Feedback and Complaints Policy & Procedure

Ref No: HR-POL-035

PURPOSE

Fairhaven Services Limited (Fairhaven) is committed to the philosophy that maintaining excellence requires the continuous evolution and improvement of its participant-focused services. The purpose of this policy is to ensure that both positive and negative feedback, as well as any complaints or disputes, are handled effectively in a timely manner following the principles of natural justice with transparently, and are always seen as opportunities for improvement.

This document is a source of information (including process to be undertaken) in accordance with the NDIS Quality and Safeguards Commission (the NDIS Commission) for people living with disability, their family, friends, carers, advocates, workers and the public to provide feedback or to make a complaint in relation to any support or services provided by Fairhaven.

The primary purpose of this document is to:

- Help protect and prevent people living with disability from harm that may be caused by poor quality or unsafe supports or services.
- Maintain and enhance public trust and confidence in Fairhaven through increased accountability and transparency.
- Support and sustain a robust, vibrant and innovative service.
- Assist in providing an opportunity to address any issues that may lead to a complaint being managed through open communication.
- Provide a simple process to be undertaken once a complaint or feedback has been received, and the option which will be provided to support the individual to reach an acceptable outcome and resolution.

GENERAL PRINCIPLES

The general principles guiding actions under the NDIS Act also describe the rights of people living with disability to:

- Realise their potential for physical, social, emotional and intellectual development.
- Be supported to participate in and contribute to social and economic life as per individual NDIS Plans and to the extent of their ability.
- Be supported to exercise choice and control including in relation to taking reasonable risks in pursuit of their goals and the planning and delivery of their supports.
- Be respected, valued, afforded dignity and to live free from abuse, neglect and exploitation.
- Be able to determine their own best interests including the right to exercise choice and control and to engage as equal partners in decisions that will affect their lives to the full extent of their capacity.
- Have their privacy and dignity respected.
- Have the role of families, carers and other significant persons in their lives acknowledged and respected.
- Have access to advocates and supports that promote innovation, quality, continuous improvement, contemporary best practice and effectiveness.

SCOPE

This policy applies to all employees of Fairhaven and any other person wishing to provide feedback or raise a complaint concerning matters related to services provided by Fairhaven.

Note: Anyone can make a complaint to the NDIS Commission about the provision of supports and services by Fairhaven. This includes people living with disability, their families, friends, carers, advocates or guardians, workers (including volunteers) of an NDIS provider or any other person who wishes to make a complaint.

OBJECTIVES

In accordance with this policy, Fairhaven has established effective systems to address and resolve issues raised by participants and other relevant parties. These may include the participant's family, friends, carers, advocates and other members of the community who can demonstrate a genuine interest in the life and circumstances of the participant – as well as Fairhaven staff, and to ensure that these systems are clearly communicated to all concerned.

Fairhaven's complaint-management processes are designed to achieve timely, transparent and equitable resolutions, and provide an opportunity for the organisation to review service delivery and achieve service improvement.

Fairhaven will ensure that participants and other relevant parties have access to internal and external mechanisms for complaints, appeals or disputes, without fear of adverse consequences or loss of service to the participant.

Complaints will be handled according to Fairhaven policies relating to privacy and confidentiality, and the guiding principles of the National Disability Insurance Scheme Act 2013, (NDIS).

Fairhaven's focus will be reinforced by ensuring that preventative action is addressed in an effort to reduce the level of any complaints received, and/or eliminate the potential for a complaint to be generated.

DEFINITIONS

Line Manager/Supervisor – means the person to whom a staff member or volunteer reports.

Relevant Parties – includes the participant's family, friends, carers, advocates and other members of the community who can demonstrate a genuine interest in the life and circumstances of the participant.

Complaint – a complaint is an expression of dissatisfaction (for example) in relation to a decision, service or product. A person does not have to call their dissatisfaction a "complaint" in order for it to be handled as a complaint by the NDIS Commission.

Enforceable undertakings – are written undertakings given to a person by Fairhaven that are enforceable in court. They can be used to record the agreed outcome of a resolution process and are enforceable by the NDIS Commission in court.

TYPES OF FEEDBACK

- **General enquiry** - a request for information, advice or action.
- **Feedback** – A comment or suggestion related to products or services where a response or resolution is not required.
- **A complaint** – an expression of dissatisfaction in relation to a product or service, where a resolution is explicitly or implicitly expected or legally required.
- **A compliment** – an expression of praise, gratitude and admiration.

- **Internal review of decision** – an expression of dissatisfaction with an agency decision where an internal review of a reviewable decision is undertaken.
- **Plan review** – change of circumstances (unscheduled) – An unscheduled plan review can be requested or initiated at any time and is often the result of a change in circumstances for a participant or Agency policy (that result in the need to make changes to a participant's plan).
- **Plan review (scheduled)** – A scheduled plan review of a participant's plan occurs as part of the planning cycle, which usually occurs every 12 months.
- **Combination** – A person may disagree with an agency decision and the level of service provided by the Agency.

PREVENTATIVE ACTION

Fairhaven maintains a support environment that enables any person to approach and offer an opinion, advice or recommendation that would alleviate a complaint being lodged (where possible). To do this staff are encouraged and provided instruction in the following:

a) Manage complainant expectations at the outset

Managing complainant expectations from the beginning of the complaints process, or beforehand, to ensure they are reasonable and realistic. Unmet expectations are one of the primary triggers for complaints being lodged.

b) Respect and cooperation

All parties are to be respectful and cooperate as a prerequisite to receiving services and having any contact with or communication with Fairhaven.

c) Acknowledge the individual

Listen and make a determination on where the conversation may go and use preventative measures to address the concerns before they escalate.

d) Focus on the person centred approach

Be respectful and responsive acknowledging the individual's preferences, needs and values.

Identify if this is an isolated incident or whether the issue been raised before and not handled correctly.

Be clear, concise and consistent in your response so that the individual can easily understand you, using terminology that the individual can understand and seek assistance if needed.

Identify what needs to change and be part of that implementation process.

Identify any immediate harm and take appropriate action, a conversation may lead to a pending situation that should be addressed before it becomes an incident.

e) Define what the complaint is about

Determine if the complaint is about Fairhaven or about the National Disability Insurance Scheme, and follow the guidelines as provided within this document.

f) Opportunities

Use the opportunity to learn from the experience and regularly improve the communication and services from the experience as a preventative measure.

Appropriate support and assistance in contacting the NDIS Commission in relation to a complaint can be provided to any person making a complaint, and any affected person living with disability.

1. RESPONSIBILITIES FOR COMPLAINT HANDLING

1.1. ALL STAFF:

(a) Ensure that all participants and other relevant parties are informed that Fairhaven actively seeks feedback, including negative feedback and complaints, and considers such feedback as a positive contribution towards continuous improvement;

(b) Ensure that upon receiving a formal complaint, the matter is reported and documented in line with this procedure;

(c) Where appropriate, support the participant and other relevant parties in providing feedback or raising a complaint, and document the event;

(d) Where appropriate, support the participant and other relevant parties in accessing independent advice, eg from an advocate or friend;

(e) Enable a person to make a complaint, including anonymously lodging a complaint;

(f) Complaints should be dealt with directly and quickly at the point of service, unless the complaint requires further investigation;

(g) Ensure that all complainants are treated with respect and dignity and that confidentiality is maintained as appropriate; and

(h) Report any instances of actual or perceived discrimination, vilification or retribution against any person who has raised a complaint.

1.2. LINE MANAGERS/SUPERVISOR

(a) Ensure that new participants, on acceptance of a Fairhaven service, receive a Participant Information Pack;

(b) Manage complaints and initial response to/referral of “Tell Us What You Think” feedback form or Complaint and Feedback form; and

(c) Ensure that information materials promoting Fairhaven’s feedback and complaints-resolution processes are accessible to participants and other relevant parties, through the Fairhaven website, informational brochures, and other print and online resources.

1.3. INVESTIGATING OFFICER

(a) Investigate the complaint in a fair, transparent and objective way;

(b) Liaise with all relevant parties to the complaint;

(c) Maintain regular contact with the complainant throughout the investigation without pre-empting its outcome;

(d) Ensure that all matters pertaining to a complaint are duly recorded, and that any supporting information such as statements, letters, emails, case notes etc. are retained on file;

(e) Provide regular updates to the Chief Executive Officer, in writing;

(f) Prepare a report to the Chief Executive Officer which includes:

i. A brief summary of the complaint and the events leading up to it;

ii. Background information on current policies, procedures and protocols that are relevant to the complaint;

iii. Details on exactly what occurred, including actions taken by the staff involved;

iv. Details on what was/not done that should/could have been done at the time, and the reasons why this was the case;

v. Outcome of findings

vi. Identification of any potential disciplinary action, where the actions of a staff member may be the source of the complaint; and

vii. Details on what steps if any have now been taken, or could/should be taken by the Line Manager in the future to prevent the occurrence of the same or a similar situation.

(g) Forward the report of the investigation, and all other documentation and materials associated with the complaint, to the Chief Executive Officer, advising the complainant and other relevant parties.

1.4. HUMAN RESOURCES MANAGER

(a) Ensure the maintenance of the general Complaints Registers

(b) Review the effectiveness of the current procedure;

(c) Ensure that Fairhaven staff, participants and other relevant parties receive training and subsequent reinforcement on Fairhaven's feedback and complaints-resolution process;

(d) Maintain currency of information, in accessible formats, about Fairhaven's feedback and complaints-resolution processes through continuous improvement;

(e) Appoint an appropriate person to manage and respond to feedback provided;

(f) Identify trends and opportunities for improvement in service delivery and planning, and advise relevant business managers;

(g) Ensure that the CEO is kept informed of any complaint and its status until the complaint is resolved and closed; and

(h) Update any relevant information into the individual's file.

(i) Ensure that information on the Fairhaven feedback and complaints system is publicly accessible in appropriate formats.

1.5. CHIEF EXECUTIVE OFFICER

(a) Ensure the Board is kept informed of complaints received;

(b) Ensure any reportable incidents are notified to the NDIS Commission in accordance with applicable NDIS requirements;

(c) Appoint an Investigating Officer to manage and coordinate the investigation of each complaint;

(d) Ensure the maintenance of Continuous Improvement Registers; and

(e) Sign off on all complaints once a resolution has been achieved;

(f) Ensure that mechanisms are in place that allow participants and other relevant parties the opportunity to have input into the review and development of policies and procedures relating to feedback and complaints-resolution processes; and

(g) Where a breach of controversial issues exists, consult the Chair of the Board regarding the proposed action.

1.6. BOARD OF DIRECTORS

(a) Oversee the actions of Fairhaven in managing complaints;

(b) Hear any complaints lodged directly with the Board;

(c) Hear any appeal about a complaint outcome;

(d) Ensure that Feedback and Complaints is a standing item in the CEO report to the Board; and

(e) Monitor the effectiveness of the feedback and complaints-resolution process.

1.8. BOARD CHAIR

(a) Receive and review incoming complaint against the CEO or any Board member

(b) Where a breach of controversial issues exists, consult the Board regarding the proposed action.

(c) Ensure the maintenance of the Complaints Registers

1.9. THE NATIONAL DISABILITY INSURANCE SCHEME (NDIS) COMMISSION

(a) Whether services and or supports have been provided in a safe and respectful way;

(b) Whether services and supports have been delivered to an appropriate standard;

(c) How Fairhaven as a provider has dealt with a complaint about services and or supports to a NDIS participant; and

(d) How Fairhaven as a Provider has dealt with an advocate or carer of an NDIS participant.

2. FEEDBACK AND COMPLAINT PROCEDURES

Fairhaven aims to ensure that participants and other relevant parties, as well as Fairhaven staff, are encouraged to provide feedback, raise concerns and make complaints, all of which represent positive contributions to the organisation's goal of continuous improvement. Complainants will be assured that they will not be subject to discriminatory treatment or retributive action as a result of making a complaint.

2.1. INFORMATION RESOURCES

On commencement of their service, and at other appropriate times, participants and other relevant parties will be provided information on how:

(a) To provide feedback, including complaints and disputes, in a non-threatening and inclusive manner;

(b) Complaint and disputes will be managed in a timely and fair manner;

(c) To access independent advice and representation such as the NDIS, NDIS Quality and Safeguards Commission, a friend or advocate, and, where relevant, names and contact details;

(d) Culturally appropriate assistance can be provided to people from diverse cultural backgrounds;

(e) All Handbooks provide the relative information on how to access and make a complaint, this information is provided at Orientation/Induction; and

(f) The Fairhaven website, on the home page has a link to "Tell Us What You think" in an easy read format, and provides assistance on further information where and if required.

Information can be provided in accessible formats, commensurate with participants' cultural and linguistic needs and level of understanding. Where information in other languages is not available due to a lack of demand or resources, an interpreter can be used to explain the complaints process and provide support as appropriate.

Each new participant on acceptance to a Fairhaven service will receive a Participant Information Pack containing information on participant rights, roles and responsibilities, Fairhaven's feedback and complaints-resolution processes and the Privacy Statement.

Information on the Feedback and Complaints process will also be communicated to participants and other relevant parties periodically via channels including but not limited to:

- Individual Planning / Person-Centred Planning/Employment Assistance Planning processes;
- Participant/worker meetings such as Resident Meetings or Worker Representative Meetings;
- Participant or Carer Feedback Forums or Feedback Surveys used to determine the level of satisfaction with the overall services being delivered by Fairhaven, and which include questions seeking feedback on the respondent's perceptions of the feedback and complaints process.

Formal and informal training will be provided to participants and staff at intake and induction respectively, and will be reinforced on occasion through the updating of print and online resources or raised as an agenda item at relevant meetings.

Information provided will include mention of each person's right to make a complaint (where relevant) to the Ombudsman about the provision of a service by a service provider under the Community Services (Complaints, Review and Monitoring) Act 1993 (NSW).

2.2. COMPLAINT HANDLING PROCEDURE

Participants and other relevant parties, as well as Fairhaven staff, are able to make a complaint about anything they think is unfair or that they are unhappy about. Complaints may be raised with any Fairhaven staff member or other advocate of the complainant's choosing.

The staff member or advocate will then inform the relevant Line Manager or equivalent, who will discuss the issue with the complainant and clarify the details of the complaint and the outcomes expected by the complainant. The Line Manager or equivalent will advise the complainant of Fairhaven's complaints-resolution process, and attempt to resolve the complaint informally where applicable.

If the issue can be resolved informally through mutual agreement between the parties in dispute, no further action is required other than to record the event and its outcome.

Alternatively, all feedback, including complaints, can be submitted through a "Tell Us What You Think" form, available online at www.fairhaven.org.au. As such, complainants are encouraged to include their name and contact details so they may be informed of any actions taken to resolve their complaint.

When a complaint cannot be resolved informally, the Line Manager/Supervisor or equivalent will remind the complainant of their right to access independent support from an external advocate, and of Fairhaven's feedback and complaints procedures.

Where appropriate, support workers should provide assistance and support as necessary to the person/s who wish to make a complaint, eg helping them put their complaint into words and identifying their desired outcome. Staff support might also include obtaining the assistance of an interpreter or advocate to support the complainant.

All complaints will be acknowledged within two (2) business days of being received.

Any person making a complaint is to be advised that:

- complaints are acknowledged, assessed and resolved in a fair, efficient and timely manner;
- appropriate action is taken in relation to issues raised in complaints; and
- reasonable steps are taken to ensure that any person who makes a complaint, and any affected person living with disability, is advised how to make a complaint to the NDIS Commission.

2.3. SERIOUS COMPLAINTS

Serious complaints (eg allegations of physical, sexual or emotional abuse, or other criminal activities) are defined as **"Reportable Incidents"** and must be reported immediately to the Line Manager/Supervisor, who will inform the CEO or Board Chair as appropriate.

A Fairhaven Incident Report will need to be completed, where appropriate, or an NDIS Commission Reportable Incident form, eg acts of abuse, assault, dangerous work practices. Refer to the Incident Management Policy and Procedure in such instances.

A complaint would be considered serious if it is:

(a) Potentially involving a criminal action such as assault, abuse or fraud;

(b) Potentially related to a complaint about neglect of participant needs; or

(c) About the unprofessional or unethical behaviour of a staff member (ie behaviour that breaches Fairhaven's Policies and Procedures).

Complaints concerning allegations of abuse or neglect that may constitute a reportable incident must be managed and notified to the NDIS Commission in accordance with applicable NDIS requirements and may be notified or be referred to other bodies if required by law.

2.4. COMPLAINTS IN RELATION TO THE CEO OR BOARD MEMBERS

Where any individual would like to lodge a private and confidential complaint in relation to Fairhaven's CEO or any member of the Board of Directors, the following process is to be undertaken:

a) Visit the Fairhaven website and go to the **Feedback and Complaints** page, where the feedback form can be completed online or downloaded and completed. If you do not have the facilities to access or print the form, contact Fairhaven and request that a form be sent to you or a nominated person (should you wish to remain anonymous), with a return envelope. Alternatively, email **askhr@fairhaven.org.au** to request a form, or email the Board Chair directly at **chair@fairhaven.org.au**

b) Complete the relevant sections on the form.

c) Retain a copy of the form

d) Send to:

"Private and Confidential"

Attn: Board Chair

209 Brisbane Water Drive,

Point Clare, NSW 2250

e) The Chair or allocated allocated Board member will investigate your complaint (without notifying the person involved, that your complaint has been received), and follow the guidelines as set out in this document.

f) You will be provided notification that your complaint has been received.

3. RESOLVING THE COMPLAINT

Once a formal complaint is raised and the HR and CEO advised, an appointed Investigating Officer will manage and coordinate the investigation to the point of resolution. This process will be thoroughly documented; at its conclusion, this will include a summary report outlining the issues at hand, the methodology on how it was investigated and addressed, and the final recommendations.

The complainant will be consulted and kept informed throughout the investigation process.

Complaints will be reviewed prior to finalisation to determine the effectiveness of any actions taken and to minimise the risk of re-occurrence. Any system improvements will be recorded in the Continuous Improvement Register, with the source of the improvement identified as resulting from a complaint. If system improvements are not required to resolve a complaint and/or minimise the likelihood of its re-occurrence, it need only be documented in the Complaints Register.

The complainant will be given the opportunity to comment on their level of satisfaction with the outcome and the complaints-resolution process. All feedback, including any unwillingness by the complainant to sign off or provide feedback, must be documented. The complainant also has the right to lodge an appeal if they are dissatisfied (see subsection 3.2. of this policy).

Assistance from the NDIS Commission in early resolution of a complaint is available and should be accessed in the event it has been identified as being needed or necessary.

The resolution of complaints will/may also be addressed (with consenting participants) through conciliation, this is a voluntary process that Fairhaven will offer the complainant this may involve scheduling meetings prior to the conciliation taking place. This conciliation will be respectful of the participant's culture, religious beliefs, disability, age and any other factors that need consideration.

3.1. COMPLAINT DOCUMENTATION

All complaints will be recorded and copies kept in relevant files. 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," which means:

(a) Only the people who are directly involved in the complaint, or in assisting to resolve it, are to have access to information about the complaint;

(b) All documentation of complaints managed under this policy will be held by the CEO or as delegated;

(c) Complaint documentation is to be kept separate from participant or staff files;

(d) Complaints will be kept confidential with records retained for 7 years;

(e) The privacy and confidentiality of all parties will be respected to the extent practicable and appropriate; and accurate records will be kept by each staff member dealing with the complaint, including the rationale for all significant decisions.

3.2. PROCESS OF APPEAL

A complainant may not be satisfied with the initial response provided to a complaint. In such instances, Fairhaven will review the complaint-handling process followed in the initial response and may further investigate matters and/or reconsider the original decision when appropriate. If you appeal the decision of your complaint, your complaint will be referred to another person who was not involved in the original decision that was made.

Where a complaint cannot be resolved, Fairhaven will assist the complainant or refer the complainant to an external body for examination of the complaint.

Note: If your complaint is registered against the NDIS, you can contact the NDIS on 1800 800 110 or through their website at: https://www.ndis.gov.au/contact/feedback-and-complaints. You will be contacted by a NDIS representative who will be dealing with it. Fairhaven is not party to or involved in complaint review or the resolution processes.

You will be notified within six (6) weeks of the relevant decision in writing by the NDIA.

4. COMPLAINTS MANAGEMENT

Complaints received by Fairhaven will be responded to in a timely manner, taking into consideration factors that may influence response time, such as potential risks posed to a person or agency.

Fairhaven will acknowledge complaints as soon as possible following receipt of the complaint. Acknowledgement will include advising the complainant of the Fairhaven staff 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, via email or in writing.

Response to a complaint should commence as soon as practicable. 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 of time to resolve, the complainant must be kept informed of its progress at regular intervals.

Finalisation of a complaint will be dependent on the response required. Complaints that are a single incident or occasion and are unambiguous in nature should ideally have an outcome within two weeks of the commencement of their investigation if external parties or multiple witnesses are not involved. Complaints of a complex and sensitive nature may take longer 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.

4.1. MONITORING AND REVIEW

The effectiveness of this Policy and Procedure will be monitored and reviewed through:

(a) Analysis of the type and frequency of complaints received;

(b) Participant/carer feedback;

(c) Internal auditing processes; and

(d) Feedback and input obtained through participant and carer forums.

5. EXTERNAL AGENCIES FOR COMPLAINTS

There are a number of external mechanisms for complaints resolution. Individuals with hearing and/or speech impediments are encouraged to access these mechanisms via the National Relay Service: http://www.relayservice.gov.au.

NDIS Quality and Safeguards Commission
PO Box 210, Penrith NSW 2751
Phone: 1800 035 544
TTY: 133 677
Email: contactcentre@ndiscommission.gov.au
Website: www.ndiscommission.gov.au

Online complaints: www.ndiscommission.gov.au/complaints/report

Commonwealth Ombudsman

Suite 2, Level 22 580 George Street
Sydney NSW 2000
Phone: 1300 362 072
National Information Service: 1300 362 072
Email: ombudsman@ombudsman.gov.au
Website: www.ombudsman.gov.au

National Disability Abuse and Neglect Hotline
Phone: 1800 880 052 (toll free)
Email: hotline@glresolution.au
Website: https://www.jobaccess.gov.au/people-with-disability/do-you-need-report-abuse-or-neglect-people-with-disability

6. FURTHER REFERENCES

6.1. LEGISLATION

Disability Inclusion Act 2014 (NSW)

Disability Inclusion Regulation 2023 (NSW)

National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018

National Disability Insurance Scheme Act 2013 (the Act)

Privacy Act 1988

7. RELATED DOCUMENTS

- HR-FOR-009 – Feedback Form
- SP-DOC-001 – Feedback and Complaints Fact Sheet
- SP-ER-006 – Complaints and Feedback Fact Sheet – Easy Read
- COR-PP-005 – Providing Advocacy and Support Policy and Procedure
- QA-POL-100 – Incident Management Policy
- QA-PRO-100 – Incident Identification and Reporting Procedure

- COR-PP-002 – Privacy Policy and Procedure
- COR-PP-003 – Confidentiality Policy and Procedure
- COR-POL-013 – Client Service Charter

8. EASY READ RESOURCES

- SP-ER-008 – Client Rights Fact Sheet – Easy Read
- SP-PO-003 – Grievance Procedure
- SP-ER-006 – Complaints and Feedback Fact Sheet – Easy Read
- SP-ER-009 – Advocacy and Support Fact Sheet – Easy Read

9. EASY READ PUBLICATION

NDIS publication