe: Acknowledgement of the complaint should be provided within five (5) working days of receipt of a complaint.

3.3. RECORDING COMPLAINTS

The member of staff receiving the complaint is responsible for recording the complaint received, including complaints received and immediately resolved.

If a member of staff is in receipt of a complaint during a client visit, this must be recorded in the case notes for that visit.

The record of the complaint is to be made via a **Complaints, Comments and Feedback Form** (Appendix A) and submit to the line manager or as per local process.

Timeframe: Accurate complaint data is to be recorded onto the Complaints, Comments and Feedback Form within five (5) working days of a complaint being received.

3.4. IDENTIFYING A COMPLAINANT'S EXPECTATIONS

The complainant should be contacted to clarify what they think should happen to resolve the issue and their expected timeframes for a response. If the complainant's expectations are not clear in the complaint lodged, staff should consult the complainant before any investigation of the matter commences. The complainant's expectations should be met where possible.

3.5. ESCALATION OF A COMPLAINT

All complaints should be resolved by the Director before resorting to formal external investigative processes.

Staff should consult the Director if they are unsure of the most appropriate party to refer the complaint to.

Complaints of a more serious nature should be referred to the Director in the first instance e.g. complaints that include allegations of abuse or criminal conduct.

3.6. INVESTIGATION OF A COMPLAINT

The investigation process will involve gathering information to establish the facts relating to a complaint. Steps involved in the investigation of a complaint may include the following:

- Discussion with an appropriate manager to determine the options for handling the complaint. This will take into consideration the complaints expectations identified in step 3.4.
- Develop an **Action Plan** (Appendix B) which includes the steps to be taken to resolve the complaint.

However, staff responsible for this task must take care in situations where criminal prosecution is a possible outcome, so that they don't inadvertently taint evidence and/or compromise the prosecution of a case.

Timeframe: Resolution of a complaint should usually take a maximum of 20 working days, although more complex cases might take longer.

If an investigation takes longer than expected due to delays in obtaining information or a case being more complex than expected, the complainant should be informed. Records in the management of a complaint should capture the reasons for delays.

3.7. CLOSING A COMPLAINT

After action on a complaint is completed, the outcome should be recorded and closed and communicated to the complainant. The complainant must be notified of the following:

- Decisions behind the resolution provided.
- Appeal avenues and how to access them. This includes the internal and external review process.
- Seek feedback from the complainant of their experience of the complaint handling process. Note: Resolution of a complaint does not always mean that the complainant will be satisfied with the outcome.

3.8. INTERNAL REVIEW PROCESS

It will not always be possible to fully satisfy complainants or agree to all the terms of settlement that they expect/seek. As a result, some complainants may request an internal review on the way their complaint was managed. All requests for internal review should be directed to the relevant Director who will review the complaint handling process following the initial response and further investigate the matter and/or reconsider the original decision when appropriate.

An internal review should be carried out by staff who were not involved in the initial complaint investigation. Staff performing the internal review of a complaint should follow the same investigation process as per the Guidelines. Staff should not overturn the previous outcome/resolution unless the outcome reached was not in line with Policy and other responses to similar complaints, or the new relevant information provided leads to a requirement for an alternative outcome to be provided. All information and actions are to be recorded.

3.9. EXTERNAL REVIEW – DISSATISFIED WITH THE OUTCOME

Shannon Spence and Associates will provide advice to the complainant about the options for making a complaint if they are dissatisfied with the outcome provided by Shannon Spence and Associates.

Some of these external agencies include:

- **NDIS Quality and Safeguards Commission:** The NDIS Quality and Safeguards Commission is responsible for a range of functions under the National Quality and Safeguarding Framework aimed at protecting and preventing harm to people with a disability in the NDIS market. Further information can be found at: www.ndiscommission.gov.au or by calling 1800 035 544.

- **Anti-Discrimination Board of NSW (ADB):** The Anti-Discrimination Board of NSW is part of the NSW Department of Justice. It promotes antidiscrimination, equal opportunity principles and policies throughout NSW. It administers the anti-discrimination laws, and handles complaints under the Anti-Discrimination Act 1977 (NSW) Further information can be found at www.antidiscrimination.justice.nsw.gov.au or by calling (02) 9268 5544 or 1800 670 812 (for regional NSW only).
- **Guardian Division within NSW Civil and Administrative Tribunal (NCAT):** The Guardianship Division is a specialist disability division within NCAT. The Guardianship Division conducts hearings to determine applications about adults with a decision-making disability who are incapable of making their own decisions and who may require a legally appointed substitute decision maker. Further information can be found at www.ncat.nsw.gov.au or by calling 1300 006 228.
- **Health Care Complaints Commission (HCCC):** The Health Care Complaints Commission receives and deals with complaints about individual health and practitioners, such as doctors, optometrists and acupuncturists, and health service organisations, such as hospitals in NSW. Further information can be found at www.hccc.nsw.gov.au or by calling 1800 043 159.
- **Independent Commissions Against Corruption (ICAC):** Accepts complaints about serious misconduct and allegations against public servants. Further information can be found at www.icac.nsw.gov.au or by calling (02) 8281 5999.
- **Nationality Disability Abuse and Neglect (NDAN) Hotline:** For reporting abuse and neglect of people with disabilities using government funded services. Further information can be found at www.disabilityhotline.net.au or by calling 1800 880 052.
- **NSW Ombudsman:** About the conduct of a community service provider or an employee of such a service. Further information can be found at www.ombo.nsw.gov.au or by calling 1800 451 524 (toll free) or by calling 1800 880 052.
- **Office of the Australian Information Commissioner (OAIC):** Investigates privacy complaints about agencies covered by the Privacy Act 1988 (Privacy Act) or the handling of your personal information. Further information can be found at www.oaic.gov.au or by calling 1300 363 992.

3.10. ADDITIONAL CONSIDERATIONS – ANONYMOUS COMPLAINTS

Shannon Spence and Associates will accept anonymous complaints and investigate these as far as possible. Anonymous complaints will be treated with the same priority as other complaints.

3.11. NATURAL JUSTICE

Shannon Spence and Associates is committed to managing complaints in a manner consistent with the principles of 'natural justice'. This means every effort is fair and just to:

- Ensure that all parties to a complaint know what to expect during the complaint handling process.
- Carry out the complaint handling process in a transparent manner.
- Where appropriate, each complainant has the opportunity to nominate the person they want as the key contact regarding the complaint.
- Provide all parties with equal opportunity to participate in the process
- Treat all parties in a respectful manner
- Provide reasons for all decisions made.

3.12. PRIVACY AND CONFIDENTIALITY

All efforts should be taken to ensure that the complainant's identity is protected as there is a possibility of adverse reaction against the complainant. Therefore, complainants should be handled in a manner that protects the privacy of complainants and shared with staff on a needs basis. Consent must be obtained to provide information to a third party or to proceed with an enquiry to lodge a complaint.

However, there are some instances where Shannon Spence and Associates is required to report complaints to a third party without the complainant's consent. These include complaints with:

- Allegations of criminal behaviour – in which case Shannon Spence and Associates must report this to the police.
- Allegations of abuse against a child – in which case Shannon Spence and Associates must report this to the police and to Community Services, and in some instances the NSW Ombudsman.
- Allegations of other reportable behaviour as defined by the ICAC Act – in which case Shannon Spence and Associates must report this to the ICAC.

3.13. UNREASONABLE OR VEXATIOUS COMPLAINTS

It is important to clarify allegations and ascertain if a complaint has arisen from personal agendas rather than from issues related to standards or conduct, or if the complaint is considered unreasonable or vexatious.

Should you suspect a complaint is considered unreasonable or vexatious, you will need to raise this suspicion with the Director for confirmation. In some cases, it will not be taken any further. However, the complainant must be notified of the reasons why their complaint will not be investigated and informed of the external agencies that may be able to assist them with their concerns. Unreasonable complaints might have one or more of the following features:

- Unreasonable Persistence.

- Unreasonable demands.
- Unreasonable lack of cooperation.
- Unreasonable arguments.
- Unreasonable behaviour.

3.14. ABUSIVE COMPLAINTS OR COMPLAINANTS

Shannon Spence and Associates staff are entitled to be treated with respect and courtesy when handling complaints. Staff will respond to all complainants in a respectful and courteous manner, in accordance with the Shannon Spence and Associates Code of Conduct. However, dealing with personally abusive complainants is rarely productive and can be counter-productive.

Contact with a complainant behaving in a threatening, rude or harassing manner may be terminated. A complainant's emotional state and/or communication skills should be considered before deciding to end contact. Before ending contact, staff should make it clear to the complainant that they are willing to work on resolving the issue but only when the complainant is ready to discuss it in a calm and non-abusive manner. The complainant should be encouraged to recontact staff when they feel they are ready to discuss matters appropriately.

Client or staff members are considered regardless of the manner in which they are expressed. Before Shannon Spence and Associates will consider declining or ceasing to deal with a complainant the following steps must be taken:

- All relevant evidence and/or issues presented by the complainant must be appropriately responded to.
- An internal review of the complaint handling process must be undertaken.
- Referral of the complainant to an external review agency should occur, if appropriate. Once the above steps have been taken Shannon Spence and Associates may then consider further action to limit the complainant's access to staff and/or services. This may include forwarding a letter to the complainant that clearly set out:
 - The background to the complaint,
 - The resolutions attempted to date,
 - Outcomes of the internal review of the complaint handling, and
 - Restates Shannon Spence and Associates' final position and the reasons for that decision.

3.15. DOCUMENTATION

Shannon Spence and Associates will maintain a complaints management system which documents complaints made, identify and address systemic issues raised through the

complaints management and resolution process and reports information relating to complaints to the Commissioner, if requested to do so by the Commissioner.

The documentation that will be retained by Shannon Spence and associates will include the following:

- a) Information about complaints,
- b) Any action taken to resolve complaints; and
- c) The outcome of any action taken.

This documentation will be kept for 7 years from the day that the complaint record is made.

3.16. NDIS QUALITY AND SAFEGUARDS COMMISSION

The NDIS Quality and Safeguards Commission is responsible for supporting the resolution of complaints about the provision of supports and services by all NDIS providers.

A person can make a complaint to the Commissioner about any issue connected with supports or services provided by Shannon Spence and Associates. Complaints to the Commissioner can be made orally, in writing or by any other appropriate means, and can be made anonymously.

Information about this process is detailed in the NDIS (Complaints Management Resolution) Rules 2018 and can be found at: <https://www.legislation.gov.au/Details/F2018L00634>

4. AUTHORITY

This Policy is approved by the Directors of Shannon Spence and Associates.