

FEEDBACK, COMPLAINTS AND DISPUTE RESOLUTION

Service Delivery Policy and Procedure #001.40

Related Documents:

- *National Disability Insurance Scheme Act 2013 (Cth)*
- *National Disability Insurance Scheme (Code of Conduct) Rules 2018*
- *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018*
- *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*
- *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*
- *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018*
- *NDIS Quality and Safeguards Commission- Effective Complaint Handling Guidelines for NDIS Providers, circa July 2018*
- *NDIS Quality and Safeguards Commission- The NDIS Code of Conduct: Guidance for Workers, March 2019*
- SDP001.7 – Communication
- SDP001.10 – Continuous Improvement
- SDP001.11 – Data Collection, Storage and Disposal
- SDP001.18 – Service User Communication
- SDP001.20 – Advocacy and Support
- SDP001.21 – Decision Making and Choice
- SDP001.22 – Service User Rights and Responsibilities
- SDP001.23 – Risk Assessments
- SDP001.26 – Privacy and Confidentiality of Service User Information
- SDP001.33 – Preventing Abuse, Injury and Neglect
- SDP001.34 – Incident Reporting and Management
- HPR004.5 – Code of Conduct and Ethics
- HPR004.12 – Induction and Orientation
- HPR004.18 – Complaints and Appeals
- HPR004.22 – Privacy
- GMP002.2 – Governance Responsibilities
- GMP002.5 – Risk Management

Related Forms:

- SVC006 – Support Plan
- HR001– Code of Conduct and Ethics
- HR002 – Confidentiality and IP Agreement
- ADM039 – Complaint and Investigation Form
- ADM064 – Quality Assurance Proposal
- ADM065 – Quality Improvement Proposal Register
- NDIS001 – Service Agreement
- NDIS002 – Schedule of Supports

1. POLICY STATEMENT

Flexi Queensland recognises that all individuals have the right to give feedback, make complaints, and/or pursue disputes to resolution in a way that ensures they are fairly heard, treated with dignity and respect and with the right not to be discriminated against as a result of giving the feedback making the complaint or pursuing their dispute.

This means the complainant will not be treated unfavourably, including in the way Flexi Queensland communicates and provides services both during the management and resolution of the complaint and once the complaint is resolved.

Flexi Queensland recognises that feedback (both positive and otherwise), complaints and disputes provide a critical, clear and transparent channel of communication and process to highlight gaps or shortcomings in services, supports, policies or processes and Flexi Queensland most appropriate manner and at the earliest possible time.

If the matter of feedback, complaint or dispute raises or involves a report of suspected unethical, fraudulent, corrupt or illegal practices or behaviour that is contrary to our Code of Conduct and Ethics and NDIS Code of Conduct, this Feedback, Complaints and Disputes Resolution policy must be read and understood in conjunction with the Flexi Queensland's Whistleblower Protection policy which may offer the discloser protection even if their disclosure turns out to be incorrect.

Also, this policy must be read and understood in conjunction with Flexi Queensland's:

- Incident Management policy – relevantly that if in the process of receiving and managing a complaint, it involves an incident that is defined as a *reportable incident* (e.g. the death, serious injury, abuse or neglect of a person with disability or the use of restrictive practices in particular circumstances) there is a legal requirement to Flexi Queensland to give details about the incident to the NDIS Commissioner within specific timeframes.
- Risk Management policy to effectively identify and manage any risks to Service Users, paid/unpaid workers and the organisation relating to the complaint to ensure organisational objectives are achieved.

If the matter of any complaint raises or involves issues that, under any Commonwealth or State law, requires Flexi Queensland to notify or report actual or suspected matters to external agencies, then the matter will be appropriately managed in accordance with any requirements under that law.

2. SCOPE

This policy and procedures applies to all individuals, particularly our service users, their family, parents, guardians, carers, friends, workers, advocates or agencies who provide support, our employees, members, and other professionals and organisations who have a relationship or connection with Flexi Queensland who wish to:

- give feedback on any issue
- make a complaint (or raise a serious concern) regarding the services they receive from Flexi Queensland or on any issue/matter whatsoever; or
- dispute or appeal any aspect of an organisational decision following the raising of a concern or complaint regarding the services they receive from Flexi Queensland.

3. PURPOSE

The purpose of this policy and procedures are to:

- Recognise, promote and protect Service Users, and their families/carer/guardian rights to give feedback, complain and dispute matters about their dealings with Flexi Queensland.

- Clearly explain how a complaint can be made to Flexi Queensland and/or the NDIS Commission.
- Ensure that an accessible feedback, complaints and disputes resolution process is in place.
- Take appropriate and timely action to fairly resolve feedback, complaints and disputes as required.
- Provide a mechanism for resolving feedback, complaints and disputes in a timely, efficient and courteous manner that meets our legal and regulatory obligations consistent with the nature, size, scale and complexity of Flexi Queensland's business.
- Record, assess and review complaints on an ongoing basis in order to improve the quality of services offered by Flexi Queensland.

4. DEFINITION

Whilst there is no absolute "definition" of what defines and differentiates feedback, complaints or disputes, it is sometimes the case that an individual's initial raising of a concern as "feedback" may, due to the complexities of managing and resolving it, take on features of a complaint or dispute.

It is generally accepted that "**Feedback**" may include opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, about acts, omissions or services where a response is not explicitly or implicitly expected or legally required.

Complaint is generally accepted to include an expression of dissatisfaction with a situation where a response or resolution is explicitly or implicitly expected or legally required, e.g. a service delivered by Flexi Queensland or its organisational policies and procedures, quality/responsiveness of service provided, workers conduct.

Dispute is generally accepted to include an escalation of a complaint or issue when one or more people disagree about something and matters remain unresolved

Resolution means that a matter has been fairly resolved to a level satisfaction respect to the appropriate course of action for Service Users, family members, carers, guardians and the person making the complaint or pursuing a dispute.

NDIS Commission is the NDIS Quality and Safeguards Commission whose contact details are provided below.

5. PRINCIPLES

Commitment to transparent, fair, effective, and efficient complaints management process. Flexi Queensland feedback, complaints and dispute resolution process (complaints management process") that is aligned with Flexi Queensland's vision and mission, core business values, and strategic objectives and is premised on the following principles:

- **Person-centred** – complaints management is respectful of and responsive to a person's preferences, needs and values.
- **Outcome focussed** – complaints management should reveal the contributing factors to the complaint being made, and seek to prevent matters giving rise to complaints from reoccurring, where appropriate.
- **Clear, simple and consistent** – the process for receiving and responding to complaints is easy to understand, accessible and consistently applied.
- **Accountable** – the response to complaints is appropriately managed. Everyone involved in the management of a complaint understands their role and

responsibilities, and will be accountable for decisions or actions taken in regard to a complaint. Our open disclosure process ensures that lessons learned when things go wrong are openly acknowledged and addressed through our Continuous Improvement process.

- **Procedural fairness** – all persons involved affected by the making, investigating, managing and resolving complaints will be afforded procedural fairness in accordance with the *National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018*
- **Continual improvement** – the complaints process facilitates the ongoing identification of issues and implementation of changes to improve the quality and safety of supports and services.
- **Proportionate** – the nature of any actions following a complaint will be proportionate to the issue raised and any risk of harm to people.

Commitment to support complainants. Flexi Queensland will positively encourage and support people in giving feedback or raising a concern, making a complaint to Flexi Queensland or to the NDIS Commission (contact details shown below). Feedback and complaints may be made anonymously but have inherent significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to gather additional particulars to assist any inquiry/investigation. Specific eligible Disclosure protections under the Whistleblower Protection Policy may be difficult to enforce if the Discloser chooses to remain anonymous.

Commitment to an organisational culture providing a safe environment for people to speak up. This enables Flexi Queensland to listen, make inquiries, and respond appropriately, and acknowledge and redress when our services have not met expectations or applicable standards. In most cases service and support complaints will be directly and quickly managed and resolved at the point of service, unless the complaint requires further investigation. Everyone can feel confident that in giving feedback, making a complaint or pursuing a dispute without fear of do so confidentially and without fear of intimidation, disadvantage or reprisal, or loss of service as a result of speaking up.

Commitment to Privacy, Confidentiality and Records Security.

- **Privacy** – Flexi Queensland will respect all rights related to privacy are set out in Commonwealth Privacy Act 1988, the Australian Privacy Principles and State and Territory Privacy laws. Information provided in a complaint will be kept confidential and only disclosed if the Discloser agrees or is required by law or if the disclosure is otherwise appropriate in the circumstances where disclosure would be reasonably expected. In specific circumstances where Flexi Queensland has mandatory reporting obligation e.g. on child protection matters, and obligations to report incidences of violence, exploitation, neglect and abuse, and sexual misconduct to an external agency (e.g. NDIS Commission and police). Further reference should be made to Flexi Queensland's Privacy policy.
- **Confidentiality** – Other than involving personnel within our organisation with responsibility to address the complaint, or other authorised persons, information in a complaint will be held in strict confidence and not communicated to anyone who is not authorised or required to be involved in addressing the complaint or dispute.
- **Records Security** – All records of feedback, complaints and disputes shall be kept in a secure, restricted-access, organised, accessible (which may include electronically in computer formats and readily retrievable) – including all records, reports, letters, investigations, forms, emails, photos, meetings, being stored together and clearly labelled.

6. PROCEDURE: FEEDBACK

Mechanisms for gathering feedback from individuals associated with Flexi Queensland are incorporated into a variety of organisational policies and procedures, however this policy and procedure provides a general overview of how feedback is sought, responded to, and how it leads to improvements within the organisation.

Flexi Queensland workers actively and regularly encourage Service Users, families, and fellow workers to provide feedback, as situations arise.

6.1 Opportunities for Providing Feedback

Feedback processes are integrated within Service User planning and delivery and include:

- Intake and assessment processes,
- Individual planning and review processes,
- Exit processes,
- Service User rights and responsibilities agreements.

Any individual can also request to complete a Service User Feedback Form at any time, to formally record their feedback.

Service Users, family members, guardians, carers, stakeholders, and members of the community can approach any worker of Flexi Queensland and pass on their feedback; either formally or informally.

Feedback can also be submitted in any of the following formats:

- Completion of surveys,
- Face to face,
- Via telephone, letter, fax, or email,
- During Support Plan meetings,
- File notes,
- Complaints procedures,
- Formal and informal meetings and records of conversation,
- Inter-service networking meetings,
- Workshops, conferences and seminars, and
- Management reviews and strategic planning meetings.

Individuals utilising services and other relevant stakeholders are encouraged to access services, to provide their feedback, and if necessary, supported to understand them, through the following:

- Informal and formal (i.e. documented) conversations with workers,
- Use of the Interactive Toolkit and other visual aids,
- Completion of a feedback form at individual reviews.

Workers can provide feedback using any of the methods mentioned above, with the addition of:

- Inductions,
- Supervision or performance meetings,
- Performance appraisals, and
- Any other formal or informal meetings/minutes.

Any worker can complete and send an email message for recording and forwarding on positive feedback, or an Accident/Incident/Concerns report for recording concerns or negative feedback.

The methodologies mentioned above are also employed to receive feedback from a range of stakeholders on the efficacy of Flexi Queensland policies, procedures and practices.

6.2 Responding to Feedback

Flexi Queensland's response to feedback will differ depending on the format in which the feedback was provided.

If the feedback was provided in the form of an Accident/Incident/Concerns report or a complaints form, Flexi Queensland's response and any associated outcomes or service improvements will be documented on the appropriate associated response or investigation form.

If feedback was provided less formally, depending on individual circumstances, the response and any demonstrated outcomes can be documented in the any of the following:

- Records of conversation,
- TRACCS case notes,
- Service User communication notes,
- Service User Review,
- Service User feedback form,
- Continuous Improvement register,
- Recorded in meeting minutes.

Whenever possible, the outcomes of individual feedback will be communicated back to relevant stakeholders, and this will also be recorded in the appropriate format, as above.

7. PROCEDURE: COMPLAINTS MANAGEMENT

7.1 Making and Receiving a Complaint

Flexi Queensland recognises the value of complaints as an important tool in monitoring and responding to Service User, family member, carer and guardian expectations. In order for Flexi Queensland to respond appropriately to complaints, the complaint should be recorded and assessed as part of an ongoing complaints and appeals management process.

Flexi Queensland will encourage Service Users and family member, carer, guardian to discuss any concerns they have in relation to any service delivery activities of the organisation. If the situation cannot be resolved, then it is appropriate for a complaint to be raised.

Individuals should feel confident that they can raise a serious concern or complaint without fear of reprisal; the organisations open, transparent feedback processes ensure that raising an issue is as simple, and flexible as possible.

Flexi Queensland takes all concerns and complaints seriously, deals with them discreetly and respectfully, and handles them with the utmost confidentiality.

Flexi Queensland will ensure that Service Users and family/carer/guardian have information and support, as well as access to an independent person of their choice to assist them through a complaint process.

The complaints process is discussed during the Service User review process and is included as a question on the Service User Feedback Form.

The complaints process is also available in alternate visual utilising PCS symbols - refer to "How to Speak Up" resource.

When necessary, to assist with visual representation of the organisations' complaints process and in taking complaints from Service Users, we also provide access to use of "Interactive Toolkit" resource at the office for use by Service Users and family/carer/guardian.

Any Flexi Queensland worker can provide clear information about the Flexi Queensland complaints and appeals management process to any Service Users and family/carer/guardian.

Any Flexi Queensland Centre Team member can be nominated to accept a complaint, and the complaint can be made in any environment or format the complainant nominates.

Lifestyle Facilitators can assist Service Users to understand their rights to make a complaint and the processes for handling them; this includes inviting them to have an advocate/ support person or representative of their choice to assist or represent them.

Where a Service User wishes to complain about another service, this agency will refer the matter to an advocate or the individual's family.

Flexi Queensland will not directly advocate for a Service User against another agency.

7.2 Complaints Investigation and Resolution

In addressing, investigating and resolving complaints, Flexi Queensland will appropriately involve the person making the complaint (and any other person directly affected by the issue raised in the complaint) in the resolution of the complaint – by keeping them informed of the progress of the complaint, actions taken and reasons for any decisions and options to review those decisions.

For each complaint's receipt, management and resolution, a relevant Centre Team member and/or CEO will be designed as that complaint's "Complaints Officer" and documented on the Complaint and Investigation Form. The Complaints Officer's role and responsibilities is to address and manage the resolution of the complaint in accordance with this policy and procedures, including:

- Acting as the sole central point for the receiving and managing the complaint, including privacy, confidentiality issues and security of all documentation and records
- Liaising with and supporting the discloser, family, carer or advocate at all stages in the complaints process
- Assessing the complaint in terms of Flexi Queensland's Risk Management policies and take any necessary immediate mitigating actions
- Conducting, facilitating or managing the investigation with any appropriate involvement of the discloser, family, carer or advocate
- Determining and consider findings and options to resolve the complaint
- Making recommendation to decision-maker who will approve actions to resolve the complaint
- Implementing the actions to address the complaint.

Flexi Queensland will ensure the acceptance of a complaint, the investigation, monitoring and resolution phases are a priority in the organisations' workload.

The time set for handling the complaint is often determined by the complexity of the complaint; however, we endeavour for complaints to be resolved **within 28 working days** from receipt, where practicable based on the nature of the investigation process.

Flexi Queensland workers will be notified of any complaints made against them to give them an opportunity to state their case in every situation.

The CEO will be informed of complaints immediately upon receipt (or when practicable). In the event of a complaint against a worker, the CEO may delegate the Quality, Safety and HR Support Officer or a Centre Team member to investigate and determine a way forward ensuring that all parties have access to natural justice.

Flexi Queensland considers every issue raised as an opportunity for development and improvement in the delivery of its services. Where it is deemed appropriate by the organisation parties to the complaint will be advised of the resolution, and/or when the matter has been closed.

As per Continuous Improvement Policy and Procedure, outcomes or actions from concerns or complaints which have resulted in service or organisational improvements or adjustments will be logged in the Continuous Improvement Register.

In the event of an unresolved complaint between the service and an individual, Flexi Queensland will ensure information on conflict resolution, mediation, counselling and advocacy services is provided to the individual.

Any person who is dissatisfied with the outcome of the complaint or how it was handled, may appeal for a reconsideration of that decision using Flexi Queensland's Dispute Resolute process. The dispute can be made by notifying CEO or any member of the Board of Directors in writing of their request.

8. PROCEDURE: DISPUTE RESOLUTION

Any person who wishes to dispute any action, omission or decision ("decision") made by Flexi Queensland, must submit their issues in writing addressed to the CEO for the organisation to act on them.

That request should be made within **six weeks** of being notified of the relevant decision, and provide information about why the person wants the decision changed (e.g. what has happened, what they are unhappy about) and what alternative actions or responses they are seeking.

Flexi Queensland will immediately notify and escalate the matter to the higher levels of Flexi Queensland management and/or Board of Directors for dispute management and resolution which may require external advice or assistance with investigation and/or mediation.

Immediately upon being notified of any dispute (whether or not it is an appeal for reconsideration of decision made as an outcome of dissatisfaction with a complaint outcome), any files and documents of any original investigation will be secured, reviewed and investigated by the CEO and/or Board of Directors, in accordance with this complaints process at a higher level of escalation.

The consideration or reconsideration of the matter in dispute will be undertaken by a person who was not involved in the original decision-making. The dispute resolution process will be undertaken in accordance with this policy. Persons involved in the any original investigation of a complaint may be asked to provide further information. The dispute resolution process must make all reasonable efforts and processes to consider all reasonable and practical options to seek a mutually beneficial resolution consistent with maintaining the optimum level of quality and safety of supports and services to users.

Generally, a decision on the dispute will be made **within 28 working days** of receipt of written notification of dispute. That decision may confirm that the original decision stands, or that a new decision actioned.

9. MAKING A COMPLAINT DIRECT TO THE NDIS COMMISSION

As an alternative (or in addition to) the above process every service user, families, carers, advocates and persons employed or otherwise engaged by Flexi Queensland may make their complaint directly to the NDIS Commission. The NDIS Commission will receive complaints (including on-line) about NDIS services and supports not provided in a safe and respectful way or not delivered to an appropriate standard. Flexi Queensland will take all reasonable steps to provide support and assistance to any person make contact with the NDIS Commission. The NDIS Commission can be contacted on:

NDIS Quality and Safeguards Commission	Phone: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged. https://www.ndiscommission.gov.au/participants/complaints National Relay Service: ask for 1800 035 544.
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10. BOARD MONITORING OF THIS POLICY

This policy will be self-assessed by the Board of Directors in terms of the NDIS Practice Standards and Quality Indicators, including:

- (d) Feedback and Complaints Management: *“Outcome: Each participant has knowledge of and access to the provider’s complaints management and resolution system. Complaints and other feedback made by all parties are welcomed, acknowledged, respected and well-managed.”*. This will be evidenced by the Quality Indicators:
- “(1) A complaints management and resolution system is maintained that is relevant and proportionate to the scope and complexity of supports delivered and the size and scale of the organisation. The system follows principles of procedural fairness and natural justice and complies with the requirements under the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018.*
 - (2) Each participant is provided with information on how to give feedback or make a complaint, including avenues external to the provider, and their right to access advocates. There is a supportive environment for any person who provides feedback and/or makes complaints.*
 - (3) Demonstrated continuous improvement in complaints and feedback management by regular review of complaint and feedback policies and procedures, seeking of participant views on the accessibility of the complaints management and resolution system, and incorporation of feedback throughout the provider’s organisation.*
 - (4) All workers are aware of, trained in, and comply with the required procedures in relation to complaints handling.”*
- (e) Governance and Operational Management: *“Outcome: Each participant’s support is overseen by robust governance and operational management systems relevant (proportionate) to the size, and scale of the provider and the scope and complexity of supports delivered.”* and evidenced by relevant Quality Indicators, including *“A defined structure is implemented by the governing body to meet a governing body’s financial, legislative, regulatory and contractual responsibilities, and to monitor and respond to quality and safeguarding matters associated with delivering supports to participants.”*; and
- (f) Risk Management: *“Outcome: Risks to participants, workers and the provider are identified and managed.”* and evidenced by relevant Quality Indicators, including” (i) *Risks to the organisation, including risks to participants, financial and work health and safety risks, and risks associated with provision of supports are identified, analysed, prioritised and treated; and (ii) A documented system that effectively manages identified risks is in place, and is relevant and proportionate to the size and scale of the provider and the scope and complexity of supports provided.”*

The Board of Directors will receive from the CEO periodic reports giving information on each serious complaint or dispute received under this policy, ensuring considerations of privacy, confidentiality and other protections are complied with:

- (a) the subject matter of each serious complaint or dispute;
- (b) the status of each serious complaint or dispute;
- (c) the action taken to finalise and the timeframe; and
- (d) the outcome of each serious complaint or dispute.

In addition, the Board of Directors will periodically cause the following actions to be taken and reported to the Board:

- o) monitor and measure its employees' and service users understanding of this Feedback, Complaints and Disputes policy and procedures;
- p) analysis of number of complaints and types of issues arising from complaints received
- q) analysis of matters resolved at service delivery level and those requiring to be escalated within the organisation
- r) analysis of outcome of complaints
- s) systemic issues identified and continuous improvement actions taken to address, and
- t) number of requests for internal and/or external review of initial decision on a complaint; and
- u) review this policy and procedures to ensure:
 - the scope and application of the policy are appropriate, particularly if there have been changes to Flexi Queensland's business;
 - the policy, processes and procedures are helpful and easy to understand;
 - the policy, processes and procedures reflect current legislation and regulations, and current developments and best practice for effectively managing feedback, complaints and disputes; and
 - our handling of feedback, complaints and disputes is continually improved.

11. POLICY DISSEMINATION, STAFF EDUCATION AND TRAINING

This Feedback, Complaints and Dispute Resolution Policy is to be widely disseminated to, easily available to and accessible by service users, families, carers, advocates, officers and employees and all other persons covered by this policy, by means of:

- complete copies of the policy, and any explanations, available to any person on request
- holding staff briefing sessions and/or smaller team meetings;
- posting summary details of the policy on service users' and staff communication platforms;
- posting summary information on all noticeboards;
- setting out details of the policy in the employee handbook; and
- incorporating the policy in service user information packs, employee induction information packs

Staff education and training will be provided for all employees on this policy supported by:

- practical examples of receiving and responding to complaints
- practical examples of support and assistance to persons to make a complaint
- best practices in receiving, investigating, managing, and responding to complaints
- how to seek further information about the policy if required.

This initial training will be periodically refreshed to ensure this Policy stay fresh in the minds of all employees.

The Board of Directors and all levels of management, particularly line managers, will receive periodic appropriate training in how to effectively deal with all steps of feedback, complaints and disputes resolution.

12. RECORDS RETENTION AND STATISTICAL DATA

Flexi Queensland will maintain and keep secure appropriate records of all complaints received including the following, where appropriate:

- (a) information about the complaints;
- (b) any action taken to resolve the complaints;
- (c) the outcome of any action taken.

These records will be kept for 7 years from the day the record is made unless a longer period is required by any other law.

In addition, Flexi Queensland will collect statistical and other information relating to complaints in order to:

- (a) review issues raised in complaints;
- (b) identify and address systemic issues raised through the complaints management and resolution process; and
- (c) report information relating to complaints to the NDIS Commissioner, if requested to do so by the NDIS Commissioner.