

COMPLAINTS POLICY

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PURPOSE

As a registered NDIS provider Montrose takes its requirement to implement and maintain a system to manage and resolve complaints seriously. The purpose of this policy is to outline the system in place to manage and resolve all types of complaints.

SCOPE

This policy applies to all Montrose employees and contractors, Montrose customers, families of Montrose customers and other stakeholders who wish to raise a complaint or concern.

RESPONSIBILITY

The Montrose Executive Management Team (EMT), Managers and Coordinators are responsible for ensuring this policy is implemented and complied with.

REFERENCE

- Guidelines for complaint management in organizations (AS/NZS 10002:2014)
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 [F2018L00634]
- National Disability Insurance Scheme (Code of Conduct) Rules 2018 [F2018L00229]
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 [F2018L00631]
 - Core Module 2, Provider Governance and Operational Management
 - NDIS Practice Standard 2.5 : Complaints management and resolution
- The Montrose Employee Assistance Provider, Assure Programs

RELATED DOCUMENTS

- Montrose Code of Conduct (QS547)
- Montrose Workplace Harassment and Discrimination Policy (QS553)
- Montrose Appeal Process Procedure (QS536)
- Complaints Registration Form (ID7082)
- Complaints Flow Chart (ID6091)
- Montrose Customer Welcome Pack

DEFINITIONS

Complaint:

According to the Australian Standard for Complaints Handling, a complaint is defined as: 'Any expression of dissatisfaction with a product or service offered or provided' (Australian Standard AS4269-1995). An expression of dissatisfaction can be made by a staff member, customer, a family member, carer or an advocate or support person of a customer or family member.

This policy refers to three main types of complaint, based on disputes, mismanagement and misconduct.

- **Disputes:** Differences relating to assessment decisions, effectiveness of policies and procedures, or grievances lodged by staff.
- **Mismanagement:** Unreasonable decisions, inconsistent application of policy and procedures, procedural unfairness, failure to provide rights, failure to consider relevant matters and negligence.
- **Misconduct:** Breach of the Code of Conduct.

Complainant

The person who makes/lodges a complaint.

Complaine

The person who is named in a complaint or is the subject of a complaint.

Continuous Improvement Plan

A set of activities designed to bring gradual but continual improvement to processes through constant review.

Advocate/Support Person

A person providing support or representation for the complainant or complaine in the complaints process. This person is chosen by the complainant or complaine and may include a representative of an advocacy organisation.

KEY PRINCIPLES FOR COMPLAINT HANDLING

The key principles under this Policy are as follows:

- Montrose is committed to the efficient and fair resolution of complaints for both the complainant and the complaine.
- Any complainant has the right to complain about any aspect of the organisation without fear of retribution.
- The right of an individual to access independent support to assist them in making a complaint.
- Complaints are treated confidentially.
- The complainant's expectation for the resolution of the complaint will be determined prior to undertaking any action.

- The complainant will be appropriately involved in the resolution of the complaint and is to be kept informed regarding the progress of the complaint. This includes any actions taken, reasoning of decisions and options for review of decisions.
- The person about whom the complaint has been made will be advised of the identity of the complainant, as it is usually not possible for complainants to remain anonymous due to information gathering during the investigation phase.
- The complainees has the right to express their version of events and clarify what has occurred.
- Provision of feedback to all stakeholders on the progress and outcome of the complaint.
- The right of stakeholders to appeal decisions.
- Data from complaints is to be used for continuous improvement purposes.
- Strategies to address barriers to the use of the complaints processes by customers will be identified and managed through the Continuous Improvement Register.

MAKING A COMPLAINT OR RAISING A CONCERN

Informal complaints or concerns

Many concerns or complaints can be resolved informally without the need for further action. By allowing both sides to clarify their positions, an informal complaint may be resolved by better understanding of the nature of the concern or complaint.

A direct approach to the person or group whose actions have given rise to the complaint may lead to resolution of the problem without further action. This approach may be by email, in writing, by telephone or face to face.

All avenues for resolving the issue informally should be explored prior to formalising the complaint. This may include raising the concern or complaint with another staff member within the organisation in order to assist the resolution of the issue.

However, if any party to the concern or complaint is not comfortable with a direct approach or is unsure how to or who to raise the concern with, the Complaints Officer should be contacted directly for advice and assistance.

NDIS Commission

Montrose staff are obliged to advise customers how the complaint or issue may be raised with the NDIS Commission. Staff will provide the complainant or a person with a disability who is affected by an issue raised in a complaint with support and assistance in contacting the Commissioner regarding the complaint.

<https://www.ndiscommission.gov.au/about/complaints-feedback/complaints>

Formal complaints

Formal complaints should be lodged if:

- An informal complaint has not been resolved;
- A complaint relates to potential unlawful behaviour;
- The complaint may result in disciplinary action; or

- The facts of the complaint are disputed.

Formal complaints must be made in writing to ensure that sufficient information is available to adequately manage the complaint. Formal complaints will be acknowledged in writing within three working days of the complaint being received by the Complaints Officer.

Anonymous complaints

Montrose will not act on anonymous complaints unless the information provided is convincing and the issues raised are significant.

Vexatious complaints

Complaints are deemed vexatious if they are intended to harass or annoy, cause detriment or be lodged for any other wrongful purpose.

The Complaints Officer will examine complaints to determine whether they are vexatious. Staff members who make vexatious complaints may be in breach of the organisations Code of Conduct.

HOW TO MAKE A COMPLAINT

If customers or family members wish to make a complaint or give feedback the options are as follows:

- Contact the Complaints Officer **in the first instance if possible**
 - Telephone: 3717 1175
 - Email feedback@montrose.org.au
- Visit a Montrose office location to speak to someone;
- Talk to a staff member;
- Telephone any office location including head office on
 - Telephone 3379 9200 or 1800 193 362
- Write to Montrose at PO Box 3075, Darra, 4076

Your complaint will be acknowledged immediately if you speak with one of our staff or within three working days if you send your concern by email.

CONFIDENTIALITY

The privacy of all parties to a complaint is maintained at all times. Persons dealing with a complaint must not divulge any information obtained during the complaints process.

All complaints whether informal or formal will be registered on the organisation's Complaints Register with the actions to rectify any issues arising from the complaint being recorded on the Continuous Improvement Plan. However, the information placed on these documents will be de-identified.

It is important to record informal and formal complaints in order to track trends which may become an issue to the organisation and stakeholders in the future.

Those staff members involved in the investigation and resolution of the complaint will write reports associated with the investigation of formal complaints. These records will be kept on

the organisations confidential central filing system. In some circumstances information may be required to be provided to external bodies due to:

- Workplace health and safety concerns,
- Allegations of criminal conduct, or
- Allegations of reportable conduct against children.

PROTECTION OF FAIRNESS

Procedural fairness will be applied to all parties involved in the complaint regardless of the type of complaint made. Montrose is committed to protecting all parties to the complaint from retaliation, victimisation, adverse impacts or vexatious claims.

All parties to the complaint includes those who are the subject of the complaint who have been dismissed, witnesses, people who have provided information on the complaint, investigators of the complaint and those who make the final decision regarding the complaint.

Any person who believes they are victims of retaliation or fear they will be subject to retaliation should report their concerns to the Complaints Officer.

TIMETABLE

The timing for resolution of complaints is dependent on the nature and complexity of the complaint. Informal complaints can be dealt with quickly while other matters will take longer to resolve. The estimated timeline for complaints to be acknowledged, assessed and resolved is within a one month period. Complainants will be informed in the case of any changes. Please see the Complaints Flowchart (ID6091) for a visual guide of the complaints process.

REFERRAL AND INVESTIGATION

Complaints which cannot be dealt with immediately can be referred directly to the Complaints Officer. Complainants may also choose to address the complaint directly to the Complaints Officer rather than deal with the matter at a local level.

Following referral an initial investigation will be undertaken. The results of the investigation will be considered by a suitably qualified person with the capacity to consider the issues and make recommendations. The complainant will receive follow up to advise of the outcome of the investigation.

If a Complaint involves a senior member of staff or is complex in nature an external investigator may be used to provide procedural fairness and an independent investigation and report.

MEDIATION AND RESOLUTION

Montrose requires all parties associated with either informal or formal complaints to attempt resolution in good faith. In all cases complaints should be dealt with at the local level whenever possible. On occasions mediation may be required to resolve the complaint.

APPEALS

The outcome of a complaint can be appealed directly to the Chief Executive Officer (CEO) who will review the investigation process and the recommendations made from that process. No further appeal will be entered into unless the matter involves potentially criminal activity. However, if the complaint relates to service provision, complainants may choose to contact the NDIS Commission.

STAFF SUPPORT

Montrose subscribes to an Employee Assistance Scheme. The program which is run by Assure Programs provides independent and confidential professional counselling, support and advice. The service extends to immediate family members and is at no cost. Support can be provided on a face to face or telephone basis.

Assure Programs can be contacted on 1800 808 374.

INVESTIGATION PROCESS

Accepting a Complaint

Complaints can be accepted by any staff member. In the first instance the staff member can listen to the concerns of the complainant. The staff member receiving the complaint should ascertain the complainant's expectation for the resolution of the complaint and attempt to resolve the complaint at the local level. If a complaint is received by email the complainant may be contacted (by email, phone or face to face) prior to any action being undertaken to investigate or resolve the complaint.

Though a complaint may be able to be resolved quickly it must still be lodged on the Complaints Register using the Complaints Registration Form. The complaint will then be placed on the Complaints Register and filed in the confidential central filing system.

In circumstances where a complaint from either a customer or staff member cannot be resolved quickly to the satisfaction of all parties the complaint should be referred to the Complaints Officer. The person initially receiving and dealing with the complaint should provide a report outlining the issue and actions taken to resolve the complaint to the Complaints Officer. The Complaints Officer will acknowledge the receipt of the complaint and forward a copy of the Complaints Policy to the complainant within three working days of receiving the complaint. At this time the Complaints Officer will also discuss options for a support person or advocate assisting the complainant in managing the complaint process. Support persons or advocates may include a staff member e.g. Social Worker or a representative of an outside advocacy organisation.

Investigation Process

For complaints requiring further investigation the Complaints Officer or delegated staff member will:

- Confirm the details of the complaint with the complainant,
- Identify the complainants desired outcomes;
- Provide a timeline for resolution of the complaint to the complainant;
- Outline the process for investigation and resolution with all parties to the complaint; and
- Instigate an investigation of the complaint. An appropriate staff member may be appointed to conduct this investigation.

The investigation will include:

- Collection of information about the complaint;
- Interview in confidence the respondent, witnesses and relevant stakeholders;
- Development of ideas for resolution in consultation with manager/supervisor.
- Discussion of the proposed resolution with the complainant and the respondent.
- Recording of the investigation process including information gathering, records of interviews and discussions with supervisors/managers.

Resolution

If the proposed resolution is acceptable to all parties, the staff member who is investigating will:

- Prepare a written report for placement on the confidential central file and for noting at the Executive Management Team meeting.
- Ensure all appropriate documentation is forwarded to the Complaints Officer.

The Complaints Officer will:

- Finalise the complaint in the Complaints Register.
- Advice on outcome forwarded to the complainant.
- Provide improvement actions for the Continuous Improvement Register.
- Ensure all relevant written material is placed on the confidential central file.

If the proposed resolution is not acceptable to all parties the Complaints Officer or delegated staff member will;

- Advise the disaffected party of the Appeals Procedure; and/or
- Provide details for the NDIS Commission, which acts only on complaints made against NDIS providers (including unregistered providers who are in breach of the NDIS Code of Conduct).

NDIS Quality & Safeguards Commission

Phone: 1800 035 544

Fill out: Smart Form via:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=PRDoo-OCF>