



# Complaints, Incidents and Feedback Policy

## Why Complaints Matter

Complaints are one of the best ways to identify problems with service delivery and how they can be fixed. Fostering an organisational culture that values and learns from complaints is one of the most important ways NDIS providers 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. Even if we cannot fully resolve the complaint, it is critical that the person who made the complaint feels that they have been listened to; that their opinion was valued; and that you did everything you could to address their concerns. The process really is as important as the outcome, and is critical to building and strengthening relationships between participants and NDIS providers.

Maintaining an effective complaints management system will also help us resolve complaints in-house, preventing complaints from being raised with the NDIS Commission unnecessarily.

## Our Obligations as an NDIS Provider Managing Complaints

[Full handbook found here](#)

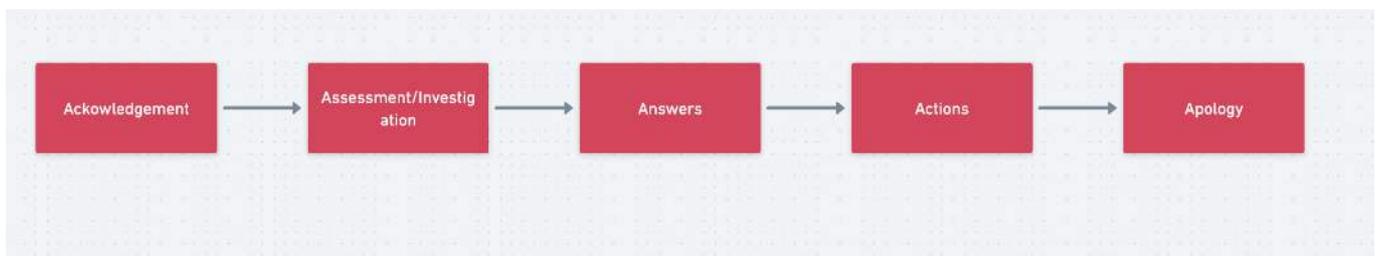
1. Have a complaints management process and supporting system (cases in Salesforce) that:
  - a. **Place the person with disability at the centre of the complaints process** - included and updated throughout, procedural fairness
  - b. **Is accessible** - any person should be able to including anonymously. Clients should be aware of how to make complaints and how to escalate them if unhappy with our resolution
  - c. **Includes worker training** - all staff trained in how to manage complaints and there should be key escalation points
  - d. **Supports the person making the complaint** - ensure client has appropriate support to make complaint if needed e.g. from staff, family, advocate. Must take steps to ensure no person adversely affected for making a complaint
  - e. **Is well-managed** (see more info in "[Responding to Complaints](#)")- complaints managed directly and quickly (formally acknowledged within two (2) business days of receipt and the complaint resolved within thirty (30) days where possible). All appropriate people informed on progress of the complaint including:

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- i. Any action taken
    - ii. The reasons for decisions made
    - iii. Options to have decisions reviewed
  - f. **Includes full documentation** - (this document)
  - g. **Is subject to regular review** - including consultation with participants
2. Support people with disability to understand how to make a complaint, both directly to us and to the NDIS Commission (if client unsatisfied with our resolution)
  3. Be equipped to handle and resolve complaints to meet our responsibilities to deliver safe and high-quality services to people with a disability by:
    - a. Ensuring all complaints are acknowledged
    - b. Assessed and resolved in a fair manner ([gov guidelines on procedural fairness](#))
    - c. Efficient and timely (unless time needed to investigate)
    - d. Appropriate action is taken in relation to complain
  4. Maintain records of each complaint for 7 years which include:
    - a. Information about the complaint
    - b. Any action taken to remediate or resolve complaints
    - c. Outcome of any actions taken
  5. Have an organisational culture which values and learns from complaints by:
    - a. Regular review of complaints to identify and address systemic issues
    - b. Review the complaints process annually to ensure it is still effective

## Responding to Complaints



1. **Acknowledgement:** Making a complaint can be difficult for people. It is important that people feel that their concerns have been understood and that the impact on them is recognised. Acknowledgement can include:
  - a. genuinely listening to the person without interrupting
  - b. empathising
  - c. making sure the person feels comfortable talking to you, and being aware of whether you are feeling defensive and how this may be perceived



- d. acknowledging how the situation has affected the person
  - e. rectifying by asking the person what a good outcome would look like for them, and
  - f. notifying the person regularly and promptly of the steps that will be taken in response to their complaint, ensuring commitments aren't made that can't be fulfilled.
2. **Answers:** Answers should include a clear explanation that is relevant to the concern raised but ONLY if you know the facts.
  3. **Actions:** People want you to fix or take steps to address their concerns. This may be in relation to their specific complaint, or more broadly around systems to ensure that similar issues won't occur for other people. Sometimes you won't be able to fix the issue raised, but you can initiate actions to prevent it from happening again. A good way to approach is via an action plan which includes:
    - a. what will be done
    - b. who will do it
    - c. when it will be done by
    - d. how the progress of the complaint and outcomes will be communicated to the person
    - e. making the complaint and the participant, and
    - f. how the progress of the complaint actions and implementation will be oversights.
  4. **Apology:** A genuine and timely apology is a powerful healing force and a way to separate the past from the future, to put things to rest and get on with any agreed new arrangements. When providing an apology consider:
    - a. timeliness
    - b. sincerity
    - c. being specific and to the point
    - d. accepting responsibility for what occurred and the impacts caused
    - e. explaining the circumstances and causes (without making excuses), and
    - f. summarising key actions agreed to as a result of the complaint.

## Procedural Fairness

Procedural fairness requirements aim to ensure that a fair process is followed during the handling and resolving of a reported complaint. Fair processes lead to better and fairer complaint handling. Procedural fairness must be afforded to a person making a complaint, as that person has an interest (and an expectation) in how the complaint is managed and the outcome.

People with disability have the same rights as other members of Australian society to pursue grievances and to be involved in decision making that affects them. It is our responsibility to



ensure that clients are always given reasonable opportunity to present complaints, have their complaint understood, and to ensure their complaint is not dismissed upon the basis of facts that were not raised with or apparent to them. Providers must also seek to investigate and resolve complaints as quickly and with as little formality as a proper consideration of the complaint allows.

Complaints must be handled and resolved fairly, impartially and efficiently. Processes to uphold fair complaint management vary by situation and take into consideration:

- (a) the nature of the matter being dealt with;
- (b) the options for resolving it;
- (c) the time-frame for resolution;
- (d) whether facts in issue are in dispute;
- (e) the gravity of possible findings that may be reached; and
- (f) the sanctions that could be imposed based on those findings.

Fair complaint handling involves the understanding and consideration of:

### **Confidentiality**

Complaints to registered NDIS providers may be made anonymously and people submitting complaints may request that information be kept confidential. This must be upheld in all possible circumstances. It is equally acknowledged that it may not always be possible to fully honour a request for confidentiality if a complaint is to be properly investigated.

### **Avoiding Bias**

Decision makers should be unbiased and maintain an unbiased appearance. It's important to consider who is an appropriate person within an organisation to manage the complaint, and whether more than one person should be involved in examining the complaint, consulting with interested parties, and making decisions on the complaint. More than one person may manage the complaint for organisational reasons or to avoid conflicts of interest or the appearance of bias.

### **Complaints against workers**

Providers and workers are required to act with respect for individuals and to respond to allegations of abuse. It may be necessary in resolving a complaint to reach a finding that is adverse to an individual worker or that results in a sanction being imposed.

Complaints resolution systems must distinguish between complaints that are specifically about the conduct of workers and complaints about the provision of services that incidentally identify workers. Sometimes a quick, informal and consultative procedure will be sufficient – but on other occasions procedural fairness may require a more formal structured procedure where more serious allegations are concerned.



The handling of complaints against workers must enact procedural fairness by upholding worker's rights to confidentiality, to be afforded reasonable opportunity to respond to allegations, to be communicated with efficiently and formally in writing, and to have the complaint managed transparently and organisationally to avoid conflicts of interest or bias.

## Incidents

### How We Define Incidents

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

Harm is defined as the resulting impact of the act, omission, event or circumstance that occurs, and can include physical, emotional or psychological impacts such as physical injuries, emotional impacts such as fear or poor self-esteem, and psychological impacts such as depression or impacts on a person's learning and development.

### Why Incidents Matter

There are incidents that can threaten the health, safety or wellbeing of people with disability. Incidents can have a significant impact on people with disability, workers, families, carers, community members and NDIS providers.

All NDIS providers – are subject to the [NDIS Code of Conduct](#). The Code of Conduct sets out the expectations for safe and ethical services and supports for both NDIS providers and workers. Even where Able Foods adheres to these frameworks, incidents may still occur in the course of service delivery. In these instances, we can learn and actively improve to prevent harm, abuse and neglect of people with disability.



## Our Obligations as an NDIS Provider Managing Incidents

[Full handbook found here](#)

1. Take all necessary steps to prevent incidents from occurring in the first place. This includes learning from those that do to put in place measures to prevent the next time
2. Have an incident management process and supporting system to record and manage incidents that occur while providing supports or services to people with disability. This system should:
  - a. Focus on the safety and wellbeing of people with disability
  - b. Be accessible to all staff employed by Able Foods and to clients of Able Foods and those who support them.
  - c. Set out the required actions and responsibilities of staff, Able Foods as a whole and stakeholders
  - d. Have procedures for **identifying, responding** to and **recording** incidents:
    - i. [Defining incidents](#)
    - ii. [How incidents are identified](#)
    - iii. Immediately supporting the impacted person
    - iv. How to record an incident
  - e. Prompt investigation
  - f. IF incident found to be a reportable incident - notified to the relevant personnel using required form
  - g. Review and learning from incidents