

# Participant Complaints and Feedback Management

## Complaints and Feedback Policy and Procedure

### 1.0 Purpose

This policy is intended to ensure that complaints are handled fairly, efficiently, and effectively.

The resolution of complaints will be consistent with a rights-based principle fundamental to the United Nations Convention on the Rights of Persons with Disabilities, Children and Young People.

The complaint and feedback management and resolution system intend to:

- Provide a well-handled system that values the participant's opinions and takes all feedback seriously, with the intent to improve the relationship between our organisation and our participants.
- Empower all employees and participants to feel free to voice their complaints or provide feedback.
- Allow us to respond to issues raised by individuals making complaints in a timely and cost-effective way boost participant confidence in our administrative processes.
- Seek a resolution that meets all parties' expectations, where possible
- Provide TassieCare services with information that will help us deliver quality improvements in our services, supports, roles, and complaints handling process.

TassieCare has zero-tolerance towards abuse and neglect of children and young people. We are committed to the rights of all children and young people to feel safe and be safe when participating in our organization's activities, services, and programs.

### 2.0 Scope

Our Complaints and Feedback Policy is TassieCare services's commitment to a positive complaints culture within our organisation, from the highest management levels to our frontline Team Members. The policy provides the foundation for all other components of a quality complaints management and resolution framework. The policy also guides our team and participants (who may wish to make a complaint or provide feedback).

A designated Manager will handle complaints and feedback received by TassieCare services. All Team Members are bound by the National Disability Insurance Scheme (NDIS) Code of Conduct, TassieCare Code of Conduct and Safeguarding Children and Young People policy.

### 3.0 Policy

TassieCare services will create an environment where complaints and concerns, compliments and suggestions are welcomed and viewed as an opportunity for acknowledgement and improvement. This process ensures that individuals have the right to make complaints and are encouraged to exercise their right in a blame-free and resolution-focused culture, respecting an individual's right to privacy and confidentiality.

TassieCare services will appoint a manager to handle the complaint. That Manager is responsible for coordinating and handling complaints and feedback and ensuring the complaint or feedback is properly managed.

It is acknowledged that TassieCare services views all comments and complaints as a vital contribution to our internal review of performance and processes, which assists in developing the continuous improvement of our services as we work towards achieving our care commitment.

A person does not necessarily have to expressly state that they wish to make a complaint to have the issue or concern dealt with as a complaint. Regardless of whether an issue is big or small, it will be treated seriously, and TassieCare services will ensure the person is advised on how valuable their opinion is to our organisation. We will use such information to improve our service delivery continuously.

Participants, families, advocates, or other stakeholders may submit a Complaint and Feedback Form regarding TassieCare services' supports, services, Team Members, or contractors. The participants can be provided information in Easy Read format if required.

The designated Manager will ensure that the complainant can physically access all meetings to resolve the complaint by reviewing the environment to ensure that the meeting site is accessible for those with mobility issues.

It is our policy to follow the principles of procedural fairness and natural justice and comply with the requirements under the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 and NDIS (Procedural Fairness) Guidelines 2018, including:

- Informing a person if their rights or interests may be adversely or detrimentally affected in a direct and specific way.
- Giving notice of each prejudicial matter that may be considered against them.
- Giving a reasonable opportunity to be heard on those matters before adverse action is taken
- Putting forward information and submissions in support of an outcome that is favourable to their interests.
- Ensuring that the decision to take adverse action should be soundly based on the facts and issues that were raised during that process, and this should be apparent in the record of the decision
- Ensuring that the decisionmaker should be unbiased and maintain an unbiased appearance.

TassieCare services ensures complaints and feedback are managed effectively through:

- Implementing an open and transparent complaint handling system
- Observing the principles of natural justice and compliance with relevant mandatory reporting under Australian law

- Committing to the right of stakeholders to complain either directly or through a representative
- Undertaking procedural fairness to reach a fair and correct decision
- Taking reasonable steps to inform the complainant of the NDIS commission complaints process, including the use of various communication means, e.g., oral and written
- Maintaining complete confidentiality and privacy
- Abiding by the NDIS Code of Conduct
- Training Team Members in our complaint process and the rights of all stakeholders to complain
- Considering all complaints seriously and respectfully
- Advising participants and staff members of their right to complain
- Team Members will be trained in complaint handling during assessments and orientation
- Guidance regarding the complaint process is outlined in the welcome information provided to our participants
- Provision of support for people who may need assistance to make a complaint
- Protection of complainants against retribution or discrimination
- Prompt investigation and resolution of complaints
- Communicating and consulting with participants, family and advocates during the complaints process and providing feedback and resolutions
- Interpretation and application of policies and processes
- Providing opportunities for all parties to participate in the complaint resolution process
- Ensuring that complainant is involved in the resolution of the complaint
- Keeping complainant informed of the progress of the complaint:
  - Actions taken
  - The reasons the decisions are made
  - Options to have decisions reviewed
  - Ensuring that the decisionmaker or advocate is included and recognised in the process
- Accepting TassieCare services and Team Members accountability for actions and decisions taken due to a complaint
- Committing to resolving problems at the point of service or through referral to alternatives
- Committing to use complaints as a means of improving planning, delivery, and review of services through our continuous improvement processes
- Referring complaints and feedback into our continuous improvement cycle
- Annually auditing the Complaints and Feedback Policy and Procedure.

## 4.0 Definitions

Term	Definition
<b>Complaint</b>	An expression of dissatisfaction with a NDIS support or service, including how a previous complaint was handled, for which a response or resolution is explicitly or implicitly expected.
<b>Resolution</b>	The official decision made by an organisation to solve or end a problem or contentious matter. A resolution includes finding a way to improve a difficult situation.
Role	Role requirements
<b>Designated Complaints Manager</b>	<p>The role of the Manager handling the complaint is to:</p> <ul style="list-style-type: none"> <li>• Manage the complaint process</li> <li>• Manage reviews and make recommendations for continuous improvement using the information gained from the issue of the complaint</li> <li>• Stand independently from the management to allow participants and staff members to be able to make a complaint about the management of the organisation</li> <li>• Provide feedback and advice, as required</li> <li>• Review the complainant 's needs to ensure that their mode of communication is managed (e.g., Easy Read, large print, translated documents, etc.)</li> <li>• Collaborate with the complainant and their advocate</li> <li>• Keep all parties informed during all stages of the complaint management process</li> <li>• Seek a resolution that benefits all parties, if feasible</li> <li>• Handle all appeals related to the outcome of the complaint</li> <li>• Complete all necessary reports and documents, including providing information to complainants and management</li> <li>• Record all information into the Complaint, Compliment and Feedback Register</li> <li>• Review the Complaint, Compliment and Feedback Register at monthly management meetings.</li> </ul>

## 5.0 Procedure

### 5.1 Complaint process

Complaints and suggestions can be made by:

- Using the Complaints and Feedback Form or the Anonymous Complaints and Feedback Form

- Contacting a member of Management, verbally or in writing, our Team Member must offer to document the complaint on behalf of the participant if required and refer the matter to the Case Manager
- Contacting their Case Manager/Line Manager/Compliance Officer, verbally or in writing
- Responding to questionnaires and surveys
- Sending an email to our contact email
- Attending meetings/care conferences
- Contacting external complaint agencies, e.g., NDIS Quality and Safeguards Commission
- Communicating orally, in writing, or any other relevant means.

Complaints may be made by:

- Team Members
- Participants
- Public
- Advocates
- Family members
- Carers

Results are recorded in the Complaint, Compliment and Feedback Register, allowing input into our continuous improvement processes. The Continuous Improvement Register will be used to record improvements established after finalising the complaint management process. If a complaint is about:

- Support or services: The complaint will be dealt with by the Case Manager and or Direct Services Manager
- Team Members/Line Manager: The complaint will be dealt with by the Line Manager and or P&C Manager
- Director/Senior Manager: An external person or body may be approached, e.g., NDIS Quality and Safeguards Commission or external 3<sup>rd</sup> party.

All Team Members, participants, family, and advocates, visiting health professionals, and visitors are informed of our complaints process via:

- Participant welcome information
- Initial access to supports
- Team Member orientation, induction, and training
- Meetings, reviews, and assessments
- Participant agreements
- Contractor agreements.
- Workzone

## 5.2 Complaint management process

The process and investigation must adhere to impartiality, privacy, confidentiality, transparency, and timeliness. Complaints will not be discussed with anyone who does not have responsibility for resolving the issue. TassieCare services must take into consideration any cultural and linguistic needs of a participant and provide the relevant support mechanism, such as an interpreter or similar.

Complainants are provided with access to our Complaints and Feedback form. These may be accessed via staff or management. The designated Manager will review the individual's needs and assist them via the best means appropriate to suit their needs. The variance between individuals requires a personal approach but may include:

- Offering an advocate
- Providing text telephone (TTY) service to people with a hearing impairment
- Ensuring the meeting site is wheelchair accessible
- Offering independent assistance to read and write to formulate and lodge a complaint
- Seek information from the complainant to determine any special requirements (e.g., access or communication).

The resolution outcomes from a complaint will recognise that people who make a complaint are generally seeking one, or more, of the following outcomes:

- **Acknowledgement:**
  - Genuinely listening without interruption
  - Empathising
  - Ensuring the complainant feels comfortable (e.g., being aware that staff may be defensive and consider how this is perceived)
  - Acknowledgement of the effect of the situation on the individual
  - Resolving to a good outcome
  - Notifying regularly and promptly on steps undertaken.
- **Answers:**
  - Clear explanations relevant to the issue, which is provided ONLY once all the facts are known.
- **Actions (Action Plan):**
  - what will be done?
  - who will do it?
  - action plan completion date
  - how progress will be communicated to all parties involved
  - oversight of actions.
- **Apology:**
  - consider the form of the apology and the managerial level of response
  - consider timeliness, sincerity
  - be specific and direct
  - accept responsibility if appropriate and provide information on the cause and impacts

- explain without excuses
- provide a summary of key actions agreed on to move forward and resolve the issue.

### 5.2.1 non-investigation complaint process

All complaints, where possible, will be managed directly and quickly at the point of service unless the complaint requires investigation (see the procedure outlined below). The non-investigation complaint process is as follows:

1. Issue reviewed by the Case Manager/Line Manager.
2. The complainant will be consulted and discussed to determine the actions required to resolve the issue. During this process, TassieCare services will offer complainant support from an independent advocate to reduce stress and anxiety.
3. All available options will be discussed with the complainant and their advocate.
4. Where possible, a collaborative decision is finalised (i.e., acknowledgement, answer, action, or apology).
5. The complainant is informed of the decision and the reasons for the outcome.
6. The complainant can review the decision if they are not happy with the resolution, implementing the complaint investigation process.
7. If a complainant seeks a review, a review of the decisions may be resolved quickly by the designated Manager completing the above points (2 to 5) again.

### 5.2.2 Complaint Investigation Process

#### Step 1. Acknowledge

Acknowledge all complaints quickly, within one working day, where possible.

#### Step 2. Review of the complaint

Before any consultative meeting, inform the complainant that their advocate or support person can be present throughout the process.

Offer to locate an independent advocate for the participant, if required.

Involve the complainant and their advocate using a consultative process to ensure their voice, views and preferred outcomes are heard and discussed.

Determine the type of outcome that the complainant seeks (i.e. acknowledgement, answers, actions or apology). Information will be used to ensure that the complainant's feedback and requirements are at the core of the complaint investigation and management process.

Inform the complainant of:

1. their right to an advocate and interpreter
2. the stages of the complaint management and decision-making process
3. mechanisms implemented to protect the complainant's privacy
4. Their right to complain to the NDIS Quality and Safeguards Commission at anytime
5. actual progress and outcomes of the investigation.
6. Determine the type of complaint (i.e., service, support, or process).
7. Notify the complainant and their advocate at each stage of the investigation and seek their feedback.
8. If a consultative meeting is required, it will be held in a safe environment that has been determined by the complainant and at a time relevant to the participant.
9. The complainant is a recipient of disability services under the NDIS; the participant's record will be checked for a preferred contact for complaints. The participant will

also be asked if they would like to nominate a Team Member from TassieCare services who is assigned to handle complaints.

### Step 3. Assessing the complaint

- When assessing a complaint, the designated Manager must prioritise the complaint and determine a resolution pathway (where required).
- After the pathway is established, the complaint will be investigated.
- Feedback from the complainant or their advocate must be used as part of this process (e.g., consultation meeting data).

### Step 4. Investigation and decision making

When the complaint is lodged, the designated Manager should determine if it is practicable to find an immediate resolution (see 5.2.1 non-investigation complaints process).

During the investigation and decision-making process, the designated Manager will:

1. keep the complainant informed about each stage of the investigation process
2. consult with the complainant to gather information about the underlying issue/s
3. analyse antecedents and underlying issues when determining a decision
4. review and approve all written reports and documents before them being sent out to all parties
5. respond to the complainant with a clear decision and any next actions (if any)
6. inform the complainant that they have the right to reject the outcome inform the complainant of their right to make a complaint directly to the NDIS Commission by:
  - phoning 1800 035 544 (free call from landlines) or TTY 133 677 (interpreters can be arranged)
  - using a [National Relay Service](#) and asking for 1800 035 544 or completing an [online complaint contact form](#).

We have a *Code of Conduct*, which is approved and endorsed from the highest levels of our organisation that outlines our expectations for behaviour towards children and young people.

We monitor and supervise all personnel, including contractors and partner organisations, for appropriate practice and behaviour in the delivery of our service to children and young people.

Any failure to observe our behavioural guidelines is taken seriously, and we are committed to taking appropriate disciplinary and legal action wherever necessary.

### Step 5. After the decision

After investigation and a satisfactory response has been documented, the designated Manager will:

1. inform the complainant and their advocate of the decision, including the reason for the decision, and they will provide options for how the complainant can review the decision.
2. ensure that the complaint investigation is satisfactorily completed
3. determine if the complainant is satisfied with the outcome
4. follow-up and consult with the complainant/s about any concerns
5. close out the complaint.



### 5.3 Review and improvement

TassieCare services takes a systematic approach to incorporate a review of all issues raised by a complaint to identify and address any possible systemic issues and determine any continuous improvement actions identified during the complaints process.

The review and improvement process includes:

- ascertaining preventative actions and continuous improvement
- considering if any systemic issues require addressing.
- recording the information regarding the complaint in the Complaint, Compliment and Feedback Register
- recording the details of the improvement stemming from a complaint in the Continuous Improvement Register (if required)
- training staff in any new systems or actions
- adjusting policies and procedures
- monitoring the complaint resolution according to the internal audit schedule
- providing feedback to the complainant personally to inform them of the outcomes and influences their issue raised within our organisation.

### 5.4 Documentation

All employees are provided training regarding the complaints process during orientation and given the Employee Handbook, which includes information on the complaints process provided.

The complaints process is available for participants, families, carers, and advocates via the information provided in our Participant Handbook and through the provision of Easy Read documents (as required).

Documentation of the complaint process is as follows:

- All complaints will be recorded in the Complaint, Compliment and Feedback Register, and information in the register will include the following:
  - complaint details
  - identified issues
  - actions are undertaken to resolve the complaint
  - the outcome of the complaint.
- All documents, including the Complaint and Feedback Forms, are uploaded into the computer system.
- Copies of any information provided to the complainant are stored in their relevant file.
- All documents are kept confidential, and access is only permitted to employees relevant to the complaint. The Complaints Manager determines who is relevant.
- A copy of all complaint documents will be retained in the file for seven years from the record date. If the documents relate to a participant under 18 years of age, the documents will be retained until the participant turns 25 years of age.
- Statistical and other information will be collected to:
  - review issues raised
  - identify and address systemic issues

- report information to the Commissioner, if requested by the NDIS Quality and Safeguards Commission.
- A policy review will occur if there are legislative changes or when determined by a regular or annual internal audit review.

### 5.5 Unresolved complaints

Unresolved complaints will be referred to designated Manager for investigation and resolution. Should the complaint not be resolved to the complainant's satisfaction, the complaint will be escalated to a person nominated by the complainant (with the complainant's permission).

When complaints cannot be resolved internally, the complainant may be referred to the following:

NDIS Quality and Safeguards Commission

Phone: 1800 035 544 (free call from landlines) or TTY 133 677 National Relay Service and ask for 1800 035 544.

Interpreters can be arranged.

A NDIS Complaint Contact Form can be completed online at [business.gov.au](https://business.gov.au)

### 5.6 Team Member orientation and training

The Team Member orientation process includes training all employees in the complaints and feedback process, including the NDIS Commission requirements. Our in-house training includes:

- NDIS reporting requirements and contacts details
- providing information regarding TassieCare services's complaint and feedback process and procedures (e.g., forms to complete and how to assist participants wishing to make a complaint)
- identifying our Complaints Manager
- encouraging employees to have a positive attitude towards complainants and a commitment to resolving all complaints.
- creating an understanding of how feedback and complaints inform and guide our continuous improvement cycle.
- understanding timeframes for reporting and resolving complaints.

Additional training will occur when practices and policies are changed due to a complaint or if staff are still not sure how to handle a complaint upon commencing work at TassieCare services.

### 6.0 Related documents

- Complaint and Feedback Form
- Anonymous Complaint and Feedback Form
- Complaints Process Checklist
- Safeguarding Children & Young People policy
- Safeguarding Children & Young People Reporting policy
- Complaint, Compliment and Feedback Register
- Continuous Improvement Policy and Procedure
- Continuous Improvement Register

- Continuous Improvement Plan
- Participant Handbook
- Employee Handbook
- Team Member Training Record
- Team Member Training Plan
- Training Attendance Register – In-house
- Training Register
- Risk Management Policy and Procedure
- Service Agreement

## 7.0 References

- NDIS (Complaints Management and Resolution) Rules 2018
- NDIS Practice Standards and Quality Indicators 2021
- NDIS Act 2013 (Commonwealth)
- NDIS (Procedural Fairness) Guidelines 2018
- Privacy Act 1988 (Commonwealth)
- Disability Services Act 1986 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Work Health and Safety Act 2011 (Commonwealth)

## 8.0 Related frameworks and legislation

Our guidelines comply with relevant legislation.

In upholding this policy, the following legislation and frameworks must be considered by all *TassieCare* personnel:

- United Nations Convention on the Rights of the Child
- Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse
- National Framework for Protecting Australia's Children 2009-2020
- Australian Human Rights Commission National Principles for Child Safe Organisations

### **For clarification regarding this policy, please contact:**

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**Written and authorised by:** Jonathan Bishton People & Culture Manager

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