

## ESA Complaints and Feedback Policy and Procedure

### Purpose

The purpose of this policy is to outline the standards and procedure that all staff are expected to follow in receiving and dealing with feedback or complaints received.

### Scope

This policy applies to all Early Start Australia (ESA) employees, contracted staff (permanent, temporary and casual), and students. This policy does not apply to staff feedback or grievances (see the Grievance and Dispute Policy).

ESA will meet relevant mandated incident reporting requirements.

### Policy Statement

ESA's complaints system ensures all complaints and concerns are treated seriously, swiftly, and comprehensively and meets the National Standards for Disability Services (Standard 4: Feedback and Complaints); the National Disability Insurance Scheme (NDIS) (Provider Registration and Practice Standards) Rules 2018; the NDIS (Complaints Management and Resolution) Rules 2018; and the NDIS Code of Conduct for Workers.

ESA values complaints and feedback as an important source of information which may be used to improve the quality of its services.

### Principles

ESA's system embeds principles of client-centredness, equity, procedural fairness and natural justice. Clients and stakeholders are encouraged to exercise their right to provide feedback.

ESA has aligned its feedback and complaints approach to the principles outlined below:

- **Visibility:** this Policy is available on the ESA website and internally for staff on the ESA intranet. Each ESA clinic documents the clinic-specific process on its website.
- **Accessibility:** the process is readily accessible and equitable, and complaints and feedback may be provided verbally or in writing using a variety of mechanisms (email or form). Support can be provided to enable a complaint to be made.
- **Responsiveness:** an acknowledgement of a complaint will be provided to the complainant as soon as practicably possible. Complaints are handled in an efficient and effective manner.
- **Respect:** complainants will be treated respectfully and kept advised of the progress of their complaint throughout the resolution process.
- **Objectivity:** each complaint will be addressed in an objective and unbiased manner. ESA seeks to gain a genuine understanding of the feedback provided. The Clinical Services Committee may review deidentified complaint and feedback data to provide further objectivity and trend analysis of complaints.
- **Privacy and Confidentiality:** complaints and the complainant's personal information are dealt with in accordance with the Privacy, Dignity and Confidentiality Policy and the Commonwealth Privacy Act 1988 (as amended).
- **Client-centred approach:** ESA acknowledges a client's right to express dissatisfaction without fear of retribution or interference with the service they receive. All complaints received will involve the complainant in investigation and resolution where appropriate. The Family Reference Group may review deidentified complaint and feedback data to provide a further client-centred approach.
- **Support:** clients and families will be supported through the feedback and complaints process and may be provided with information about accessing independent advocacy services if appropriate or requested.



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- **Grassroots:** ESA commits to managing complaints as close as possible to the source of the complaint without unnecessarily escalating the matter.
- **Quality Improvement:** complaints and feedback will identify areas for clinic-level or company-wide improvement and training opportunities. In addition, ESA’s complaints handling process will be reviewed at least annually, with the aim of improving its delivery of effective outcomes.

### *Escalating and Reporting Complaints Externally*

Complainants may escalate their complaint should they be dissatisfied with the response from ESA, or should they choose in any case to do so. There may also be requirements for ESA to proactively report on complaints externally. Appropriate external complaints handling bodies include:

WA	<p>Until 1 July 2020: Health and Disability Services Complaints Office (HaDSCO)          (08) 6551 7600          1800 813 583          Download and return this <a href="#">form</a>  <a href="#">Online lodgement</a></p> <p><b>ESA must submit de-identified complaints data to HaDSCO</b> via its Health Complaints Data Collection Program by 31 July each year:  <a href="https://www.hadsco.wa.gov.au/survey/index.cfm">https://www.hadsco.wa.gov.au/survey/index.cfm</a></p>
SA	<p>NDIS Quality and Safeguards Commission          1800 035 544  <a href="#">Online lodgement</a></p> <p>Health and Community Services Complaints Commissioner 8226 8666 or 1800 232 007 or <a href="#">online</a></p>
Tasmania	<p>NDIS Quality and Safeguards Commission          1800 035 544  <a href="#">Online lodgement</a></p> <p>Speak to the Community Partnership Team (Disability and Community Services) or Director of Disability and Community Services, or Ombudsman, in accordance with this <a href="#">factsheet</a>.  <a href="#">Ombudsman website</a></p>
Victoria	<p>NDIS Quality and Safeguards Commission          1800 035 544  <a href="#">Online lodgement</a></p> <p>Victorian Disability Services Commissioner          1800 677 342  <a href="#">Online lodgement</a>          Via email at <a href="mailto:complaints@odsc.vic.gov.au">complaints@odsc.vic.gov.au</a></p>
NSW	<p>NDIS Quality and Safeguards Commission          1800 035 544  <a href="#">Online lodgement</a></p>

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	<p>Ombudsman New South Wales  <a href="#">Online complaint form</a></p>
Queensland	<p>NDIS Quality and Safeguards Commission            1800 035 544  <a href="#">Online lodgement</a></p> <p>Ombudsman Queensland <a href="#">website</a>            1800 068 908</p>
Northern Territory	<p>NDIS Quality and Safeguards Commission            1800 035 544  <a href="#">Online lodgement</a></p> <p>Health and Community Services Complaints Commissioner            1800 004 474  <a href="#">Online lodgement</a></p>
ACT	<p>NDIS Quality and Safeguards Commission            1800 035 544  <a href="#">Online lodgement</a></p> <p>Human Services Registrar (<a href="mailto:quality@act.gov.au">quality@act.gov.au</a> or (02) 6207 5474)            Official Visitors Disability Services (1800 150 036)</p> <p>ACT Ombudsman (1300 362 072)</p> <p>Human Rights Commission: Download and return this <a href="#">form</a> and email to <a href="mailto:human.rights@act.gov.au">human.rights@act.gov.au</a></p>

### Procedure

#### *Receiving a compliment or complaint*

For a complaint this includes:

- Understanding the circumstances and perspective of the person making the complaint;
- Identifying the key issues and the resolution or outcome which is being sought;
- Seeking to identify a resolution to the complaint ie “what would you like to see happen?”;
- Being respectful and supportive to the person making the complaint (and accepting anonymous complaints if requested) and explaining the complaints process;
- Being sensitive to, and accommodating, specific needs of the person making the complaint and if required ensuring they are supported by a person of their choice;
- Maintaining privacy and confidentiality of the complainant and complaint as appropriate.

For a compliment this includes:

- Thanking the person for taking the time to give the feedback

#### *Initial Documentation*

Staff receiving the complaint must:



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- Inform the Practice Principal (within 24 hours of receipt) using the ESA complaints and feedback form (available on estart), providing as much supporting documentation as possible via email to the Practice Principal.

Practice Principals will receive an email alerting them to the lodged feedback and should:

- Add any additional known information about the feedback; and
- Inform any involved staff member (and line manager) as soon as possible (within 24 hours).

### *Complaint Allocation*

The Quality and Compliance Coordinator will receive notification of the feedback and will notify relevant members of the Corporate Team including the Chief Executive Officer, National Operations Manager, or Manager Service Delivery, as appropriate.

The Practice Principal will discuss the complaint with the Manager Service Delivery. An initial review of the complaint will also occur at the weekly Clinical Compliance and Quality meeting. An allocation will be made to the most appropriate role for investigation and or management of the complaint. In most instances this will be the Practice Principal.

### *Investigating a Complaint*

If an investigation is required, the staff member investigating the complaint is responsible for:

- Reviewing the complaint and responses to date – within 24 hours
- Acknowledging that the complaint has been received – within 48 hours
- Making three point contact (within 48 hours) – with the complainant, the person the complaint is about, and any third party) to:
  - Confirm each party’s recount;
  - Verify the facts;
  - Negotiate to achieve an acceptable resolution and outcome for all parties.
- Making recommendations as appropriate and supporting the complaint’s resolution. Update Complaints Register with findings summary and action recommendations – related process is Complaints Management.

### *Managing a Complaint*

If there is no investigation required, and / or at the conclusion of an investigation, a member of ESA’s Corporate Team will:

- Record any agreed action that needs to be undertaken and completed in the ESA Feedback and Complaints Register; and
- Mark the complaint as “resolved” in the ESA Feedback and Complaints Register when appropriate.

### *Ongoing Documentation*

Where appropriate through the various steps in the process outlined above, the entry in the ESA Feedback and Complaints Register should be updated. At a minimum, updates will be made weekly in the Clinical Compliance and Quality meeting.

### *Trend Analysis and Reporting Complaints Internally*

The Quality and Compliance Coordinator prepares and provides a monthly report illustrating numbers of complaints and trends for the Corporate Team’s consideration.

## Roles and Responsibilities

### *Complainant*



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- Have their complaint acknowledged by the person handling the complaint;
- Be advised of the contact details of the person handling any investigation;
- Be offered support and advocacy if necessary in relation to the complaint;
- Be consulted on the proposed resolution to their complaint; and
- Be informed when the complaint is considered resolved.

### *Staff Involved*

- Be made aware of the complaint and have the opportunity to respond, with the response to be documented appropriately;
- Be offered support in the form of a support person, Manager, and / or EAP if required;
- Be consulted and informed about the outcome, response and any further action, along with the Manager as appropriate.

### *Practice Principal*

- In most instances, manages the complaint and investigates the complaint (if required).
- Must keep all relevant staff informed of the outcome, response and any actions.

### *The Corporate Team*

- Provide support and oversight to the investigator in managing a complaint if required.
- Review any processes, documents or complete audits if required as part of the complaints process and continuous improvement.
- Identify local, regional or organisational trends or opportunities for improvement.

## **Compliance**

Staff found to be non-compliant with this policy are subject to appropriate disciplinary action by ESA including, but not limited to one or more of the following:

- Counselling;
- Further training and development;
- Demotion;
- Suspension;
- Warning;
- Termination of employment (with or without notice or any payment); or
- Termination of engagement (in the case of contractors)

## **Associated Documents**

Staff Code of Conduct

Quality Policy

Privacy, Dignity and Confidentiality Policy

Family Reference Group Terms of Reference

Clinical Services Committee Terms of Reference

ESA Complaints Form (available on estart)

National Standards for Disability Services

National Disability Insurance Scheme (NDIS) (Provider Registration and Practice Standards) Rules 2018

NDIS (Complaints Management and Resolution) Rules 2018

NDIS Code of Conduct for Workers

Commonwealth NDIS Act (2013)

Commonwealth Privacy Act (1988) (as amended)

United Nations Convention on The Rights of Persons with Disabilities



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### Document Control

<b>Document Name</b>	ESA Complaints and Feedback Policy		
<b>Document Owner</b>	National Operations Manager	<b>Version</b>	3
<b>Created</b>	National Operations Manager (25 September 2018)	<b>Last Reviewed/Modified</b>	Quality and Compliance Coordinator December 2019
<b>Authorised</b>	National Operations Manager (December 2019)	<b>Review Due</b>	Annual (December 2020)
<b>Published Location</b>	ESA Website; Staff Intranet		

