

20. Complaint Management and Resolution System (NDIS)

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20.1 Introduction

Persons with disability may face multiple barriers to making a complaint about their support or services. These include lack of experience asserting their rights as consumers, fear of retribution, negative experiences with complaints systems (including not being believed) and difficulty communicating what happened without support. Additionally, in the case of violence, neglect and abuse, people can face substantial barriers to making a complaint.

Feedback provided can be used by the practice to drive change and improvements in the service provision.

Policy

The Practice Complaint Management and Resolution System will:

- Support NDIS participants to understand their rights and what they should expect of providers,
- Supports NDIS participants to have the confidence to complain when they face issues,
- Enable other stakeholders (such as advocates and workers) to make complaints and ensure issues can be addressed when persons with disability are unable or unwilling to make a complaint,
- Support the resolution of complaints when possible and provide an escalation pathway where required,
- Enable the identification of systemic issues and drive improvements (including by providers reporting on complaints).
- Identify and report on any complaints or issues that are reportable (as per the Incident Management and Reportable Incident System Policy and Procedure document).

Procedure

All NDIS participants receiving services from the practice will be provided with information regarding the Complaint Management and Reportable incident system when they commence services.

Information will also be available within the service agreement.

1. Complaints may be received via phone, in writing, email or in person by the client, client advocate or client's representative in person by the speech pathologist and/or anonymously.
2. When a complaint is received and/or an incident which needs to be reported is identified, any supports required to facilitate communication and participation by the participant (e.g. supports in language other than English, braille, audio recording and/or AAC options) will be identified and all reasonable steps taken to have these available.
3. All reasonable steps will be taken to ensure that:
 - A person who makes a complaint, or a person with disability affected by an issue raised in a complaint, is not adversely affected as a result of the making of the complaint; and
 - Information provided in a complaint is kept confidential and only disclosed if required by law or if the disclosure is otherwise appropriate in the circumstance.

- The speech pathologist is trained to refer client complaints in a polite, prompt, consistent, positive and constructive manner.
4. The Complaints and Incidents Record document will be completed by the staff member who initially receives the complaint.
 5. The speech pathologist will ensure appropriate support and assistance is provided to any person who wishes to make, or has made, a complaint. This may include facilitating communications in languages other than English, or the use of a communication support such as AAC or braille using available publicly funded options. The person receiving the complaint or reporting the incident may assist the client to complete the form, for example by writing the details on the complaint form as verbalised by the client/ their representative.
 6. Documentation or a record of the person's agreement with the report should be gained e.g. by signing the document, or video-recording verbal agreement, or videoing the persons non-verbal responses.
 7. Once a client has given an indication of an issue/concern, there will be an immediate attempt to determine the exact nature of the concern/problem and where possible correct or resolve the issue.
 8. The speech pathologist will provide the client with the *How to make a Complaint Brochure* and with a *Complaint Form*.
 9. The speech pathologist will:
 - Provide the person with an acknowledgment of the complaint within 5 business days of receiving the complaint,
 - Record the complaint on the *Complaints Register*,
 - Assess and investigate the complaint,
 - Ensure that procedural fairness is afforded to all involved in the complaint,
 - Complete the *Complaints Action Form*
 - Endeavour to resolve the complaint in a fair, efficient, and timely manner.
 - Take appropriate action in relation to the issues raised in the complaint,
 - Report back to the client/their representative regarding the decision and the reason for the decision of the complaint ideally within 21 business days of receiving the complaint.
 - Provide appropriate support and assistance for the client/ their representative, to contact the Commissioner if they are not satisfied with the outcome of the complaint.
 10. The speech pathologist must ensure the person making the complaint is:
 - Appropriately involved in the resolution of the complaint; and
 - Kept informed of the progress of the complaint, including any action taken, the reasons for any decisions made, and options for review of the decision in relation to the complaint.
 11. Once a decision/outcome has been concluded (ideally within 21 working days), the speech pathologist is to phone the client and advise them of the findings and the reason for any decision being made. If the client is satisfied with the outcome, the speech pathologist must record the details on the Complaint Action Form, complete a client letter, take a photocopy and post the original to the client. A copy of the letter with the other supporting documents should be filed in the practice's

Complaints folder and the Complaints Register should be updated as complete (include: date finalised).

12. If the complaint is not resolved to the client's satisfaction, the speech pathologist will advise the client that they have the right to contact the NDIS Commission (the Commission). They should provide the person making the complaint with the contact details of the Commission.

The speech pathologist will also complete a client letter, take a photocopy/scan and then post the original to the client. They must attach a copy of the letter with the other supporting documents and store this in the client's file.

The client's letter will need to detail the reasons why he/she is not satisfied with the complaint resolution proposal and should set out his/her expectations and desired outcomes for the dispute to be satisfactorily resolved.

Record the client's dissatisfaction with the complaint outcome on the Complaints Action Form and Complaints Register. File a copy of all the relevant documentation in the Complaints folder.

20.2 Documentation

1. The speech pathologist must provide copies of this Complaints and Management System to:
 - persons with disability receiving NDIS support or services and their families, carers and advocates;
 - any person engaged by the practice.

20.3 Monitoring, and Reporting Complaints

1. All records in regards to the Complaints and Management System must be kept for 7 years from the day the record is made.
2. It is important to record the complaints information on the Complaints Register to assist management in measuring effectiveness in a number of areas. The information can be used to:
 - identify and address recurring, or systemic issues,
 - identify training requirements, and
 - highlight product or internal control weaknesses, and
 - report information relating to complaints to the Commission, if requested.
3. The speech pathologist will analyse complaints data regularly to identify any trends in the complaints received by the practice and then make changes to policies and procedures as required to reduce the possibility of repeat complaints.

20.4 Roles, Responsibilities, Compliance and Training of Staff

1. The speech pathologist is responsible for ensuring that any persons engaged in the practice to provide services to NDIS clients have been trained and comply with this Complaints Management and Resolution System.

20.5 Complaint Management and Resolution System Review

1. The speech pathologist will review this Complaint Management and Resolution System regularly to ensure its effectiveness.

20.6 Referring Complaints

1. Complaints will be referred or notified to any other bodies in accordance with any requirements under relevant Commonwealth and Territory laws. Those notified will differ according to the nature and content of the complaint.

Complaints may be referred to:

- NDIS Commission
- Human Services Registrar (HSR)
- The Senior Practitioner
- Child and Youth Protection Services (CYPS)
- WorkSafe ACT
- Speech Pathology Australia (SPA)
- Department of Human Services (DHS) Medicare Complaints and Feedback
- Australian Competition & Consumer Commission (ACCC)
- another appropriate body

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