




## Complaint Management Policy and Procedures

### STATEMENT

The Paraplegic & Quadriplegic Association of South Australia Ltd trading as *estara* is committed to delivering quality services that are responsive to the needs of our community. This includes an organisational culture that recognises the importance of effective complaint handling.

Complaints are a valuable source of feedback and effective management of complaints that relate to the services we provide contributes to our quality framework and client safeguarding.

*This Policy is delegated for approval by the Chief Executive Officer*

Approved by:  Chief Executive Officer	Date of Approval: January 2023  Date of Next Review: January 2026
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**In this policy, 'us' 'we' or 'our' refers to The Paraplegic & Quadriplegic Association of South Australia Ltd ACN 644 670 977, which is a Company Limited by Guarantee and trading as *estara*.**

*Please note that printed copies are not able to be controlled and the Shared Drive should always be referred to for the most current version.*

## **SCOPE**

Compliance with this policy is a condition of appointment for all workers engaged to provide services on behalf of *estara*.

## **DEFINITIONS**

Refer to the *estara* Policy and Procedure Definition Glossary

## **RESPONSIBILITIES**

It is our responsibility to communicate our policies and procedures to all workers on a systematic basis. Senior Leadership, Managers and Supervisors are responsible for monitoring their workers' understanding of their obligations and need for compliance with policies and procedures. Workers are responsible for complying with our policies and procedures.

**The Board and/or their nominated representative (generally the Chief Executive Officer), is responsible for:**

- providing leadership and demonstrating a commitment to the management of, and appropriate resolution of complaints made to *estara*, which includes ensuring there are no barriers to any person who wishes to make a complaint or raise concerns about us
- ensuring there is an effective, timely, impartial, and just system for dealing with and recording complaints
- ensuring service improvements and trends are identified and acted on as a result of complaint processes
- acknowledging and apologising in writing to a person who has made a complaint (complainant), and where there has been serious failure of *estara* to maintain client safeguarding or quality of service.

**The Head of People and Culture is responsible for:**

- monitoring complaints handling within *estara*
- assisting Managers to determine if external investigators are required to assist in the management of a complaint
- handling complaints related to privacy
- providing appropriate reports to the Chief Executive Officer for the purpose of Board reporting
- providing independent and impartial advice and assistance to workers who have received and are handling a complaint
- identifying systematic issues arising from complaints and making recommendations to senior leadership
- facilitating training to all Managers/Supervisors on the management of complaints.

**Managers are responsible for:**

- providing clear information to complainants about our procedures
- leading the investigation of complaints of a serious nature
- providing appropriate advice and assisting clients to make a complaint or raise a concern (including their right to engage external support)
- implementing, monitoring, and reviewing recommendations made to improve client satisfaction and service provision.

**Supervisors are responsible for:**

- receiving and resolving complaints (including referral of serious complaints to a Manager) in their areas in a timely and fair manner
- providing appropriate advice and assisting clients to make a complaint or raise a concern (including their right to engage external support)
- communicating any ongoing concerns in relation to complaints received to their Manager.

**Complainants can assist *estara* to resolve complaints by:**

- providing a clear and honest account of their concerns and their expectations for the outcome of their complaint
- engaging as openly as possible in the complaint management process, including participation in discussion with other parties to resolve the complaint
- respecting the rights of other individuals involved in the complaint handling process.

**Complaint Respondents (workers who are subject of a complaint) are responsible for:**

- engaging openly in the complaint handling process, including participation in discussion with other parties to resolve the complaint
- respecting the rights of other individuals involved in the complaint handling process.

**POLICY**

All complaints or concerns in relation to our client services (or related activities) will be handled by the relevant team in a sensitive, confidential and timely manner and discussed only with those persons relevant to the case or who can provide specialist advice.

In the instance where a complaint or concern does arise, *estara* has a responsibility to safeguard our clients, provide clients with appropriate ways to resolve such complaints and concerns and to minimise the adverse impact on all stakeholders.

**External Complaints' agencies:**

The client has the right to support from or to make complaints about *estara* to various external agencies, including:

**NDIS Quality and Safeguards Commission**

Ph. 1800 035 544, Web: [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

**National Disability Abuse and Neglect Hotline**

Ph. 1800 880 052 (call SAPOL on 000 in an emergency)

**HCSCC - Health and Community Services Complaints Commissioner**

Ph. 8226 8800 (General Enquiries) Country; 1800 232 007

**Disability Advocacy & Complaints Services of SA (DACSSA)**

Ph: 8297 3500, Country; 1800 088 325

**Communicating the right to complain**

*estara*'s complaints management system will be open and transparent. Clients will be supported to make complaints. This Policy and its Procedures will be communicated through:

- *estara*'s web pages
- brochures (available in alternate languages)
- client handbooks
- staff engagement.

estara seeks positive and appropriate outcomes to all complaints and concerns by adopting a systematic approach:

Response	Measure
Prompt Action and communication	Reports should be responded to quickly, reasonably and within agreed timelines. Where possible, concerns or complaints should be resolved immediately (frontline resolution). Relevant parties should be advised of how long it is likely to take to respond to the report and should be kept informed of the progress and any outcomes as appropriate.
Treat all matters seriously	All reports should be taken seriously and assessed on their merits and based on the information provided.
Maintain confidentiality	The privacy of all parties involved must be maintained. Details of the matter should only be known by those directly concerned.
Procedural Fairness	All complaints must be handled under the principles of natural justice and within legislative, quality and safeguarding, and industrial guidelines.
Neutrality	We will ensure complaints are handled and managed by individuals not directly involved with the complaint (external agencies may be required or requested by the complainant). Complainants will be treated with dignity and respect at all times.
Documentation	We will ensure appropriate documentation is recorded and maintained, which details the following: <ul style="list-style-type: none"> <li>• the person who made the complaint</li> <li>• when the complaint was made</li> <li>• to whom the complaint was made</li> <li>• the details of the complaint</li> <li>• action(s) taken to respond to the complaint</li> <li>• any further action required</li> <li>• outcomes and recommendations (including any systemic issues identified).</li> </ul>

**Privacy**

estara is governed by the Privacy Act 1988 and estara's Information Sharing Guidelines. The Act sets out rules for the proper handling of personal information, including how it is collected, stored, secured, accessed, amended, used and disclosed.

If a complainant believes their personal information or the personal information of a third party, has not been managed in line with one or more of these principles they can lodge a complaint under this policy. All privacy complaints must be immediately referred to the Head of People and Culture.

**Safety Complaints**

**Clients have the right to feel safe at all times, regardless of location.** If a client feels unsafe or threatened by the actions of a worker of estara, they should immediately report these actions and estara will respond immediately.

Complaints about unsafe work practices or equipment or breaches of the Work Health and Safety Act 2012 are to be managed under estara's workplace health and safety framework.

## **Reporting**

Complaint data will be provided by the Chief Executive Officer on a regular basis to, and as determined, by the Board.

*estara* maintains a complaint register, which underpins the reporting process. The Head of People and Culture will access the register to collate complaints data and relevant issues will be reviewed by the leadership team.

## **PROCEDURES**

Clients are strongly encouraged, without fear of retribution, to raise and have resolved any complaints they may have regarding *estara*, its workers or the services it provides.

### **Making a Complaint**

1. Complaints can be made verbally or in writing. Complainants are encouraged to submit their complaints in writing. In instances where this is not possible, a record of complaint will be created by the person to whom the complaint is being made.
2. Complaints can be received by any worker.
3. If the complaint cannot be resolved immediately, it will be referred in writing to a relevant Manager/Supervisor.
4. The Manager or Supervisor will be responsible for managing the complaint and will be known as the Responsible person.
5. The Responsible Person will contact the complainant as soon as they receive the complaint and will listen to any concerns and issues.

### **Managing a Complaint - Complexity**

*Frontline Resolution* – commonly involves a single incident or concern, which does not require a detailed investigation and can be resolved to the complainant's satisfaction by reviewing a worker's action or a service activity.

*Serious Complaint/Concerns* – can involve one or multiple issues, people or services; they require a detailed investigation by a Responsible Person to determine a satisfactory resolution.

### **Serious Complaints**

1. If required, the Responsible Person may organise to have an independent advocate or interpreter to assist the complainant. The complainant is entitled to ask for this at any time or seek support independently.
2. The Responsible Person will ask how they would like the complaint resolved and discuss options about how the process will move forward from that point.
3. The Responsible Person will maintain regular contact with the complainant.

### **Timeframes**

The timeframes outlined in this policy are appropriate to ensure adequate investigation and determinations. *estara* encourages the prompt resolution of complaints and supports effective and early complaint resolution within these timeframes:

- all client complaints must be receipted and acknowledged as soon as reasonably practicable
- client and worker safety must be paramount in the context of any complaint response
- complaints that can be addressed through frontline resolution should be resolved as soon as reasonably practicable
- where frontline resolution cannot be achieved, such complaints must be acknowledged in writing within two (2) working days; the letter must detail what action will be taken, who the responsible person will be, a contact number and the anticipated time for a response that should not exceed fourteen (14) working days.
- serious complaints should be acknowledged immediately, and investigations initiated with appropriate actions taken as soon as possible
- all serious complaints must be acknowledged in writing within two (2) working days; the letter must detail what action will be taken, who the responsible officer will be, a contact number and the anticipated time for a response that should not exceed thirty (30) working days.
- extensions beyond these times are to be negotiated with and approved by the Chief Executive Officer or their delegate; the client is to be immediately informed verbally and in writing of the extended timeframe and the reason for the extension.
- regular verbal and written progress reports should be provided to the client and the Head of People and Culture during lengthy investigations.

Anonymous complaints must be recorded and assessed, and action taken where necessary.

### **Rights of Employees Involved in the Complaint Management Process**

*estara* workers are entitled to be treated with respect and courtesy during an investigation. Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward a *estara* worker, the Manager may postpone investigations and may refer the matter to an external.

### **Documentation**

Accurate written records must be kept of all communications that form part of the complaint process. This includes notes taken of conversations between the parties which relate to management of the complaint and all decisions made in relation to the complaint.

All records must be marked "confidential" and forwarded to the Head of People and Culture; these records will be kept (strictly confidential) for a minimum period of seven (7) years.

### **Serious Misconduct**

Complaints of or allegations of a criminal nature must be immediately reported to SA Police on 000 or 131 444.

Further actions must be taken per the management of serious/critical incidents outlined in *estara*'s Documenting and Reporting Incident Concern Reports Policy and associated worker performance and client safeguarding policies.

## **External Investigators**

External investigators must have the necessary skills, knowledge, experience and training to undertake and investigate a complaint and there must be no conflict of interest.

The Chief Executive Officer or their delegate has the discretion to appoint an external investigator if:

- the matter is outside *estara*'s area of expertise or delegation
- the complainant makes a reasonable request to do so
- there could be a conflict of interest from internal investigation.

## **Internal Complaints Review Process**

If a client does not feel that the complaint process has been handled appropriately, they have the right to ask for it to be reviewed. This will be handled by the Chief Executive Officer or the Head of People and Culture, who will be known as the Reviewing Officer.

If the client is not satisfied with the outcome of the investigation, they have the right to refer their complaint to an External person or body for review.

The Reviewing Officer has the ability to re-investigate the complaint or parts of the complaint. Time frames will be discussed with the client.

## **RELATED LEGISLATION**

- Health and Community Services Complaints Act 2004
- National Disability Insurance Scheme Act 2013
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018
- National Standards for Disability Services
- Privacy Act 1988
- Work, Health and Safety Act 2012

## **SUPPORTING ESTARA DOCUMENTATION**

- Child and Young Person Protection Policy and Procedures
- Client Complaints – Investigations and Recording Work Instruction
- Client - Advocacy Policy and Procedures
- Client - Rights and Responsibilities Statement
- Client - Use of Interpreters Policy
- Code of Conduct and Ethical Behaviour
- Documenting and Reporting Incident Concern Reports Policy
- Hazard Report Form
- Incident Report Form
- Information Sharing Guidelines Statement
- Privacy – Private Information Management Statement

- Privacy – Private Information Management Procedures
- Risk Management Statement
- Vulnerable Adult – Client Safeguarding Policy and Procedures

### **BREACHES OF THIS POLICY**

A **breach** of this policy is grounds for disciplinary action, up to and including termination of employment. Ignorance of these procedures will not generally be accepted as an excuse for non-compliance. Only in extreme circumstances and where such ignorance can be demonstrated to have occurred through no fault of the individual concerned will *estara* accept such an argument.

### **DISTRIBUTION AND REVIEW**

*estara* will ensure all persons engaged to provide services either paid or unpaid will be aware of this policy and will have easy access to it in an appropriate format. All policies are to be reviewed on a periodic basis or when legislation or government policy determines.