



## **Customer Feedback and Complaint Handling Policy & Procedures.**

### **1. STATEMENT OF PURPOSE**

The following policy and procedures have been developed and will be implemented to meet the requirements of:

The NDIS Scheme Act 2013 cth  
NDIS Code of Conduct Rules 2018 cth please see references for further information.  
Victorian Disability Act 2006  
National Disability Services Act 2013

All other legislative or related provisions [ie Victorian Privacy Act, Victorian Freedom of Information Act ].

In particular, the policy seeks to meet the following requirements:

“When a person wants to make a complaint, Axess Ability will make sure the person’s views are respected, that they are informed as the complaint is dealt with and have the opportunity to be involved in the resolution process”. “Each person is treated fairly by Axess Ability when making a complaint”. “Each person is provided with information and support to make a complaint”. Axess Ability has the capacity and capability to handle and manage complaints”.

We want to hear your complaints/feedback – good or bad – to help us ensure we are delivering a quality service to everyone, i.e., customers, participants, families, carers, advocates, statutory bodies, government agencies, employees, members of the public, volunteers, and contractors, including First Nations people.

### **Partners**

The Partners will oversee the complaints handling process, as required.

Ensuring that employees are trained in complaints handling.

Acting promptly on feedback and complaints in the resolution process.

Ensuring timely compliance with relevant legislative and statutory requirements, advising/ reporting to the NDIS Commission, responding to relevant government agencies as required.

Informing and referring the person making the complaint to an advocate/support person/registered outside agency if they so choose obtaining consent as required.

Ensuring monitoring of the complaints handling process and that actions are implemented and recorded in complaints register. The Partners will review complaints as a means of continuous improvement.

Axess Ability has a robust risk management plan in place to mitigate/prevent and address issues before they escalate into a complaint.

Ensuring Axess Ability complies with the NDIS Complaints Management and Resolution Rules 2018.

## **COMPLAINT HANDLING POLICY**

Each person who receives a service from Axess Ability will be encouraged and supported as necessary, to make feedback/complaints about the type or quality of services provided to him or her. They have the right to raise service issues or complain about how the service is provided extends to 'interested parties' such as the person's family, friends, advocate, and guardian, and to other members of the community who can demonstrate a genuine interest in the life and circumstances of the person (i.e., other service providers) etc. The right to complain or raise service issues includes 'Community Visitors', Axess Ability staff complaining on behalf of a person receiving services, and to persons who feel that they are eligible to receive a service from Axess Ability but who are denied access. Axess Ability will provide appropriate avenues for clients to state and have resolved to their satisfaction any complaints about the service they receive, without fear of penalty or victimisation. The complaint management processes are designed to achieve resolution at the earliest possible time and provide an opportunity to Axess Ability to review service delivery and achieve service improvement. All complaints shall be handled according to policies regarding privacy, dignity and confidentiality. Where a matter cannot be resolved within Axess Ability, then it may be taken to an independent mediator. Complaints are a mechanism for continuous improvements in all areas.

### **2. DEFINITIONS OF TERMS**

A "Complaint" may be defined as a claim by an interested party that Axess Ability has acted unreasonably towards a person: Feedback ie Compliments/Complaints

- by either providing or not providing a service
- by withdrawing or varying a service
- in the way in which Axess Ability has provided a service
- in the way Axess Ability administers a service. It is likely to be considered "Unreasonable Conduct" if the service provided does not conform to the norms and standards of practice in the relevant disability service. What is important is what another competent, diligent service provider would have done in equivalent circumstances, and what fair-minded observers would be likely to consider reasonable conduct.
- Respond to and manage all feedback and complaints in a fair, consistent, transparent and within a timely manner.
- Improve services/programs that Axess Ability provide and the way in which they are provided ie continuous improvement and take action arising from feedback
- Person Centred Plans, respect client decisions

### **3. PRINCIPLES**

The following principles capture the spirit and intent of the policy and procedures that will be implemented by Axess Ability to respond to feedback/compliments/complaints efficiently and effectively, and to ensure that the quality of services is continuously improved [from good to better within available resources].

**INFORMING:**

There is no point in having a complaint handling system if the person/individuals expected to use it don't know about it. All service recipients and 'interested parties' customers, participants, families, carers, advocates, statutory bodies, government agencies, employees, members of the public, volunteers, contractors, and First Nation peoples will be provided with a copy of Axess Ability's complaint management policy and procedures as required or requested. This information will also be available on request, in alternative formats such as large print/easy read and in brochure formats.

**SUPPORTING:**

People/Individuals who wish to make a complaint to Axess Ability might need some help in putting their complaint into words, obtaining the assistance of an interpreter/advocate /friend to support them. Axess Ability staff should provide all assistance and support necessary to ensure the complaint is made.

**RECEIVING:**

Complaints need to be accepted politely and with respect. Persons wishing to make a complaint will be deterred from doing so if they feel that they will not be taken seriously. Axess Ability staff when receiving a complaint should not be judgemental, be defensive, or offer their opinion as to whether they think that the complaint is well-founded and should be helpful and respectful of the linguistic or cultural background of the person lodging the complaint. The staff person receiving the complaint should ascertain whether the person wishes to lodge a formal complaint [either verbally or in writing]. If it is not clear from what the person has said, it is important to ask the question: "would you like me to treat this as a complaint"? If the answer is yes, then the person is to be invited to complete the 'Complaint Form' or a member of staff may complete the form if appropriate. The procedures for complaint handling must then be followed.

All people at Axess Ability understand their rights in relation to feedback and complaints, and their right to contact the NDIS Quality and Safeguards Commission directly or contact an independent support person or advocate. Axess Ability can assist as required.

**PROTECTING:**

Axess Ability will ensure that the person/individual is protected against recrimination or reprisals if they exercise their right to complain.

Rule 9 – The complaints system will be fair to all parties [i.e., the person making the complaint and Axess Ability staff] and follow the principles of 'natural justice' [i.e., staff must not jump to conclusions about where the fault, if any, may lie].

**RESOLVING:**

The emphasis of the complaints system should be on resolving problems at the earliest possible stage. The earlier the better for everyone, and ensure the best endeavours are made that satisfactory resolution of complaints can be achieved. Ensuring privacy/confidentiality is always

maintained. Natural justice will be provided to all people, with a fair hearing when looking into and making decisions about complaints.

#### **REVIEWING:**

Persons/Individuals who are dissatisfied with the outcome of their complaint should be able to request a further review by the Partners or an independent body ie Dispute resolution centre.

### **5. AWARENESS OF THE COMPLAINT PROCESS**

Axess Ability Partners will ensure that the complaint process described in this policy is clearly explained and understood by clients/staff/students/volunteers etc during their induction to Axess Ability.

All Axess Ability staff know and are trained in complaints handling based on the understanding complaints training in the NDIS Commission Complaints Management and Resolution Guidelines. Complying with any complaints-handling reporting requirements in this policy.

Being aware of what procedures to follow and what information to give to a person who makes a complaint.

Act promptly on feedback and complaints that can be resolved immediately at the local level.

Proactively discuss with the client/customer, responding promptly to feedback and complaints.

All staff are aware of their roles, responsibilities, and authorities in respect to feedback and complaints. Following this policy and procedures and what information to give to a person who makes a complaint. In need, refer the feedback and complaint to the Partners if the matter needs further mediation or requires dispute resolution.

#### **POLICY AND PROCEDURE** Complaint Handling

Axess Ability Partners will reinforce to staff the confidentiality aspects of complaints and that staff may not disclose (at any stage of the complaint) any details of a complaint that they have received except to report it to the Partners. The Partners will ensure that clients in the service are informed and are regularly reminded of the complaint process. Axess Ability Partners are responsible for openly communicating Axess Ability's complaints process in the following forums on a routine basis:

- Client/staff support meetings
- Ongoing training and support to clients in making complaints. Both formal and informal methods may be used to facilitate this goal (e.g., training sessions and photo version complaints display and
- Induction of new clients (this will include parents/guardians/carers/support network)
- Axess Ability provides access to the Complaint Handling Brochures on the notice board
- Is included in the Induction package for clients accepted into Axess Ability.

- Provided when requested by families, external advocates, guardians, carers or other stakeholders' customers, participants, families, carers, statutory bodies, government agencies, employees, members of the public, volunteers and contractors, including First Nation people.

## **6. INFORMAL COMPLAINT HANDLING PROCEDURE**

6.1 Partners/Staff Member receives an initial verbal complaint:

- The Partner/staff member receiving the complaint informs the Partners on Duty to discuss the issue with the person raising the issue/complaint.
- The Partners, identifies and clarifies the person's complaint and the outcomes expected by the complainant
- Where the issue can be resolved through mutual agreement in the service outlet, then this should be undertaken, and the informal complaint has been resolved
- Where appropriate an Incident Report may need to be completed.

## **7. FORMAL COMPLAINT HANDLING PROCEDURE**

7.1 Where the complaint cannot be mutually resolved in the service outlet, the Partners will inform the complainant of ACESS Ability's complaints handling processes and procedures

7.2 The person will be provided a 'Complaint Form', which summarises:

- the complaint
- the outcomes expected by the complainant
- provides contact information for the complainant

7.3 The Partner's will assist the person with completing the Complaint Form when requested.

7.4 The 'Complaint Form' will be handed to the Partner's as soon as it has been received. This should occur as soon as possible and by no later than 48 hours after receiving the complaint [if complaint lodged during the weekend]. 7.5 In the case of very serious complaints [e.g., criminal activities or allegations of physical, sexual, or emotional abuse] this must be reported immediately to the Partners, and acted upon as per NDIS Guidelines and timeframes.

## **8. RESPONSIBILITIES FOR COMPLAINT HANDLING**

8.1 Partners i. Very serious complaints must be immediately reported to both Partner's, (refer to iv below for examples of serious complaints).

ii. Where the complaint is not a serious matter, review 'Complaint Form' and determines if immediate action can be taken to resolve the complaint

iii. If appropriate, seeks to immediately resolve the complaint and verbally advises complainant of action being taken, and in writing if requested

iv. Decide whether the complaint is serious and requires both Partner's to be notified immediately. A complaint would be considered serious if it is:

- potentially involving a criminal action such as assault, abuse or fraud that needs to be referred/ investigated by the Police or the individual can directly report to NDIS/Police.
- potentially related to a complaint about neglect of client needs
- about the unprofessional or unethical behaviour of a staff member (breaches Policies and Procedures of Axxess Ability).

v. Notes immediate action taken or recommendations if any, and forwards Complaint Form to the Partners. This should occur as soon as possible and no later than 24 hours after a complaint has been received; Axxess Ability Partner's

i. Will consider information in the 'Complaint Form'. The Partner's will determine if immediate action can be taken to resolve the complaint

ii. If the complaint has been resolved, signs-off the complaint form for entry in the complaint register, as completed. Attach any correspondence that has been forwarded to the complainant.

iii. Where action taken has not led to resolution or the complaint is complex, the Partner's may seek external assistance as required

iv. Set time frame during which the complaint concern must be investigated and responded to [generally set at a maximum of 4 weeks or 6 weeks for a complex matter].

v. If the issue is complex or needs to be managed independently of Axxess Ability, Axxess Ability will seek external assistance as required. Where the complaint is serious and involves notification of the Police, the Partners will oversee the complaint.

vi. Ensures that all complaints and the outcomes of complaints are appropriately recorded on the 'Complaint form Sheet' and that the Partner's where appropriate:

- log all Complaints on the Complaint Log Page
- maintains accurate records in the event of further investigations
- monitors trends and identify staff who may require additional supervision, support, or training
- assess, reviews, and monitors the adequacy or otherwise of current policies, procedures, and practices.

vii. In those instances where the complainant seeks a review or appeals a complaint decision, an independent external agency/qualified professional will be engaged by Axxess Ability.

viii. Where a complaint cannot be resolved, aids the complainant, or refers the complainant to an external body for examination of the complaint, such as:

- Vic Ombudsman
- Complaints Resolution and referral Service

- Intellectual Disability Rights Service
- Human Rights & Equal Opportunity Commission.

The Partner's will also be responsible for:

- i. Oversight of the actions of Axess Ability in managing complaints
- ii. Review/monitor complaint handling practices
- iii. Hear an Appeal about a Complaint Outcome

iv. Supervise the investigation of serious complaints involving suspected criminal or corrupt conduct; and v. Consider proactive measures that will address issues related to any consistent areas of complaint. All complaints will be recorded, and copies kept in relevant files. Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all agreed actions and decisions made in relation to the complaint. All records must be marked "Confidential".

- Only the people who are directly involved in the complaint, or in helping to resolve it, are to have access to information about the complaint.
- All documentation of complaints managed under this policy will be held by the Partner's
- Complaint documentation is to be kept separate from client or staff files.
- Complaints will be kept confidential and will be dealt with in an agreed time frame (no longer than six weeks).
- Confidentiality and Recording: the privacy and confidentiality of parties will be respected to the extent practicable and appropriate; accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions.

## **9. TIME-LINE OF COMPLAINTS MANAGEMENT**

Complaints received by Axess Ability will be responded to in a timely manner. Consideration of factors that may influence the response timeframe, such as potential risks posed to a person or agency will be considered. Axess Ability will acknowledge complaints as soon as possible following receipt of the complaint. Acknowledgement will include advising the complainant of the Axess Ability Partner/Partners who will be handling the complaint and an anticipated time when that person will make further contact. Acknowledgement may be made in person, by phone, email or in writing. Timeframe: within 48 hours of receipt. Response to a complaint should commence as soon as practicable, within two weeks of receipt. For complex complaints and complaints of a sensitive nature it may be necessary to investigate the matter or seek information from external parties. When a matter is going to take a longer period to resolve, the complainant should be kept informed of progress at regular intervals, at least every week or as agreed with the complainant. Timeframe: within 2 weeks of receipt Finalisation of a complaint will be dependent on the response required. Complaints that are unambiguous in nature should aim to have an outcome within two weeks of the commencement of investigation. Complaints of a complex and sensitive nature may take a longer period to finalise, dependent on results of any investigation or enquiries made. The complainant should be contacted at

the end of the complaint handling process to communicate the resolution achieved, any agreed outcomes and to discuss any ongoing issues that may remain

Timeframe: simple - within 4 weeks of receipt

Timeframe: complex - within 6 weeks of receipt POLICY AND PROCEDURE MANUAL

Follow up of a complaint resolution or outcome will be undertaken by Axess Ability within 4 weeks of finalisation to ensure that the resolution/outcome agreed upon has resulted in maintaining or improving a client's service and or workplace environment. This should occur within four weeks of the finalisation of a complaint investigation. After a resolution has been reached, written or verbal reports will be made available to all parties concerned.

Process of Appeal: A complainant may not be satisfied with the initial response provided to a complaint. In such instances Axess Ability will review the complaint handling process followed in the initial response and may further investigate matters and/or reconsider the original decision when appropriate.

**EXTERNAL AGENCIES FOR COMPLAINTS** There are a number of external mechanisms for complaints resolution such as:

- NDIA/NDIS
- TAC
- The Victorian Disability Commissioner
- Aboriginal Legal Service Co-operative Ltd
- Commonwealth/Victorian Ombudsman

## **COMPLAINT HANDLING PROCEDURES**

### **WHAT IS A COMPLAINT?**

A "Complaint" is a claim by a person that Axess Ability has acted unreasonably towards any person receiving services.

If you think that something should have been done differently or that something has not been done, then you have a right to make a complaint and have it fixed.

### **WHAT SHOULD I DO IF I HAVE A COMPLAINT?**

The person will raise the matter with a Partner/staff member to identify what the issue is and how they expect it can be resolved.

You need to tell the person providing care about what issue you have about the care provided. You should clearly state what the problem is and how you would like it to be resolved. It may be necessary for you to raise the issue with the Partner's to give them an opportunity to resolve the issue.

### **WHAT IF THE COMPLAINT IS NOT RESOLVED?**

When an issue cannot be resolved to the satisfaction of the person, the person in-charge will explain the complaint handling process used by Axess Ability. Where the person decides to make a formal complaint, the person in-charge will assist the person to complete a Complaint Form.

When you are not satisfied with the way the complaint has been handled, you should make a formal complaint. The Partners of Axess Ability will explain what to do and help you fill in the form [if you are unable to fill in the form the Partner's will fill it in with you].

#### **WHAT THEN HAPPENS TO YOUR COMPLAINT?**

When the Partner's receive a complaint form, he or she will talk to the staff and find out what ways the complaint may be able to be resolved. In some cases, the Partner's may need to seek an independent person to investigate the matter and provide a report on the issue. If an investigation is needed to examine the matter, the person making the complaint will be informed of progress during the investigation.

You will be told what is happening to the complaint as soon as possible. The Partner's will gather all relevant information and may be able to give you a satisfactory resolution to the matter. If the issue is more complex, then you will be told in writing within 5 days of the complaint, what action is being taken by Axess Ability. When an investigation of the issue is needed, you will be regularly informed of what is happening.

#### **First Nation Peoples**

The cultural needs and interests of First Nations people must be considered in the taking of the complaint.

It is noted that additional considerations may be required to support, enable, and respond to feedback and complaints from First Nations clients.

These specific factors may include, for example, the provision of information to family, elders, kin, and community, seeking specific cultural advice, and developing specific resources.

#### **WHAT IF MY COMPLAINT IS NOT RESOLVED?**

When the complaint has been investigated the Partner's will contact the person making the complaint and explain how Axess Ability plans to resolve the matter. The person making the complaint may accept the proposed resolution and the issue is then considered resolved. However, the person may wish to appeal this decision, if the appeal is unsuccessful, the Partners will explain other external bodies that can be asked to assist with the complaint.

Throughout the complaints process, debriefing will be offered as required/requested to any party.

#### **REFERENCES**

|                                  |   |
|----------------------------------|---|
| Forms                            | Complaint Form Access Ability<br>Complaint Form NDIS reporting Quality and Safeguards<br>Information Sheets<br>NDIS Feedback and Complaints   |
| References & Work Instructions   | NDIS Act 2013 /Rules 2018<br>TAC Complaints Flow Chart<br>Charter of Human Rights and Responsibilities Act 2006<br>Disability Act 2006 Vic<br>Freedom of Information Act 1982 cth<br>Health Records Act 2001 Vic  |
| Relevant Policies and procedures | Complaints Reporting<br>Incident Policy and procedures<br>Debriefing Policy & Procedure<br>Safeguarding Policy & Procedure<br>Continuous Improvement  |
| Relevant Standards               | NDIS Practice Standards and Quality Indicators<br>Feedback and Complaints Management.<br>National Disability Services Act 2013 section 73e cth the act<br>NDIS Complaints Management and Reportable Incidents Rules 2018cth<br>NDIS Code of Conduct Rules 2018<br>Privacy and Data Protection Act 2014 Vic<br>Victorian Civil & Administrative Tribunal Act 1998 Vic<br>1HSS - 1.1 Understanding Rights & Responsibilities, 1.2 Exercising Rights & Responsibilities<br>2HSS - 2.3 Needs<br>Code of Conduct<br><br>QIP Standards: |
| Contact Person                   | Nigel Head (Owner/Partner) – 0481056715<br>Michelle Scarlett (Owner/Partner) – 0481066538   |

#### APPROVAL AND REVISION HISTORY

| FORM No | Approved/Amended/Rescinded | Date     | Name       | Position            |
|---------|----------------------------|----------|------------|---------------------|
| FC0001  | Approved                   | 23/10/17 | Keith Rose | Committee President |
| FC0001  | Amended                    | 15/05/20 | Nigel Head | Partner             |
| FC0001  | Reviewed                   | 17/3/22  | Nigel Head | Partner             |
|         |                            |          |            |                     |