

Complaints Management

Current Version

Service Area	Disability, Aged, Community	Version	1.3
Process Owner	Governance Lead Clinical Lead CEO	Date of Issue	Feb 2023
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Modification History

Version	Date	Author	Approved by	Description of change
1.0	5/2015	Natashia Telfer	Employsure	New policy
1.1	3/2019	Natashia Telfer	Employsure	Additional resources added
1.2	10/2022	Natashia Telfer	Employsure	Whistle Blowers Policy Created
1.3	2/2023	Natashia Telfer	CEO	Restructure of policies (content unchanged)
1.4	12/23	Tahla Moore/ Natashia Telfer	CEO	Review and separation of client and employee complaint process.

[HR - Complaints and Feedback Response Template NIC ONLY.docx](#)

Comments, Complaints, Feedback Handling and Management Policy

POLICY STATEMENT:

The purpose of this policy is to deliver a high-quality feedback and complaints management service within ACT to facilitate a harmonious outcome for all involved.

SCOPE:

This policy applies to:

- All National employees who receive comments, complaints or feedback from a client/participant and/or stakeholders formally or informally. This can include Service delivery employees, Non-Service delivery employees, Leads and Executive Management in the management process.
- See Grievance Policy for Employee grievances / complaints.

POLICY:

National welcomes and values complaints and recognises that a strong commitment to responding to and resolving complaints allows client/participants and/or stakeholders to contribute to the improvement of the services it delivers. Each person is encouraged and supported to make a complaint in a way that is comfortable for them, their family, and carer or advocate so that services and supports better meet their needs, expectations and outcomes.

Properly handled complaints about our work are important to our performance. Complaints which are not promptly resolved or responded to can generate unwarranted work and impact heavily on staff morale and service to participants. Complaints also give us ideas for changing the way we work, deliver services and develop policies, aiming to constantly be evolving.

We understand that some complaints will involve multiple parties or interests; such as parents, carers, participants or community organisations. In these circumstances, although it may not be possible to meet everyone's expectations, the principles outlined in this platform will apply a "participant centred approach" to ensure an appropriate outcome is achieved.

For employee raised complaints and feedback please see – [GRIEVANCE POLICY](#)

Our Responsibilities and Commitment:

Committed to providing and delivering high quality services to all members of the Canberra community and surrounding regions. The central feature of Strategic Plan is Participation. This is reflected in the way National manages and handles complaints. Participation includes any feedback about any aspect of the services that we provide or the way we provide them.

Clients/Participants are encouraged to notify National if they feel:

- We have done something well
- We have made a mistake
- We have treated you poorly or unfairly
- We have made a wrong decision
- We can do something better or differently
- We have broken property / equipment

See [HR - Complaints and Feedback Client Factsheet.docx](#)

[HR - Complaints and Feedback Response Template NIC ONLY.docx](#)

Service Delivery Employees/First Responder Responsibilities:

- Employees are required to verbally acknowledge any concerns or complaints a client/participant may relay to them either formally or informally ie in passing comment.
- All employees have a duty to upline any concerns, complaints, or feedback directly to National's Operational Intake phone within the same day.
- In addition, document within the employee's 'Brevity App' raising an 'incident' and selecting the type (example: complaint) and completing **all fields** within the form.
- In the event, the complaint or allegation is of serious nature, the employee may receive a request from National for additional supporting evidence. This can include photo (in line with [Operational - Participant Consent Policy and Guidelines.docx](#)), an email describing the complaint in chronological order (describing the who, what, when, where, how).
- and/or employee attendance to formal documentation and /or police station attendance.
- Employee is to understand their responsibilities regarding mandatory reporting incidents and implement appropriate client/participant confidentiality. This means carer is not to further discuss the issue with others.

Support Coordination:

See [Operational - Support Coordination Framework.docx](#)

Lead Roles Responsibilities:

- Ensure their direct report/employees are aware of National's processes when dealing with client/participant/stakeholder complaints and feedback raised with employee directly irrespective of formal or informal.
- National's onboarding process briefly addresses this process, however all Lead roles are responsible for ensuring their direct reports adhere to their responsibilities. (Additional support such as an educational talks/mentor sessions to direct reports may be identified by the lead)
- All client/participants and their representatives must receive the related materials in their client welcome packs. This includes Charter of Rights, Advocacy Fact Sheet, NDIS Code of Conduct, Reportable Incidents Fact Sheet, Client Feedback Form.
- Leads to identify if client/participant require accessible resources. See 'NIC Accessibility: Supporting Limited/Non-English Speaking Cultures' here [Operational - Participant Onboarding Policy and Guidelines.docx](#)

- Leads are responsible for notifying Executive management in email should a related material within the welcome pack need revision and the supporting detail of the revision required for executive management approval.
- Leads are responsible for verbally acknowledge the complaint/feedback within 1 business day. Lead must directly acknowledge this with the person making the formal or informal complaint. When doing so, lead must demonstrate the listed qualities in line with code of conduct: active listening, empathetic understanding, respectfully and maintaining confidentially. See **process map** for timeline requirements.
- Leads must investigate raised concerns in procedural fairness and impartial manner and document all actions taken and findings into Brevity for review by executive management. Once reviewed, Lead will be responsible for outcome actioning and notification using the [HR - Complaints and Feedback INITIAL Response Template.docx](#)
- Provide avenues for the client/participant to pursue action within NDIS, Human Rights Commission, Aged Care Quality and Safety Commission and/or Fair Work ACT.
- Ensure mandatory reportable complaint is up lined to executive management upon notification and complete promptly the appropriate in Mandatory Reporting requirements as per the Mandatory Reporting Policy here > [Operational - Incident Reporting Policy and Guidelines.docx](#)

Executive Management Responsibilities:

- To have effective and proportionate internal complaint management and resolution arrangements in place
- All client/participants and their representatives must receive the related materials in their client welcome packs provided to Leads to access and disperse on new client onboarding.
- To maintain materials and uploads for website accessibility.
- To ensure accessibility options are available upon request. [Operational - Participant Onboarding Policy and Guidelines.docx](#)

Process for informing National of complaints, feedback, allegations and incidents

- Verbal notification to Referenced Personnel Role responsible.
- Followed by written notification via email, or letter.
- Utilising the suggestion boxes within SIL properties written on National's compliments and complaint form.
- Compliments and Complaints fact sheets available through National website.

Complaints Handling Process

- Upon management team receiving complaint, National will issue a formal acknowledgement of the complaint within business hours - 24 hours of receiving the complaint.

- National will investigate the complaint and provide a formal communication within 21 days stating the outcome of the complaint and actions/ steps taken to resolve the complaint.
- National will seek feedback from the complainant post investigation letter, any follow up items will be logged as continuous improvement action.
- Any risks identified from the complaint will be addressed and identified within the NIC Risk Register.

STANDARDS:

Committed to providing a high-quality response to complaints regardless of whom the complainant is, what the complaint is about or where and how the complaint is made. The following standards will guide the response, handling and management of all complaints brought to the attention on National.

- Respect- all complaints will be received respectfully
- Timely- All complaints will be acknowledged and managed within reasonable timeframes
- Transparency- All decisions will be explained in clear simple language (except where this may be restricted by law)
- Natural Justice- All complaints will be afforded the principles of natural justice

What National expects of a complainant:

- They talk to our staff respectfully
- They provide as much information about the complaint as possible
- They let us know of any special needs or if extra help is needed in understanding or accessing our complaints service
- Understand that if the incident falls within the scope of a reportable incident, the concern will be escalated accordingly.

MANATORY REPORTING

All Employees or Associates are required to complete Incident Report and any relevant documentation as requested by National and/or relevant authorities with as much of the following information as possible. See Mandatory Reporting Policy.

Responsibilities of Reporting

Community Employees – Have a responsibility to report all incidents, complaints, concerns, allegations to National the same day issue is raised to their attention.

SIL/ Agency Employees – have the responsibility to report all incidents, complaints, concerns, allegations to the RN and or Clinical coordinator. The RN and or clinical coordinator has the responsibility to notify the responsible agencies and people to which the matter relates to.

National – Has a responsibility to report all serious/ critical incidents, allegations of abuse / neglect and complaints to the appropriate governing agencies as outlined in the Mandatory Reporting Policy. National are responsible for ensuring adequate and equal coverage of any managerial roles to maintain consistent practices and quality care.

In the absence of a SIL Coordinator, The highly experienced Registered Nurse on shift would be orientated and rostered to fulfill the complaints process and upline to National.

DEFINITIONS

Complainant: A person who has made a complaint about a service provided by National.

Complaint: An expression of dissatisfaction in relation to a service provided on behalf of National. **Natural Justice:** That a person, including employees, who might be adversely affected by a decision or process must be given an opportunity to a fair hearing before the decision is made.

Mandatory Reporting: Section 356 of the *Children and Young People Act 2008* outlines the legal requirement of a Mandated Reporter to report suspected cases of child abuse when they believe, on reasonable grounds, that a child or young person has experienced, or is experiencing, sexual abuse and/or non-accidental physical injury.

Critical Incident: Section 10 of the Disability Services Regulation 2014 requires specialist disability service providers to report critical incidents defined where there is “reasonable grounds to believe there is a serious risk to the life, health or safety of the person”.

Relevant Legislation and References:

ACT Civil and Administrative Tribunal Act 2008	Official Visitor Act 2012
Freedom of Information Act 1989	Ombudsman Act 1989
Health Records (Privacy and Access) Act 1997	Privacy Act 1988 (Cwth)
Human Rights Act 2004	Public Advocate Act 2005
Human Rights Commission Act 2005	Public Interest Disclosure Act 2012 (ACT)
Human Rights Commission Amendment Act 2005	Annual Reports (Government Agencies) Act 2005

Complaints Handling Process

- National administration personnel and/or management team to log the complaint in the complaints register.
- Within 24 business hours, National are to issue a formal acknowledgement of the complaint.
- Within 21 days, National will investigate the complaint and provide a formal communication stating the outcome of the complaint and actions/ steps taken to resolve the complaint.
- National will seek feedback from the complainant post investigation letter, any follow up items will be logged as continuous improvement action.
- Any risks identified from the complaint will be addressed and identified within the NIC Risk Register.

Whistle Blowers Policy

PURPOSE

NIC is committed to upholding the highest standards of integrity, fairness and ethical conduct.

SCOPE

This policy applies to:

- National Employees raising a comment, complaint, feedback
- for NIC clients wishing to lodge a concern

POLICY

Employees and others working closely with NIC will often be the best source of information when things are not quite right. This Whistle-blower Protection Policy is an important element in detecting corrupt, illegal or other undesirable conduct at NIC. Creating a supportive environment where people feel safe to speak up underpins NIC's culture. When people do not speak up, this undermines the culture and exposes NIC to risks. The Board and Group Executive encourage speaking up about concerns of wrongdoing at NIC. There are various measures in place to ensure no one is discouraged from speaking up or disadvantaged or victimised for doing so.

The purpose of this Policy is to:

- explain how to speak up by reporting concerns about wrongdoing;
- outline what protections a person who reports wrongdoing will receive; and
- outline NIC's processes for dealing with reports of wrongdoing

Raising Concerns

There are a number of ways to raise concerns at NIC, depending on the circumstances and the seriousness of the issue.

- **Speaking to peers or manager**

Often day to day issues can be resolved between employees through open and authentic conversation, as part of normal team dynamics. Employees can escalate to their manager if they are concerned about an issue or want support to resolve an issue. NIC encourages employees to continue to feel empowered to raise issues in this way.

- **Raising personal work-related grievances via HR**

Grievances which cannot be resolved through speaking with peers or the employee's manager should be raised with HR using incident reports. Examples include:

- an interpersonal conflict between the employee and another employee;
- a concern about the behaviour of an employee;
- a decision relating to an employee's engagement, transfer or promotion;
- an employee's terms and conditions of employment;
- matters relating to an employee's performance or discipline - related decisions;

or

- a decision relating to the termination of employment.

- **Speaking up about potential wrongdoing under this Policy**

There may be times when an employee is not comfortable raising concerns about a wrongdoing with their manager or with HR, however all concerns or incidents raised are protected by the Whistle-blower policy. This is available to all employees and others with reasonable grounds to suspect wrongdoing in relation to NIC. Reporting suspected wrongdoing will enable NIC to protect those who report from victimisation or detriment as a result of making a report. These highlighted concepts are explained in the sections below.

Who may make a report?

Anyone with information about potential wrongdoing relating to NIC is encouraged to report their concerns under this Policy. This includes individuals who are or have been in relation to NIC: an

- employee, officer or contractor;
- a supplier of services or goods to NIC (whether paid or unpaid) including their employees; and
- a relative, dependant or spouse of any of the above individuals.

What to report

Any concerns of wrongdoing should be reported. This means any misconduct or improper state of affairs or circumstances in relation to NIC. Examples of wrongdoing may include:

- breach of laws or regulations;
- criminal activity including theft;
- serious breach of NIC's Code of Conduct or Policies;
- offering or accepting a bribe;
- dishonest or unethical behaviour;
- conflicts of interest;
- anti-competitive behaviour;
- financial fraud or mismanagement including in relation to NIC's tax affairs;
- falsifying financial or corporate reporting;
- insider trading;
- unauthorised use of NIC's confidential information;
- improper use of Personal Information as described in any NIC Privacy Statement;
- improper use of NIC's physical or intellectual property;
- conduct endangering health and safety or causing damage to the environment; and
- deliberate concealment of any of the above.

There is an expectation that anyone reporting a wrongdoing has reasonable grounds to suspect the information they are disclosing is true, but there will be no penalty if the information turns out to be incorrect. Those reporting are expected to provide the information upon which their

suspicion is based, but are not required to have all the details or have conducted their own investigation.

False or misleading reports

Any false reports made, where the person reporting is intentionally misleading or knows the information is not true, will be considered a serious matter that could result in disciplinary action including potential termination of employment. The protections under this Policy or the applicable law in Australia will not be available for deliberate false reporting.

How to make a report

Complete incident report and send to Managing Director directly. This will enable NIC to best protect the confidentiality of the report and the reporter's identity. Those reporting should provide as much information as possible, including details of the wrongdoing, people involved, dates, locations and other related information.

Reporting anonymously

Those not wanting to reveal their identity can make an anonymous report. However, providing the reporter's name when reporting wrongdoing will make it easier for NIC to investigate the concern raised to take effective action. For example the context in which wrongdoing was observed is likely to be useful information. Employees and others who report wrongdoing are protected by NIC including maintaining confidentiality of the reports and the identity of the reporter. The law in Australia contains additional whistleblower protections, which are summarised in Annexure A. Accordingly, anyone reporting should feel confident that their identity will remain confidential. Where no name is provided, NIC will assess the disclosure in the same way as if identity had been revealed, and any investigation will be conducted as best as possible in the circumstances. However, an investigation might not be possible unless sufficient information is provided.

NIC's commitment to those who report wrongdoing

NIC is committed to protecting and supporting people who report a potential wrongdoing under this Policy. This includes:

- protection of the identity of a reporter;
- making sure that those who report do not suffer detriment as a result of speaking up; and
- offering those who report appropriate protections based on their circumstances, the nature of the potential wrongdoing and the people involved.

Protecting a reporter's identity

When reporting wrongdoing, the reporter's identity and any information that NIC has as a result of the report that is likely to lead to identification, will only be disclosed if:

- the person reporting gives consent for NIC to disclose that information;
- NIC considers such disclosure should be made to:

- Australian Securities & Investments Commission (ASIC), the Australian Federal Police or (for tax-related reports) the Commissioner of Taxation;
- a Commonwealth authority or a State or Territory authority for the purpose of assisting the authority perform its functions or duties;
- a lawyer for legal advice or representation in relation to whistleblower laws; or
- in the case of information likely to identify the person reporting, it is reasonably necessary to disclose the information for the purposes of an investigation, and all reasonable steps are taken to prevent someone from discovering the reporter's identity.

Preventing victimisation and detriment to whistleblowers

NIC will not tolerate any detrimental conduct against anyone on the basis of reporting or being suspected of reporting a wrongdoing, including conduct against that person's colleagues, employer (if a contractor) or relatives. Examples of detrimental conduct include the following:

- discrimination, detriment or damage to a person's reputation;
- isolation, harassment, intimidation or retaliation;
- a demotion or dismissal; or
- threats of any of the above, including implied threats.

Any person involved in detrimental conduct may be subject to disciplinary action including termination of employment or engagement. NIC has the right to refer any person that has engaged in detrimental conduct to law enforcement authorities for further investigation.

Protecting reporters from detriment

The measures provided to protect those who report will depend on the risks present, based on the nature of the wrongdoing and people involved. Protections may include the following, at NIC's discretion:

- assigning a whistle-blower support officer as a confidential contact to discuss any concerns following the making of the report;
- monitoring and managing the behaviour of other employees;
- relocating employees (which may include the people alleged to have been involved in the wrongdoing) to a different team or location or revising the reporting lines of employees;
- offering a leave of absence or arranging flexible working while a matter is investigated;
- access to NIC Support for current or former employees; and
- rectifying any detriment that has been suffered.

Investigations

NIC takes all reports of potential wrongdoing seriously. All reports will be assessed and, based on the nature and circumstances of the disclosure, a decision made as to whether an investigation is required. For example, reports of potential wrongdoing of a minor nature that can be resolved informally will typically not require the same level of response as disclosures involving a large-scale and complex investigation. Any investigation will be conducted in a timely, fair and objective manner, and independent from any persons to whom the report relates. Investigations will generally be overseen by the local compliance officer. Other people,

including employees (for example, the Group HR Director, members of the Governance, HR, Internal Audit and Legal teams, Heads of relevant departments) or external advisers, may also be asked to assist or run the investigation. Where possible, the person reporting the wrongdoing will be informed how NIC is responding to their report, including whether an investigation will be conducted.

Fair treatment of persons involved

Unless there are confidentiality or other reasons not to do so, employees who are the subject of a report of wrongdoing will be informed of the matters raised in the report at an appropriate time and will be given a chance to respond to any allegations made against them. They will also be advised of the outcome of any investigation.

Internal reporting

NIC Management will receive a summary of reports made under this Policy at least quarterly. The summary will not identify individual reporters.