

Policy 2.4	<h2 style="margin: 0;">Complaints and Feedback</h2>
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**Policy Statement:**

The Orange & District Early Education Program (ODEEP) is committed to ensuring that any person or organisation using ODEEP services or affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation. All concerns that are raised will be addressed in ways that ensure access and equity, fairness, accountability and transparency.

The organisation will provide a complaints and appeals management procedure that:

- allows any person to make a complaint or provide feedback.
- facilitates complaints by cultivating a supportive environment in which they can be made.
- is simple, accessible and easy to use.
- is effectively communicated and promoted to all clients and stakeholders.
- is proportionate to the size of the organisation and the services it provides.
- ensures complaints or appeals are fairly assessed and responded to promptly.
- is procedurally fair and follows principles of natural justice.
- complies with legislative requirements.

**Responsibilities and delegations**

This policy applies to	Families enrolled at ODEEP, other services/professionals who relate to ODEEP, all ODEEP staff, contractors and volunteers and ODEEP Board of Management.
Specific responsibilities	The ODEEP CEO is responsible for monitoring feedback and complaints and utilising these for continuous improvement purposes. Both the ODEEP CEO and Practice Manager is responsible for taking and dealing with feedback and complaints.
Policy approval	ODEEP CEO

**Policy context** – this policy relates to:

Standards	NDIS Practice Standards and Quality Indicators 2018 National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 NDIS Code of Conduct Educational and Care National Quality Standards
Legislation	National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 Community Services (Complaints Reviews and Monitoring) Act 1993 (CS-CRAMA) National Disability Insurance Act 2013

	Children (Education and Care Services) National Law NSW 2010 Education and Care Services National Regulations 2011
Organisation policies	1.1 Client Rights and Service Charter 1.6 Privacy 1.7 Advocacy and Information 1.9 Incident Management 2.1 Confidentiality 4.4 Parent/Carer Engagement 2 HR 8 Professional Development
Forms, record keeping, other documents	Complaints and Feedback Forms Complaints and Feedback Continuous Improvement log NDIS ODEEP Service Agreement ODEEP Family Charter Complaints brochure BNG complaints management information sheet <u>Complaint Handling guides:</u> NDIS Quality and Safeguards Commission: <i>Effective Compliant Handling Guidelines for NDIS providers</i> Commonwealth Ombudsman: <i>Better Practice Guide to Complaint Handling</i> Disability Services Commissioner: <i>Everything you wanted to know about complaints</i> NSW Ombudsman: <i>Effective Complaint Handling guidelines</i>

### Definitions:

**Complaint:** is an expression of dissatisfaction made to or about an organisation regarding its staff, services or products that warrants response or resolution.

**Complainant:** is an employee, client, advocate, entity or member of the public who expresses their dissatisfaction about an organisation to either the organisation itself or an external body.

**Escalation:** is the process of reporting complaints to the relevant external body if the complainant is not satisfied with the outcome of their complaint.

### Principles:

ODEEP will:

- ensure that all parents/carers are encouraged and supported to raise any concerns they have about the service and supports or about the organisation.
- consider all complaints it receives regardless of whether or not the complainant is a client of the organisation.
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant.
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution. Information will only be disclosed if required by law, or if otherwise necessary.

- ensure support and advocacy is available to clients who make a complaint and require support.
- resolve complaints, where possible, to the satisfaction of the complainant.
- parents/carers have access to the organisation's complaints management policy.
- deal with all complaints in a timely manner, and aim to provide a formal response to the complainant within 10 working days from the complaint being received for a simple complaint which can be dealt with by frontline staff, and within one month for more serious or complex complaints.
- keep parties to the complaint appropriately involved and informed of progress of the complaint.
- ensure that the ODEEP Board of Management, members, staff and volunteers are given information about the complaint's procedure as part of their induction and are aware of procedures for managing client feedback and complaints.
- ensure all service users, stakeholders and members are aware of the complaints policy and procedures.
- ensure that all complainants are aware of and understand how to escalate their complaint to an external body.
- ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue.
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvement.
- review and evaluate the accessibility and effectiveness of the complaints management system and continually improve its processes.

## **Procedures:**

### **Information for clients and stakeholders**

ODEEP's complaints and appeals procedure will be documented for clients and stakeholders in a number of documents including, but not limited to, their NDIS ODEEP Service Agreement, the ODEEP Services and Supports Document, the Complaints and Feedback brochure which are made available face to face with the client at the point of enrolment, within the ODEEP centre and on the ODEEP website. This information is provided in ways which take into account the individual needs and communication preferences of clients. Translation services are available as required.

All clients will be informed of their rights and responsibilities with regards to complaints and appeals at the earliest possible stage of their involvement with the organisation.

The NDIS ODEEP Service Agreement will contain information on the following:

- how to make a complaint to ODEEP and to the NDIS Quality and Safeguards Commission or lodge an appeal, including an anonymous complaint.
- contact person for lodging a complaint or appeal.
- how the organisation will deal with the complaint or appeal, the steps involved and the timelines.
- the rights of the complainant to an advocate, support person or interpreter.
- how the person will be informed about the outcome of their complaint or appeal.
- how to make a complaint to an external body including contact details.

### **Training procedures**

Staff will be trained on the complaints management procedures during their induction, and as part of ongoing refresher training.

The Senior Management team will undergo training for complaints management and resolution to support clients throughout the complaint process and appropriately respond to complaints in an empathetic manner. This will include open communication strategies such as acknowledging the grievance without being defensive and making apologies while accepting responsibility for what occurred.

### **Making a complaint**

A person wishing to make a complaint about any issue connected with ODEEP services and supports may do so in writing or verbally to:

- the staff member they were dealing with at the time.
- the ODEEP CEO or Practice Manager.
- the NDIS Quality and Safeguards Commissioner (where the complaint relates to the provision of NDIS services and supports).
- A complaint can be withdrawn at any time.

Complaints may be made by:

- talking to the staff member of choice face to face or by phone.
- using the confidential complaints button on the front page of the ODEEP website [www.odeep.com.au](http://www.odeep.com.au).
- emailing complaints to [kyliestreatfeild@odeep.com.au](mailto:kyliestreatfeild@odeep.com.au) or by post to the CEO, PO Box 644 Orange 2800. The CEO will review the complaint and will direct correspondence to the appropriate person.
- Feedback and complaints via telephone may be made on 02 63614093 with the CEO and/or Practice Manager.
- Anonymous complaints may be made by using the anonymous feedback form on the website or by completing a written form and placing it in suggestion box.
- Complaints to the Quality and Safeguards Commissioner may be made in writing or verbally using 1800 035544 or [contactcentre@ndiscommission.gov.au](mailto:contactcentre@ndiscommission.gov.au).

If the complaint is about:

- a staff member or volunteer the complaint will normally be dealt with by the ODEEP CEO.
- if the complaint is in relation to the ODEEP CEO, the complaint will normally be dealt with by the Board Chairperson.

### **Lodging an appeal**

Clients or their advocates may lodge an appeal if they disagree with a decision made by the organisation, or by a staff member, related to services and supports delivered by ODEEP. An appeal should be made in writing to the ODEEP CEO.

## Procedure for complaints and appeals management

Any staff member may be a recipient of a complaint, and is responsible for:

### 1. Receiving the complaint:

- listening to the complainant, acknowledging the concern raised, and explaining the next steps to the complainant.
- depending on the type and severity of the complaint, either discussing with the complainant an agreed upon resolution (for smaller matters), or referring the complaint onto the ODEEP Manager for further investigation and action.

The person managing the complaint will be responsible for:

### 2. Processing the complaint or appeal:

- registering the complaint or appeal on a Complaints Form and providing it to the ODEEP CEO/Practice Manager for registration on the Complaints and Feedback Management log.
- informing the complainant that their complaint has been received and providing them with information about the process and time frame.

### 3. Investigating the complaint or appeal:

- examining and resolving the complaint within the timeframes of 10 days from the complaint being received for a simple complaint, and one month for a more serious or complex complaint.
- for frontline handling of simple complaints documentation for the complainant will be made and signed off on the Complaints form.
- For more serious and complex complaints the Complaints form will be completed and in addition the complainant will be informed by letter within 10 days of the complaint being received of the action taken to investigate and resolve it, and the expected time frame for resolution.
- If the identified time frames cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.
- Some complaints of a serious nature may need to be referred to an external agency such as the NDIS Commission, Department of Family and Community Services, and/or the Police.

### 4. Responding to and resolving the complaint:

- making a decision or referring to the appropriate people for a decision with the identified timeframes of the complaint being received:
  - informing the complainant of the outcome and the reasons for any decisions made
  - upheld (and if so what will be done to resolve it);
  - resolved (and how this has been achieved); or
  - if no further action can be taken, the reasons for this;
- informing the complainant of any options for further action if required.
- if an apology is in order, ensuring that the appropriate person makes the apology and informs the complainant what the organisation intends to do to avoid further grievance.

### 5. Reviewing the complaint:

If the complainant is not satisfied with the investigation and proposed resolution of their complaint or appeal, they can seek a further review of the matter by the ODEEP CEO within 10 working days of the review request.

#### 6. Referral to external procedure:

A formal external complaints procedure may follow Step 4 if the complainant is still not satisfied with the outcome. The complainant will be referred to an independent review body such as the NDIS Quality and Safeguards Commissioner and/or the NSW or Commonwealth Ombudsman and provided information and support to make the complaint externally if necessary.

#### **Complaints involving specific staff members or volunteers**

The ODEEP CEO has delegated responsibility for resolving complaints or disputes involving staff members or volunteers. Internal complaints, where a staff member or volunteer makes a complaint concerning another staff member or volunteer, will be dealt with in accordance with the ODEEP Complaints Management Policy.

External complaints by clients or stakeholders made against a staff member or volunteer will be managed by the ODEEP CEO who will:

- notify the staff member or volunteer of the complaint and its nature.
- investigate the complaint and provide the staff member or volunteer with an opportunity to respond to any issues raised.
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party.
- take any other action necessary to resolve the issue.

Any disciplinary action against a staff member or volunteer arising from a complaint will be taken in accordance with the procedures contained in Disciplinary Action and Termination of Employment Policy.

Complaints relating to sexual misconduct with or in the presence of a child, including grooming of a child and conduct involving serious physical assault must be reported to the police, the ombudsman, the NDIS Commissioner and are grounds for immediate dismissal.

#### **Complaints involving organisation members including Board members**

Complaints made against a member or Board member will be referred to the Chairperson. The Chairperson, or their delegate, will:

- notify the person about whom a complaint is being made of the complaint and its nature
- investigate the complaint and provide the member with an opportunity to respond to any issues raised.
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party.

Where the Chairperson is the subject of a complaint, the complaint should be referred to the Vice Chairperson or their delegate.

If the matter remains unresolved, the Chairperson or notified office bearer will raise the matter at the next Board of Management meeting. Depending on the seriousness of the complaint, the Board of Management may:

- deal with the matter at its meeting  
or
- refer the matter to the process outlined in the organisation's constitution.

### **Cooperation in external investigations**

If any person makes a complaint about ODEEP to an external body (including police, NDIS Commissioner or Ombudsman) the ODEEP CEO will be responsible for liaising with the body responsible for investigating the issue. ODEEP will fully cooperate in any investigation which may take place, this includes participating in early resolution, conciliation, and/or reporting to the body about resolution and corrective actions if required. This matter will also be reported to the ODEEP Board of Management at the monthly Board meeting, or at any other time with the Chairperson.

### **Record keeping**

A register of complaints and appeals will be kept in the Complaints and Management Log on the ODEEP password protected network drive for a minimum of seven years after the complaint has been made. The register and Feedback and Complaint forms will be maintained by the ODEEP CEO and Practice Manager and will record the following for each complaint or appeal:

- details of the complainant and the nature of the complaint.
- date lodged.
- action taken.
- date of resolution and reason for decision.
- indication of complainant being notified of outcome.
- complainant response and any further action.
- main complaint trend topics.

Hard copies of all correspondence will be kept in a locked filing cabinet in the CEO's office and electronic copies stored on the password protected computer network. The complaints register and files will be confidential, and access is restricted to the ODEEP CEO, Office Manager and Practice Manager.

Information regarding feedback and complaints is provided to the Management Committee for review and this information is used to:

- inform service planning by including a review of complaints and appeals in all service planning, monitoring and evaluation activities.
- inform decision making by including a report on complaints and appeals as a standard item on staff and management meeting agendas.

### **Continuous improvement of the complaints management system**

The complaints management system will be reviewed and evaluated annually.

This will include:

- review of all complaint and feedback policies and procedures.
- client and staff feedback about the accessibility and effectiveness of the complaints management system.
- implementation of a continuous improvement plan based on the review and feedback received.

All policies are reviewed on a continual basis as gaps and need arises or otherwise on an annual basis.

<b>Record of policy development</b>		
<b>Version</b>	<b>Date approved</b>	<b>Date for review</b>
Version 2	October 2020	October 2021
Version 3	July 2021	July 2022
Version 4	October 2022	October 2023