

# Manage complaint

Version: 2

Published: 18 May 2022, 1:00 PM

Last edited: 18 May 2022, 1:00 PM

Approved: 18 May 2022, Kylie Ditchburn

Next review: 6 Feb 2023

## Start

This process is about complaints made to a provider, not complaints about the NDIS.

Complaints are important as they help us identify issues and improve our services. All workers are trained in the complaint process and in providing participants information on the complaints process. Information on how to make a complaint is provided:

- when participants start new supports or services
- at any time upon request
- annually (for existing participants).

Policies relevant to this process



Complaint management

### Next:

Receive complaint (step 1)

## 1. Receive complaint

Before submitting a complaint, we encourage the participant or representative to talk to the person they have a concern with. If this does not help to fix the problem, we encourage the person to submit a complaint.

If we become aware someone wants to make a complaint, we:

- ensure appropriate support and assistance is provided to any person who wishes to make a complaint
- ensure that the complainant or participant affected by the complaint know they can take their complaint to the commissioner, if they wish.

If a participant wants advice or support to make a complaint, we will suggest they contact an external advocate or the NDIS Complaints Commissioner.

Participants, their family/guardian or advocate, are able to make complaints directly to the commissioner about a provider's services or conduct. If you make a complaint to the commissioner about our conduct or services, we are prepared to:

- work with the commissioner by providing information, advice and assistance
- where possible and appropriate, work towards a mutually agreed resolution with the participant affected by the issue.



Step performed by Administration

Policies relevant to this step



## Complaint management

### Who can make a complaint?

#### Next:

Record complaint (step 2)

## 2. Record complaint

When recording a complaint capture as much detail as possible to understand the concerns. The information should include:

- what happened
- where it happened
- date and time of the incident
- who was involved
- any witnesses
- what the desired outcome is.

When a complaint is received:

- acknowledge and assess the complaint in a fair and timely manner
- provide the complainant expected time frames for actions
- take appropriate action in relation to the issues raised in the complaint
- keep accurate details of the complaint
- take reasonable steps so complainants, or participants affected by the complaint, are not adversely affected as a result of making a complaint
- ensure that information provided in the complaint is kept confidential.

Keep accurate information of complaints received including decisions made, actions taken and eventual outcomes. Records of complaints must be kept for 7 years from the date of the complaint. Complaints records:

- enable reviews of any complaints received
- assist in identifying any systemic issues raised
- allow a better response to the Commissioner, if required
- must be stored securely and accessible only by the people handling complaints.



## Step performed by Administration

#### Next:

Categorise complaint (step 3)

## 3. Categorise complaint

Categorising complaints helps to prioritise based on seriousness. By law, complaints involving serious incidents may need to be reported to other bodies. When we assess and prioritise complaints, this is in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and escalated appropriately. In our complaints system, complaints are categorised as follows:

- standard complaints - complaints that involve dissatisfaction about a decision made, the conduct of a worker, how services are being delivered, or allegations of discrimination
- serious complaints - complaints related to incidents that involve:

- o fraud
- o physical or sexual assault, or sexual misconduct of a participant committed by an employee
- o physical or sexual assault, or sexual misconduct of a participant committed by another participant while in the care of the provider
- o abuse or neglect
- o serious unexplained injury
- o death of a participant
- o unauthorised use of restrictive practices.



Step performed by Administration

**Next:**

What is the category of the complaint? (decision A)

## A. What is the category of the complaint?

Standard (step 5), or

Serious complaint (requires referral) (step 4)

## 4. Serious complaint

Is the complaint related to an incident?

While we are careful to keep all complaints confidential, disclosure of complaints related to serious incidents may need reporting to third parties as required by law. This includes any complaints related to a child at risk, criminal activity, or a reportable incident.



Step performed by Administration

**Next:**

Is the complaint related to an incident? (decision B)

## B. Is the complaint related to an incident?

No (step 5)

## 5. Resolve complaint

Resolve the complaint keeping in mind:

- procedural fairness must be applied when communicating with the participant affected
- procedural fairness must be applied when making decisions
- to ensure the participant's involvement in the resolution process
- to keep the participant affected informed during the resolution process
- to inform the participant affected on the reasons for any decisions made
- to provide the participant affected ample time to provide feedback or to request redress or review.



Step performed by Administration

**Next:**

Follow up complaint (step 6)

## 6. Follow up complaint

After the complaint is resolved, follow up with the complainant to check that resolution actions are effective.

If a complainant (the person making the complaint) is not satisfied with the way a complaint has been handled, they can take their complaint to the NDIS Complaints Commissioner. Complaints can also be made directly to the Commissioner. When a complaint is received by the Commissioner, the Commissioner may:

- take no further action, such as when:
  - the complaint was not valid
  - there wasn't enough information provided
  - the complaint or issue has been resolved, or in the process of being resolved
  - the complaint was withdrawn
  - the complaint was referred to another agency or body
- provide assistance or advice to the complainant or participant affected by the issue and the provider
- start a resolution process, which may:
  - require the provider to try and resolve the issue
  - request the related parties resolve through conciliation
  - require the provider to take remedial action to resolve the complaint or issue
  - involve other action as deemed appropriate by the Commissioner
- arrange an inquiry:
  - if there are concerns regarding the issues connected to the complaint
  - if there are concerns regarding a series of complaints.

Complaints to the Commissioner may be referred to other agencies or bodies if needed. This could include any complaints relating to:

- non-compliance with the NDIS code of conduct
- inappropriate or unauthorised use of restrictive practice
- employee screening issues e.g. if an employee of the provider was found to have a criminal history (for more information, refer to the Worker Screening Policy)
- incidents relevant to other bodies (police, consumer affairs agencies or other regulatory bodies).



Step performed by Administration

**Next:**

Review complaint (step 7)

## 7. Review complaint

Review the complaint including:

- the cause
- the resolution

- follow up feedback
- lessons learned.

Document the review as it will assist in the continuous improvement process.



Step performed by Administration

**Next:**

Monitor complaints (ongoing) (step 8)

## 8. Monitor complaints (ongoing)

At regular intervals, key management personnel review all complaints recorded to:

- check that complaints are being resolved in a timely fashion
- look for patterns which might indicate systemic issues
- look for patterns which might indicate improvements.



Step performed by Administration

**Next:**

End

## End

Key management personnel should review complaints on an ongoing basis to identify organisational opportunities for improvement. This includes reviewing individual complaints as well as looking for complaint trends in order to identify opportunities for systemic improvements, including improvements to the complaints process.