

## 5.17 COMPLAINT MANAGEMENT

### PURPOSE

Kurrajong accepts the general principles guiding actions under the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 that describe the Rights of people 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 to the extent of their ability;

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- Be supported to exercise choice including in relation to taking reasonable risks in pursuit of their goals and the planning and delivery of their supports;
  - Be respected for their worth and 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 which promote innovation, quality, continuous improvement, contemporary best practice and effectiveness.

In accepting these principles, Kurrajong has a clear procedure to not only accept, investigate and resolve complaints from our client and their families or advocates, but to ensure they know how to have their say and the support they can get to enable them to exercise these Rights.

### What is a complaint?

Broadly speaking, a complaint is an expression of dissatisfaction with a Kurrajong support or service, including how a previous complaint was handled by Kurrajong, for which a response or resolution is explicitly or implicitly expected.

A **complaint** is someone letting Kurrajong know that our service is not 'hitting the mark'.

A person does not necessarily have to expressly state that they wish to make a complaint to have an issue or concern dealt with as a complaint. Regardless of whether it is a big or small issue, if it is treated seriously, it demonstrates to the person that their input is valued to improve the services Kurrajong delivers.

Kurrajong upholds the fundamentals the United Nations Convention on the Rights of Persons with Disabilities and for the resolution of complaints to be consistent with 'nothing about us, without us.'

Kurrajong views complaints as a sign that people are exercising their fundamental right to express their views about what is, and what is not, working with their supports. Also,

everyone acknowledges that mistakes can and do happen. What matters is how Kurrajong responds when concerns are raised. A well-handled complaint signals to the person that their opinion is valued and their feedback has been taken seriously. This interaction can actually improve the relationship between Kurrajong as a provider and the person with disability.

Complaints are also one of the best ways to identify problems with service delivery and how it can be fixed. Fostering an organisational culture that values and learns from complaints is one of the most important ways Kurrajong can meet people's needs and continuously improve their services.

Empowering people to speak up goes to the very heart of people feeling valued and respected as equal citizens in their community. Paying attention to what they are saying and indicate what you have learnt from their feedback, without becoming upset or defensive regarding the complaint, sends a strong message that speaking up is worthwhile.

Kurrajong's complaint management system recognises complaints can be made at any level of Kurrajong and proper weight needs to be given to the person making the complaint and any affected person with a disability. How all levels of Kurrajong responds to a complaint is just as important, whether or not the complaint was resolved.

## **What is an incident?**

An incident is defined as:

- Acts, omissions, events or circumstances that occur in connection with providing NDIS supports or services to a client with disability and have, or could have, caused harm to the client with disability;
- Acts by a client with disability that occur in connection with providing NDIS supports or services to the client with disability and which have caused serious harm, or a risk of serious harm, to another client;
- Reportable incidents that have or are alleged to have occurred in connection with providing NDIS supports or services to a client with disability.

A Reportable incident is defined as serious incidents or alleged incidents which result in harm to an NDIS participant and occur in connection with NDIS supports and services. Specific types of reportable incidents include:

- The death of a client with disability.
- Serious injury of a client with disability.
- Abuse or neglect of a client with disability.
- Unlawful sexual or physical contact with, or assault of, a client with disability (excluding, in the case of unlawful physical assault, contact with, and impact on, the client that is negligible).
- Sexual misconduct committed against, or in the presence of, a client with disability, including grooming of the client for sexual activity.
- The use of a restrictive practice in relation to a client with disability, other than where the use is in accordance with an authorisation (however described) of a State or Territory in relation to the client or a behaviour support plan for the client.

If it is determined that a complaint report is actually an incident, and potentially a reportable incident concerning a client, it will be managed by the procedures outlined in [Policy 5.16](#)

**Incident and Reportable Incident Management**, and will be recorded on a **CTARS Incident Report** as an incident.

## PROCEDURES

1. **Safe and quality services.** Kurrajong has a responsibility to ensure safe and quality services are being delivered to people with disability. Feedback from people with disability is an important indicator of whether this responsibility is being fulfilled. Staff need to know how to respond to complaints for a system to be effective.
2. **NDIS Registration.** It is a condition of NDIS Registration that Kurrajong has an effective complaints management and resolution system. Sanctions may apply if Kurrajong does not meet this requirement which may include compliance notices, conditions of registration and in more serious cases, civil penalties. These obligations also link in with the Incident and Reportable Incident Management System if the complaint relates to an incident or allegation.
3. **Person with disability.** The person with disability must be included throughout the complaint process to the extent possible. Kurrajong is committed in supporting people with disability to speak up and provide feedback, and acknowledge when supports or services have not met their expectations or applicable Standards. Kurrajong ensures both the person involved in the complaint and any affected person with a disability are:
  - appropriately involved in the resolution of the complaint, and
  - kept informed of the progress of the complaint, including:
    - any action taken,
    - the reasons for decisions made, and
  - options to have decisions reviewed.
4. **It is safe to make a complaint.** Our clients and families will know that they are able to make a complaint about our services without fear of retribution.
5. **Four A's of successful resolution to be implemented.** The approach recognises that people who make a complaint are generally seeking one or more of these four outcomes:
  - Acknowledgement
  - Answers
  - Action
  - Apology
6. **Decision makers.** Kurrajong recognises a client's decision maker, advocate, or substitute or informal decision maker may need to be included and recognised in the complaints management and resolution process, depending on their role in the life of a client. More information about supported decision making is contained in Kurrajong's **Policy 6.17 Supported Decision Making and Guardianship**.
7. **Complaints Management System.** A positive attitude and commitment to resolving complaints in a timely manner reduces the number of issues that could potentially be raised with the NDIS Commission unnecessarily. This includes:

- a. Having a clear documented process displayed in every service. **Form 126 Complaint or Incident Reporting Procedure** clearly demonstrates how clients and families can make a complaint to Kurrajong, and if needed, how to access external support to do this.
- b. Providing training to clients and supported employees around Complaint Management through scheduled Rights and Responsibility training.
  - Posters and booklets outlining the NDIS Practice Standards, including Complaints Management, are displayed or made accessible to clients in every service.
- c. Providing training to new staff in Complaints Management through Orientation 2 – This is Kurrajong. This mandatory training is also offered online for all existing staff and is titled Excellence in Customer Service. The module and workbook covers Complaint Management, Incident and Reportable Incident Management, and Management of Restrictive Practices. See **Form 23 Excellence in Customer Service**.
- d. Staff have constant reminders of the NDIS Quality and Safeguards Code of Conduct, and are asked to sign off on their obligations to the Code annually.
- e. Enabling clients and families to make a complaint through the use of **Form 109 Complaint or Incident Reporting Form**.
- f. Seeking feedback from clients and families through a variety of strategies, including:
  - Confidential electronic and paper surveys offered to people at point of service that are read, analysed and followed up by the Quality Assurance Coordinator;
  - Documented exit interviews offered to every client and supported employee as they leave the organisation. These are read, analysed and followed up by the Quality Assurance Coordinator;
  - Ensuring clients and supported employees have opportunity to have their say at every client and employee meeting with a standing agenda item inviting feedback and complaints;
  - Coordinating Employee Satisfaction Focus Groups across all Commercial Enterprises annually, facilitated by independent volunteers and responses fed back to Managers and the Executive.
- g. Informing clients of external services that can help them to make a complaint such as Riverina Disability Advocacy Service (RDAS), NDIS Quality and Safeguards Commission, and for supported employees, the Complaint Resolution and Referral Service (CRRS).
- h. Inviting RDAS into our services annually to educate clients about their right to make a complaint, and making their brochures and phone numbers accessible in every service.

- i. Ensuring each complaint is acknowledged, assessed and resolved in a fair, efficient and timely manner (see clause 8 Procedural Fairness).
  - j. Ensuring that appropriate action is taken in relation to issues raised in complaints.
  - k. Providing appropriate support and assistance in contacting the NDIS Commission to any person making a complaint in relation to any affected person with a disability.
  - l. Using risk assessment including risk to the safety, health and wellbeing of people with disability, will be key in determining appropriate and proportionate complaints processes.
  - m. Ensure privacy and confidentiality rights of complainant and affected person with disability is maintained.
8. **Procedural Fairness.** Kurrajong will ensure complainants are given procedural fairness. This includes:
- Respecting confidentiality, and if during the investigation that becomes impossible, notifying all impacted people;
  - Assuring people know they have the Right to an advocate;
  - Ensuring the investigation of the complaint is free from bias, both by Kurrajong's systems or personnel and this may include involvement of Kurrajong's Complaint Coordinator if this cannot be reasonably be maintained;
  - Giving all parties the Right to present their case or response to a complaint;
  - Keeping to agreed timeframes;
  - Allowing people the Right to contest a resolution;
  - Escalating the complaint if requested by the complainant or if circumstances warrant an escalation to the next step of the process;
  - Ensuring that all communication about the complaint, including investigation and resolution, is presented to the client or family in a language and in terms they understand.
9. **Referring complaints.** Kurrajong recognises the requirements to refer or notify other bodies if required by law. For example, a complaint may raise an issue that concerns the possible commitment of a criminal offence and in such cases it must be referred to the appropriate law enforcement. Kurrajong complies with any required mandatory reporting or other obligations it has under Australian law, for example WHS or Child Protection legislation.

#### **Documentation.**

- a. Staff and Managers will use **Form 109 Complaint or Incident Reporting** to record details of the complaint, even if the complaint was delivered to them in another way e.g. letter, telephone call, or face to face conversation.

- Details of all investigation and resolution strategies will also be recorded on this form.
  - A copy of the complete report is to be given to the complainant.
  - After the investigation is completed and all parties are agreed upon the resolution, the form is sent to the Complaint Coordinator who records it in the Kurrajong Complaints Register and stores it in a Complaint file.
- b. If an incident occurs during service delivery and a client makes a complaint, the staff can record it on a **CTARS Incident Report**, marking the checkbox titled 'Client Complaint'. This will ensure the complaint is investigated as well as the incident.
- c. If a Manager, when reviewing the incident register, thinks the complaint needs to be formalised, they will complete **Form 109 Complaint or Incident Reporting**, attaching the CTARS incident report and sending to the Complaints Coordinator.

10. **After a complaint has been dealt with.** Kurrajong will reflect on the complaints process and any outcomes and check in with the complainant for feedback around the finalisation of their complaint and their response to any follow-up or implementation of actions.

Things to consider:

- What was the complaint about? What service, policy or procedure did it call into question?
- What was the experience for the person who made the complaint, or for any affected client? Were the issues resolved for them?
- What information did the complaint provide that will allow you to identify and improve those services, policies and procedures and Kurrajong as a whole?
- How effectively did you communicate with the person who made the complaint, any affected participants, affected staff and other stakeholders?
- Do people using Kurrajong services, their families, carers and friends require more or improved information about their rights and the complaints process? Does the person who made the complaint feel more comfortable about speaking up in the future?
- Does anything need to change in Kurrajong's complaints handling system or approach to dealing with complaints?
- Do staff require further training?
- Did the handling of the complaint reflect Kurrajong stated values and expectations for complaint handling? Or, was the complaint perceived as something negative that needed to be dealt with as quickly as possible?

## 11. **Reviewing and improving the Complaints Management and Resolution System**

- a. The Kurrajong complaints system allows complaints to be identified, issues addressed and actions taken. Feedback received is systematically reviewed to ensure the effectiveness of the system and identify systemic issues that need to be addressed in the processes.
- b. Statistical information can be collected and provided to the NDIS Commission if required.
- c. Kurrajong complaints system indicates how a person can raise a complaint directly with the Kurrajong Chairman of the Board of Directors.

- d. The Compliance and Special Projects Manager will compile a report of CTARS Incident logs where the 'Client Complaint' checkbox has been ticked, along with details of investigation and resolution, and send to the Complaints Coordinator each month.
- e. Only Complaints, not Incidents, need to be sent to Complaints Coordinator each month.
- f. A summary of all complaints is presented to the Kurrajong Board each month.
- g. Records of complaints will be maintained for the minimum of 7 years from the date the complaint record was made.

**NDIS Provider Registration Practice Standards Rules 2018 reference/s:**

<b>Code of Conduct Rules 2018</b>	<i>element 1</i>	<i>Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions</i>
	<i>element 2</i>	<i>Respect the privacy of people with disability</i>
	<i>element 3</i>	<i>Provide supports and services in a safe and competent manner with care and skill</i>
	<i>element 4</i>	<i>Act with integrity, honesty and transparency</i>
	<i>element 5</i>	<i>Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability</i>
	<i>element 6</i>	<i>Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability.</i>
	<i>element 7</i>	<i>Take all reasonable steps to prevent and respond to sexual misconduct</i>
<b>Quality Indicators</b>	<i>Part 2: Core Module: Division 1 Rights and Responsibilities</i>	<i>6 Person centred supports 8 Privacy and Dignity 9 Independence and informed choice 10 Violence, Abuse, Neglect, Exploitation and Discrimination</i>

	<p><i>Part 2: Core Module:</i></p> <p><i>Division 2 Governance and Operational Management</i></p>	<p><i>11 Governance and Operational Management</i></p> <p><i>12 Risk Management</i></p> <p><i>13 Quality Management</i></p> <p><i>15 Feedback and Complaints Management</i></p> <p><i>16 Incident Management</i></p>
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