

Adult Autism Services Core Module 2 – Governance and Operational Management

Feedback and Complaints Policy and Procedure

Note: For the purposes of this document Adult Autism Services will be referred to by the acronym AAS

1. STATEMENT OF PURPOSE

The following policy and procedures have been developed and will be implemented to meet the requirements of:

- The New South Wales Disability Services Act 1993 and New South Wales Disability Services Standards;
<https://legislation.nsw.gov.au/view/whole/html/inforce/2007-11-16/act-1993-003>

- The New South Wales Community Services [Complaints, Appeals and Monitoring] Act 1993;
<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1993-002>

- The Funding/ Service Agreement between AAS and the National Disability Insurance Scheme/ Individual participant;
[National Standards for Disability Services, Standard 4]
https://www.dss.gov.au/sites/default/files/documents/05_2021/nsdsfullversion-may-2021.pdf

NDIS Quality and Safeguards Commission- Complaints Management
<https://www.ndiscommission.gov.au/providers/complaints-and-incidents/managing-complaints>

- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 (Cth)
<https://www.legislation.gov.au/Details/F2018L00634>

- Victorian Government Disability Act 2006
<https://www.legislation.vic.gov.au/in-force/acts/disability-act-2006/046>

2. COMPLAINT POLICY

Each person who receives a service from AAS will be encouraged and supported as necessary, to make complaints about the type or quality of services provided to them. It is the policy of AAS that it is the right of every participant, either directly or through an advocate, to make complaints regarding service or service delivery. Participants are encouraged to report complaints immediately. All complaints will be investigated and responded to, and no one will be disadvantaged for reporting a grievance.

AAS welcomes feedback and complaints from participants as a way of monitoring services, ensuring the provision of a high-quality service, and meeting the needs of individual participants. AAS will ensure that participant's rights to complain will be respected, upheld, and maintained.

The policy is in keeping with the National Disability Services Standards.

3. DEFINITIONS OF TERMS

A "Complaint" is defined as a claim by an interested party that AAS has acted unreasonably towards a person:

- By either providing or not providing a service.
- By withdrawing or varying a service.
- In the way in which AAS has provided a service.
- In the way AAS administers a service.

4. PRINCIPLES

The following principles capture the spirit and intent of the policy and procedures that will be implemented by AAS to respond to complaints efficiently and effectively, and to ensure that the quality of services is continuously improved.

4.1 Written policies and procedures:

AAS has clearly documented grievance resolution mechanisms in operation that are effective, accessible, and readily available to current and potential participants and their families and carers. Information regarding complaints and disputes is available in accessible formats as per the requirements of participants within our service.

4.2 Clear guidelines:

All participants and staff of AAS must be made aware of AAS's Grievance Procedure and be familiar with the procedure to be followed. AAS is committed to ensuring that all complaints made internally will be dealt with through AAS's Grievance Procedure. Agreed time frames and documentation processes have been developed by AAS to resolve complaints and disputes.

AAS's Grievance Procedure includes the elements of:

- Positive response to informal and formal complaints.
- Conciliating or investigating complaints.
- Keeping complainants informed of actions.
- Making prompt and positive responses to complaints.
- Recording the complaints process.
- Involvement of outside agencies/bodies where external review of complaint is required.

4.3 Level of complaint:

AAS aims to resolve complaints and disputes at the closest possible level to the service users involved wherever possible. Formal procedures should only be adopted when a complaint or dispute cannot be resolved. This process is designed to maintain the person's right to privacy, dignity, and confidentiality. AAS will seek informal resolution of complaints and conciliate wherever possible.

4.4 Involvement of complainant:

AAS ensures continued involvement of relevant service users throughout the investigation of complaints and disputes and the complainant will be informed of progress and kept up to date about what is happening with the investigation of their complaint.

4.5 Clear timeframes:

AAS recognises the rights of participants to raise any grievances they may have about any aspect of the service and to have it resolved as fairly and quickly as possible, without fear of recrimination. Service users are informed of the time frame within which a resolution of their complaint or dispute should be completed.

4.6 Confidentiality and privacy considerations:

Complaints will be taken seriously, and the privacy of the individuals will be respected during and after the process of investigating the complaint. Complaints and disputes are managed in a manner consistent with the national privacy principles in the Privacy Amendment (Private Sector) Act 2022.

<https://www.legislation.gov.au/Details/C2014C00076>

4.7 No reduction or withdrawal of a service:

Under no circumstances is the participant who lodges a complaint to receive retribution of any kind including the reduction or withdrawal of service, or social isolation. The complainant will not be disadvantaged in any way by raising a grievance or by making a complaint.

4.8 Without fear of repercussions:

AAS recognises the rights of participants to raise any grievances they may have about any aspect of the organisation and its services and to have it resolved, without fear of repercussions, without fear of reprisals or victimisation.

4.9 Information about policies:

AAS's service users, their families, carers and/or advocates are provided, in the clear language, with information about our policies and procedures and given a copy of the same as requested and/or required.

4.10 Staff competence:

A complaint may be made at any stage of a participant receiving services and at any level within the organisation. It should be made clear to all participants that they are free to make a complaint to a staff member of their choice. Staff are required to follow the steps dictated in AAS's Grievance Procedure.

4.11 Use of advocates:

AAS staff will respect, uphold, and maintain the right of a participant to have an advocate present during all complaint proceedings. Staff at AAS are responsible for ensuring that if a complaint is made or is anticipated, the participant has access to

the support of an internal or external advocate. Advocates are encouraged by AAS to actively participate in resolving complaints and disputes.

4.12 Policy and procedure review:

AAS recognises the value of complaints and therefore encourages such feedback as it may be used in service planning and evaluation processes. Written policies and procedures are available on the resolution of disputes. Formal and informal feedback regarding the complaints process will be reviewed and quality improvement actions implemented as required.

5. EXTERNAL COMPLAINTS SYSTEM

AAS recognizes and respects the existence of various external complaints handling bodies that may be relevant to issues that affect the lives of our service users. Besides informing the service users of its own complaints handling procedures and internal mechanism, AAS will inform its service users of existing external bodies they may wish to lodge a complaint with. The right for a participant to take their complaint to an outside agency will be respected and upheld.

External complaint handling agencies that may be relevant and useful to AAS's service users include the following:

- Disability Hotline Phone –1800 880 052
- The Department of Communities and Justice: Ageing, Disability & Home Care Phone (02) 9377 6000
- NSW Ombudsman (formerly Community Services Commission) – Phone – 1800 451 524 <https://www.ombo.nsw.gov.au/>
- NDIS Administrative Decisions Tribunal- 1800 228 333 <https://www.aat.gov.au/steps-in-a-review/national-disability-insurance-scheme-ndis/decision>
- Australian Human Rights Commission: Disability legal services <https://humanrights.gov.au/our-work/disability-rights/disability-rights-disability-legal-services>

- Health Care Complaints Commission – Phone 1800 043 159
www.hccc.nsw.gov.au

6. COMPLAINT PROCEDURE

6.1 Service users, their family members and/or carers as well as their advocate and/or AAS staff members are free to raise any complaint or dispute regarding AAS and its services.

6.2 Complaints or disputes may be raised either verbally or in writing.

6.3 A complaint may be made at any stage of a service user receiving services from AAS.

6.4 Upon raising a complaint, and if the service user and/or his family/carer are not familiar with these AAS's grievance/complaints policy and procedures, they will be given a fresh copy of the same.

6.5 Participants will be made aware of the complaints policy.

6.6 Informal Internal Grievance Procedure:

6.6.1 The participant should discuss their complaint with the staff member of their choice and an attempt should be made to resolve the dispute as soon as possible.

6.6.2 If a complaint involves another person (a third party; another participant or another staff member) then that person is to be given the opportunity to provide their "side of the story".

6.6.3 If the complaint is resolved, management will file the resolution into the feedback and complaints register.

6.7 Formal Internal Grievance Procedure:

6.7.1 A written complaint constitutes a formal internal complaint.

6.7.2 A written complaint can be made:

- i. if the complaint raised as an informal complaint had not been resolved to the complainant's satisfaction, or
- ii. at the outset of the complainant's complaint.

6.7.3 If the complainant requires assistance in writing their complaint in the Complaint Form, assistance and support is to be provided.

6.7.4 The Complaint Form is then handed to the Manager to be dealt with.

6.7.5 If the National Director AAS is involved in the matters of complaint, an Office Bearer of the Board of Directors will become involved in the resolution of complaint.

6.7.6 For all complaints not involving the Director, the Director shall ensure that all information gathered is accurate, that all sides to the complaint are treated without bias and must act upon the complaint in a timely manner of written complaint being lodged.

6.7.7 If the complaint is resolved, any discussions that take place regarding the dispute must be documented and filed securely.

6.7.8 If the complaint dealt with by the Director cannot be resolved to the satisfaction of all parties, then the Director or the complainant may refer the complaint for resolution to the Chairperson of the Board of Directors.

6.7.9 Should the formal internal complaint not be resolved at any level within AAS, the complainant is free to contact any of the external complaint handling agencies referred to in Policies above or any other of their own choice should they wish to do so.

6.8 Involvement of outside agencies:

6.8.1 If the complaint involves sexual, physical, or emotional abuse then staff must follow the Management of Injury, Abuse and Neglect Policy and Procedure, which involves the compulsory reporting of the complaint to the Director and the NDIS Quality and Safeguards Commission.

6.8.2 If the complaint involves a criminal act the person lodging the complaint will receive independent counselling about their right to inform the police or to have someone else take this action on their behalf.

6.8.3 Any participant wishing to lodge a complaint should be informed about the role of an advocate. For further details see Advocacy Policy and Procedure. The accessing of an advocate may take an extended period and throughout the process the participant must be informed of the steps taken to obtain the advocate.

6.8.4 Any support person/advocate mediating for a participant must ensure that the participant's consent is gained before the process of lodging a complaint is made.

6.8.5 Throughout the process both the person lodging the complaint and the person who has the complaint lodged against them must be informed of the step-by-step procedures taken to resolve the issue.

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Policy Written by: Paul Mitchell	Date Written: Feb 2023	
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