

Statement

St Giles Society Limited (known as the Organisation hereinafter) is committed to ensuring that the Board, casual and permanent employees, contract staff, volunteers, visitors, other service providers and the community are provided with appropriate avenues to seek information or address issues, concerns or complaints arising out of interactions with the Organisation and recognises that such matters are best addressed at the earliest opportunity. The Organisation will not treat anyone less favourably for raising an issue or complaint.

The Organisation operates within the requirements of all relevant Tasmanian and Federal legislation.

Purpose and Scope

The purpose of this document is to ensure staff, participants, visitors, other service providers and the community that the Organisation operates in, have avenues to address issues or complaints arising from interactions with the Organisation and that they are dealt with in a fair, just, effective and timely manner. The Organisation's Complaint Management and Resolution Policy and Procedure is developed in accordance with the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 and reflects the NDIS Quality and Safeguards Commission "Effective Complaint Handling Guidelines".

Definitions and Acronyms

Participant - Any person (child or adult) to whom the Organisation provides a service.

Complaint - A complaint is an expression of feedback, concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person.

Direct Complaint - involves an approach to staff by an individual to outline a complaint. If staff are unable to assist with a resolution, or the complainant is dissatisfied with the resolution, they are referred to the relevant Manager.

Formal Complaint - includes all written complaints and any verbal complaints that cannot be dealt with as informal complaints.

Informal Complaint - an expression of dissatisfaction that usually can be dealt with promptly and to the complainant's satisfaction at the point of services.

Staff - People who perform duties as directed by an organisation. Staff include employees, volunteers and contractors.

Employees – People who are paid wages or salary by the Organisation to perform duties.

Amendments

This policy will be reviewed and updated on an as-needed basis; input is encouraged from Board members, employees and volunteers to advise the Organisation's Quality Manager of any changes required.

Responsibilities

It is the responsibility of Board members, casual, permanent and contract employees and volunteers to adhere to the Complaints Management and Resolution Policy & Procedure at all times.

Chief Executive Officer

- Providing leadership in demonstrating a commitment to the resolution of complaints made to the Organisation.
- Ensuring there is an effective, timely, impartial, and just system for dealing with complaints.
- Regular reporting on complaint trends to the Board.
- Making final decisions relating to complaints received.

Managers

- Management and monitoring of complaints handling within their services. The Senior Manager – Quality and Risk is responsible for coordinating the handling of complaints and ensuring the complaint is properly managed.
- Exercising primary responsibility for receiving and resolving complaints and any conflict in their area in a timely and fair way.
- Advising people of their right to make a complaint.
- Providing assistance to people who have a complaint.
- Providing independent, impartial and confidential information to complainants about the procedure for dealing with complaints, including listening to the issues and helping the person clarify the facts.
- Conducting internal reviews of complaints regarding process and content.
- Identifying systemic issues arising from complaints and making recommendations to the Chief Executive.
- Keeping all information regarding complaints confidential amongst the staff concerned with its resolution.
- Ensuring the correct procedure is followed for all mandatory reporting, which may include referral to the Police or other agencies for investigation, such as the NDIS Commission, WorkCover and Child Safety.

Staff

- Reporting complaints to their Manager in a timely manner.

Complainants and Respondents

- Providing a clear and honest account of their concerns and their expectations for the outcome of their complaint, including providing all relevant information and documents to assist in the investigation and resolution of the matter.
- Engaging openly in the complaint handling process, including participating in discussion with other parties to resolve the concerns.
- Responding to requests for information in a timely manner.
- Respecting those individuals involved in the complaint handling process.

Training

Managers, including any delegates, will be trained to fulfil the requirements of this procedure.

The process for complaint management is provided to all staff at induction and refreshed annually. Training is also provided internally as identified, with training records being maintained. The Organisation may use an external provider such as the Anti-Discrimination Commission to support training.

Policy

The Organisation is committed to ensuring the delivery of safe and quality supports and services to all people accessing the Organisation, and in accordance with the Organisation's Participant Rights Policy, participants are supported to advocate for their rights and in exercising choice and control within their life.

To achieve this commitment, the Organisation will:

- Facilitate open and honest communication throughout the complaint process, affording an effective means to address issues or concerns;
- Ensure that appropriate support and assistance is provided to any person who wishes to make, or has made a complaint;
- Provide formal resolution structures if required;
- Ensure affected parties are aware of the relevant procedures, options and the rights available to them;
- Offer right of access to relevant and appropriate external organisations to address unresolved complaints and grievances;
- Ensure conventions of confidentiality, privacy, and obligations at law; including mandatory reporting obligations.

It is the Organisation's policy to enable participants, their families and representatives, visitors, staff, volunteers, other service providers and the community to provide feedback or raise a complaint about any aspect of the Organisation's service. Quality complaint management results in the person feeling valued and that their complaint has been taken seriously. It is a valued method for ensuring participant needs and services are continuously improved.

The aim of this policy is to improve the quality of services provided by adopting a positive, blame-free approach to resolving complaints. The Organisation will make all reasonable efforts to understand issues or concerns, and resolve complaints within the service when they arise.

The timely and efficient management of complaints fosters a positive, cooperative attitude with participants, their families and representatives, visitors, staff, volunteers, and other service providers; which works to improve participant and stakeholder satisfaction.

Complaints will be addressed promptly with the aim of providing a formal response within 5 business days. The Organisation will communicate with complainants openly and regularly while working to resolve a complaint. Where appropriate, the complainant will be actively involved in resolving the issue. Once a resolution has been reached, the Organisation will talk with the complainant to make sure they're satisfied with the outcome of the complaint.

If the complainant is not satisfied with the outcome of a complaint, they can ask the Organisation for an internal reconsideration of the decision. The Organisation can also assist the complainant in accessing external complaint resolution mechanisms.

The complainant may also choose to submit a complaint to the NDIS Commission. A complaint can be made to the NDIS Commission by:

- Phoning: 1 800 035 544 or TTY 133 677. Interpreters can be arranged.
- National Relay Service and ask for 1 800 035 544.
- Completing a complaint contact form, available from the NDIS Commission Website: www.ndiscommission.gov.au

Confidentiality

- All information regarding complaints will be kept confidential amongst the staff concerned with its resolution.
- Complaint documentation will be kept in a safe, locked place and accessible only to staff who have permission/access to view the complaint.
- Complaint information may be forwarded to the Senior Leadership Team as part of ongoing improvement activities within the service.

Statistics on all types of feedback including complaints will be recorded and used to inform ongoing improvement activities within the Organisation. For this purpose, feedback may be disseminated to management and other staff. However, the identity of the complainant or persons named in the feedback will not be disclosed.

Procedure

All complaints will be taken seriously and managed in a respectful and professional manner.

Ease of Access

This Complaints Management and Resolution Policy and Procedure is easily accessible, simple to understand and well-publicised to ensure ease of use. All participants, staff and stakeholders should be advised of the Complaints Management and Resolution Policy and Procedure at their first point of contact with the Organisation. Provision of the Complaints Management and Resolution Policy and Procedure is available in Easy English and can be arranged in languages other than English, in braille or via an audio recording upon request.

Timeliness

The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issue(s) raised, to ensure that all parties have access to an appropriate resolution.

Staff will be supported in trying to resolve complaints at the lowest level possible (as designated appropriate) to ensure timely and efficient handling and to reduce the potential for unnecessary escalation of concerns.

Natural Justice and Procedural Fairness

All parties will be afforded natural justice and procedural fairness in the handling of complaints raised by an individual. This includes:

- Ensuring that all parties to a complaint know what to expect during the complaint handling process.
- Carrying out the complaint handling process in a transparent manner.
- Providing all parties with equal opportunity to participate in the process.
- Treating all parties in a respectful manner.
- Providing reasons for decisions made.

Equity

Actions and decisions in relation to complaints will be made having regard for the age, culture, disability, language, religion, gender and sexuality of the parties.

A complainant will not be disadvantaged or adversely affected through lodging a complaint in good faith, regardless of the outcome. The Organisation will ensure the involvement of any advocate, guardian or informal decision maker, as appropriate, for any participant affected by an issue raised in a complaint.

Complainants and respondents will be entitled to be assisted by a support person who may be a member of the person's family, a friend, carer or other person (not being a solicitor, barrister or other legally trained person).

Confidentiality and Recording

The privacy and confidentiality of all parties will be respected to the extent practicable and appropriate, with consideration for the Right to Information Act 2009 (TAS) and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 (Cth).

Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions. Records will be retained in accordance with the Organisation's Archiving Policy and Procedure, and for the purpose of reviewing issues raised, identifying and correcting systemic issues, and reporting information to any relevant body, such as the NDIS Commission, child and consumer protection agencies, work health and safety agencies or medical or professional accreditation or monitoring bodies.

Resolution

The Organisation will ensure that both the person involved in the complaint and any affected participant will be appropriately informed of the progress and involved in the resolution of the complaint. This includes appropriate sharing of actions taken, reasons for decisions made and options around having decisions reviewed.

Following due consideration of the complaint, fair and reasonable remedies will be offered where appropriate. There will be regular monitoring, review and reporting of complaints received, and any actions taken.

Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of the service delivery and workplace operating environment. The QMS Team will ensure that complaints relating to quality and safety issues are appropriately managed, that systemic issues are

identified through regular review and analysis and improvement actions taken. The operation of the complaints handling process and findings will be reported to the Chief Executive.

Declining Complaints

The Organisation may decide not to deal with a complaint at any time. This decision may be taken when the Chief Executive and Manager (in consultation with the Board, where necessary) form the view that:

- The complaint is:
 - Frivolous
 - Vexatious
 - Not made in good faith
 - Misconceived
 - Lacking in substance
 - Lacking in currency
- A claim has been commenced (either by the complainant or the Organisation) in a court or before another judicial authority
- The subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency
- The Organisation has already dealt with the substance of the complaint in the past

Referral of Complaints

In general, the Organisation will delegate an authorised person to consult with the complainant to determine how the complainant wishes the complaint to be managed, and the outcomes the complainant is seeking, without reference of the matter to third parties. The authorised person will ensure the complaint is recorded in full on the Organisation's Compliments and Complaints Form.

However, where the complaint implies serious misconduct (for example, serious risk to the health and safety of staff or participants, or a criminal offence), or where mandatory reporting is legislated, the Organisation has an obligation to deal with the matter under the relevant legislation and policies. This may require referral of the matter to the Police or other agency for investigation; for example, the NDIS Commission, WorkCover, and Child Safety.

Records

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 that relate to management of the complaint, and all decisions made in relation to the complaint. All records must be marked "Confidential".

Authority

Individuals involved in handling complaints will have the necessary authority and management support to carry out the process effectively, and will have access to appropriate training and resources to fulfil their role where specific skills are required (such as mediation).

Conflict of Interest

Individuals who may have a conflict of interest in the matter cannot be involved in the management of a complaint.

How to Make a Complaint

- Issues, concerns or complaints raised should be discussed with a Manager who is not involved in the matter or the Senior Manager – Quality and Risk in the first instance.
- The complainant may wish to seek advice from an independent agency before making a complaint.
- Complaints can be made in writing, in person or by phone. Complaints may also be lodged anonymously,
- Complainants are encouraged to make their complaint in writing to assist with understanding the nature of the complaint and ensure that the facts provided are correct.
- Complainants are encouraged to complete the Compliments and Complaints Form.

- Complaints should be made as soon as practicable after the event.
- If a complaint is made against the Chief Executive an independent, external investigator will be appointed to prevent any accusations of bias and/or pre-determined outcomes.
- Complainants will not be treated differently or be disadvantaged for making a complaint.
- Complaints will be acknowledged within 5 days of receipt where contact details are provided.

Support with Making a Complaint

- Complainants have the right to seek assistance and support from advocacy services, a Manager from within the Organisation, the employee assistance program or member organisations in raising a complaint.
- Complainants have the right to have a support person present during the complaint handling process.

Processing Complaints

Complaints are:

- Registered on the Complaint Register,
- Acknowledged within 5 working days,
- Referred to the relevant Manager and investigated where required.
- Wherever possible, complainants should resolve their complaints directly with the person/s involved with support of the appropriate Manager.
- If an investigation is required, meetings will be arranged as required with both the complainant and the respondent. Support persons may attend for all parties.
- All reasonable steps will be taken in order to resolve the matter.
- If a matter is unresolved it may be referred to an external body e.g. NDIS Commission, WorkSafe Tasmania, Fair Work Commission, Anti-discrimination.
- Findings of an investigation are communicated to the parties in writing.
- Feedback on how the complaint was managed and resolved is sent to the complainant once the complaint is closed.

Expected Outcomes

Expected outcomes from complaint resolution may include:

- Gaining commitment to cease the behaviour
- Providing training to individuals (e.g. communication skills, diversity awareness, inter-personal skills) or organisation-wide
- Remedial actions for any person adversely affected (e.g. specialist training or counselling)
- Providing coaching, counselling support and/or mentoring
- Reviewing relevant workplace policies with staff and managers
- An apology
- Mediation
- A structured program to reintegrate a person into the workplace
- Moving a perpetrator away from the affected person
- Implementing action in accordance with the Organisation's Code of Conduct
- If the complaint is found to be vexatious or malicious, counselling should be provided for the target and the perpetrator in accordance with the Organisation's Code of Conduct
- The Organisation conducting follow up reviews to ensure the wellbeing of the parties involved and actions taken to stop the offending behaviour/conduct have been effective.

Relevant Legislation

- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- Anti – Discrimination Act 1998 (Tas)
- Disability Services Act 2011 (Tas)
- Disability Discrimination Act 1992
- Privacy and Personal Information Protection Act 1996 (Tas)
- Australian Human Rights Commission Act 1986
- Treasury Laws Amendments (Enhancing Whistle-blower Protections Bill) 2018
- Whistleblower Protection Act 1994
- Working with Children (Risk Management and Screening) Act 2000
- And all relevant Tasmanian and Federal legislation.

Relevant Documents

- Code of Conduct
- Compliments Policy and Procedure
- Compliments and Complaints Form
- Participant Rights Policy
- Participant and Child Protection Policy and Procedure
- Incident Management Policy and Procedure

Appendix A - Participant Informal Complaint Flowchart



Appendix B - Participant Formal Complaint Flowchart

