

Complaints Management and Resolution

1. What is Ability SDA policy?

- Feedback, including complaints, suggestions and compliments, are welcomed and important to make sure the services we deliver are good and of the highest quality.
- We recognise, respect and encourage the rights of people to raise complaints and give feedback without fear.
- Feedback and complaints can be given in writing, by email, fax, by speaking to someone or any other method of communication.
- We regularly ask for feedback about our services through surveys, service reviews, formal customer consultation meetings and encouraging informal feedback from customers.
- How feedback or complaints are given will not affect how quickly we respond to you or the result of the response.
- If staff work with children we will train them to consider their vulnerability and listen carefully to any complaints they make as they may not use adult “complaint” language.
- Complaints about services received are handled in line with relevant legislation.
- All complaints are recorded so our team can find trends, identify risks and make recommendations for improvements at an individual, service or organisational level.
- We practice a standard approach to complaints management.
- Feedback and complaints are managed in a fair and transparent way. We always try to reach a positive result.
- We encourage good listening and communication to make decisions based on proof of evidence, instead of speculation or suspicion.
- Whenever possible complaints will be resolved within 35 days.
- Personal information will not be shared with anyone without your written permission, unless we have concerns for your safety or we are required to by law. For example Mandatory Reporting of child wellbeing concerns.
- People are updated about the progress of their complaint and involved in the resolution process.
- We promote our feedback and complaints process.
- This Policy does not cover an Employee grievance. These should be lodged and managed by following our Grievance Policy and Procedure.

2. Who needs to know about this Policy?

- All Ability SDA Staff
- All Ability SDA customers

3. Equity and Access Considerations

For the communication and implementation of this policy, we:

- All actions and decisions are made thinking about the age, culture, disability, language, religion, gender and sexuality of older people, people with a disability, their carers and advocates.
- Information is communicated and feedback is asked for in user-friendly formats to suit the needs of customers, families, carers and target groups in the community.
- Our staff can speak to specialist resources when handling complaints from Aboriginal people and Torres Strait Islanders, or people from different cultural and language

backgrounds. Interpreters can be found through the NSW Government Translation and Interpreter Service (TIS).

- Any person making a complaint to us has the right to ask an advocate to assist them. Our staff tell the person making the complaint that they have the right to involve an advocate and make all efforts to help them find an appropriate advocate if requested. A list of advocacy services is available in the Help Us Improve Our Service brochure.
- When a child or young person makes a complaint, our staff offer to find a support person to help them during the complaint process.
- Our staff ask for the person making the complaint's permission before referring them to an interpreter or advocate.
- The Complaints and Feedback Notification Form and Help Us Improve Our Service brochure are available to everyone on our website under "Feedback".
- Consider if the physical environment is accessible.
- Use different communication methods to add to or replace speech or writing for people with impairments. These methods include the display of text, large print, tactile communication, easy English, accessible multimedia and accessible information and communications technology.

4. Cultural Diversity

- Employees make sure services are provided with sensitivity to and awareness of the beliefs and practices of customers from different cultural and language backgrounds. This includes the needs of Aboriginal and Torres Strait Islander people, their families and communities.
- Communication about this policy should be done in a way that suits each individual with respect to their cultural background. For example, use of an interpreter.
- We use the advice and guidance of key community members and organisations to strengthen relationships with people from Aboriginal and Torres Strait Islander backgrounds.
- We develop connections with culturally appropriate organisations and groups to encourage the meaningful participation of people with a disability

5. Who is responsible?

Directors

- Encourage an environment where complaints are handled seriously and thoroughly.
- Make sure an effective, fair and transparent complaint management system is developed and in place.
- Make sure appropriate resources are available and used for effective complaint management.
- Regular reporting on complaint trends to the Board of Directors.
- Make sure appropriate actions are implemented to prevent similar problems from occurring.
- The final review and approval of this policy.

Managers / Supervisors

- Promote the Feedback and Complaints Policy and Procedure to staff and customers
- Show on-going improvement of the complaint management system.
- Show a positive attitude towards solving complaints and encouraging customers and staff to feel confident about raising issues.

- Support staff if a complaint has been raised against them by giving them the chance to respond so their version of events is heard.
- Commit to providing staff training on complaints management
- Maintain this policy, its related procedures and documents.
- Make sure the policy is effectively implemented in their service.
- Make sure staff follow the requirements of the policy.
- Make sure staff are provided with training and information on the importance of recognising and respecting the legal and human rights of people who use the service.
- Make sure staff are provided with training and information so they are skilled in identifying and addressing risk factors and in responding effectively and proactively to allegations of abuse or assault.
- Make sure staff are familiar with the requirements of the policy, and have necessary skills, knowledge and ability.

All Employees and Contractors

- Support our commitment to the timely and fair resolution of complaints.
- Understand complaints, compliments and suggestions are welcomed and are a valued opportunity to improve service.
- Understand their role in receiving, responding to or forwarding complaints.
- Respect the privacy and dignity of the person making the complaint and making sure the information about a complaint will only be shared on a need to know basis, within the organisation and externally.
- Review of the Feedback and Complaints Policy and Procedure and providing input on ways the process could be improved.
- Follow the requirements of the policy.
- Complete mandatory training in relation to this policy.

6. Legislation & Standards Compliance

- NSW Disability Inclusion Act 2014
- National Standards for Disability Services 2013
- Home and Community Care Act 1985
- Home and Community Care Amending Agreement 1999
- NSW Home Care Service Act 1988
- NSW Youth and Community Services Act 1973
- NSW Commission for Children and Young People Act 1998
- NSW Children and Young Persons (Care and Protection) Act 1998
- NSW Community Services (Complaints, Review and Monitoring) Act 1993 – CS-CRAMA
- NSW Ombudsman Act 1974
- Privacy Act 1988
- NSW Privacy and Personal Information Protection Act 1998
- NSW Protected Disclosures Act 1994
- NSW Health Records and Information Privacy Act 2002
- Commonwealth State and Territory Disability Agreement 2002-07
- NSW Government Disability Policy Framework
- ACT Public Interest Disclosure Act 1994
- ACT Public Sector Management Act 1994
- ACT Public Service Customer Service Standard Best Practice Complaints Handling Standards
- ACT Children and Young People Act 2008
- ACT Disability Services Act 1998

- ACT Health Records (Privacy and Access Act) 1997
- ACT Ombudsman Act 1989
- ACT Human Rights Act 2004

b. Procedure - Complaints Management and Resolution

1. Our commitment

We are committed to handling complaints in a fair and open way. Every effort will be made by Ability SDA to resolve the complaints it receives to the satisfaction of everyone involved.

If you make a complaint, you can expect that we will:

- treat you with respect
- tell you what to expect while your complaint is being looked into
- carry out the complaint handling process in a fair and open way
- provide reasons for decisions that are made
- protect your privacy.

2. Who can make a complaint?

Anyone can make a complaint to Ability SDA. You do not have to be receiving services from us to make a complaint. You may make a complaint on behalf of someone else. Anonymous complaints will be accepted and investigated as far as possible.

3. How do I make a complaint?

Complaints can be submitted by:

Phone: 0411 266 040
Email: info@abilitysda.com.au
Online: N/A
Postal address: PO Box 971, Mona Vale NSW 1660

We will help you if you need assistance in making a complaint. For example, we can organise an interpreter if you need one.

You may wish to have an advocate or someone to act on your behalf to help you make a complaint. There are a number of advocacy services that provide this kind of help.

4. The Complaint Process

4.1 Receipt of complaints

A complaint can be received in written form (Complaint Form, letter, email, online etc.) or verbally (in person or by telephone). Ability SDA accepts anonymous complaints and investigates these as far as possible. It is the responsibility of Ability SDA to record and allocate online complaints to the most suitable person. In some instances, Ability SDA 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.

4.2 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 acknowledged 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 working days of receipt of a complaint.

4.3 Recording complaints

Ability SDA is responsible for recording complaints data in an electronic record keeping tool as complaints are received, including complaints received and immediately resolved. Information should be recorded consistently.

Timeframe: Accurate complaint data is to be recorded within five working days of a complaint being received.

4.4 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, Ability SDA should consult the complainant before any investigation of the matter commences. The complainant's expectations should be met where possible.

4.5 Escalation of a complaint

All complaints should be resolved locally where possible or referred to the most appropriate officer to discuss the complaint in detail before resorting to formal investigative processes. In most cases this will be the officer directly involved with the service delivery or the process or policy about which the complaint has been made. Staff should consult with Ability SDA if they are unsure of the most appropriate party to refer the complaint to.

Complaints of a more serious nature should be referred to management in the first instance e.g. complaints that include allegations of abuse or criminal conduct. If the complaint cannot be managed locally due to the complexity, nature and seriousness of the complaint or where there is a conflict of interest. It is at the discretion of Ability SDA to escalate the matter to an external facilitator for action.

4.6 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 complainants expectations.
- Develop an Action Plan 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 on management of a complaint should capture the reasons for delays.

4.7 Closing a complaint

After action on a complaint is completed, the outcome should be recorded and closed in the record keeping tool 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. Rather from Ability SDA perspective, a complaint is resolved when all relevant action, consistent with the underlying principles of this document, has been undertaken.

4.8 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 district director or executive director Ability SDA officer who will review the complaint handling process followed in the initial response and further investigates matters and/or reconsiders 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 these 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 in the record keeping tool.

4.9 External review – If dissatisfied with the outcome

There are a number of accountability/complaint bodies established by the NSW Government that receive and investigate complaints from the public and public-sector agencies. Ability SDA should provide advice to the complainant about the options for making a complaint if they are dissatisfied with the outcome provided by Ability SDA.

The list of outside agencies includes:

Ombudsman Office (NSW)

Level 24, 580 George St, Sydney 2000

Phone: (02) 9286 1000

TTY: 133 677

Toll Free: 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Online: <https://www.ombo.nsw.gov.au/complaints/making-a-complaint>

ACT Disability and Community Services Commissioner

GPO Box 158

Canberra City, ACT 2600

Phone: 02 6205 2222

Email: human.rights@act.gov.au

Online: <https://hrc.act.gov.au/complaints/>

Australian Human Rights Commission

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, SYDNEY NSW 2001

Phone: 02 9284 9888

Complaints Infoline: 1300 656 419

TTY: 1800 620 241

Email: complaintsinfo@humanrights.gov.au

Online: <https://humanrights.gov.au/complaints/make-complaint#no-back>

Anti-Discrimination Board (NSW)

Level 4, 175 Castlereagh Street, Sydney NSW 2000

PO Box A2122, Sydney South NSW 1235

Phone: 02 9268 5544

TTY: 02 9268 5522

Email: complaintsadb@agd.nsw.gov.au

Online: <https://antidiscrimination.nsw.gov.au/anti-discrimination-nsw/complaints/how-to-make-a-complaint.html>

Multicultural Disability Advocacy Association

10-12 Hutchinson St, Granville NSW 2142

PO Box 884 Granville NSW 2142

Phone: 02 9891 6400

National Relay Service: 133 677

Toll Free Phone: 1800 629 072

Telephone Interpreter Service: 13 14 50

Email: mdaa@mdaa.org.au

Website: <http://mdaa.org.au/>

People with Disability Australia

Tower 1, Level 10, 1 Lawson Square, Redfern NSW 2016

PO Box 666, Strawberry Hills NSW 2012
Phone: 02 9370 3100 Toll Free: 1800 422 015
TTY: 02 9318 2138 TTY Toll Free: 1800 422 016
Email: pwd@pwd.org.au
Website: <https://pwd.org.au/>

National Disability Insurance Agency

GPO Box 700, Canberra ACT 2601
Phone: 1300 362 072
TTY: 1800 555 677 then ask for 1800 800 110
Email: feedback@ndis.gov.au
Website: <https://www.ndis.gov.au/contact/feedback-and-complaints>

Department of Communities and Justice (previously FACS)

Locked Bag 10, Strawberry Hills NSW 2012
Phone: 02 9377 6000
TTY: 133 677
Email: feedback@facs.nsw.gov.au
<https://www.dcj.nsw.gov.au/contact-us/feedback-complaints.html>