

Feedback and Complaints Policy and Procedure

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Purpose

This policy serves as a mechanism for fostering open communication, accountability, and continuous improvement.

It outlines procedures for soliciting, receiving, and addressing feedback and complaints from clients, stakeholders, employees, and other relevant parties. By providing clear channels for feedback and complaints, the organisation demonstrates its commitment to listening to the concerns and perspectives of those it serves.

The policy facilitates timely and effective resolution of issues, which can help prevent escalation and foster positive relationships with stakeholders.

The policy is instrumental in identifying areas for improvement in service delivery, organisational processes, and policies.

Ultimately, the purpose of this policy is to promote transparency, accountability, and stakeholder satisfaction while driving organisational learning and growth.

Scope

This extends to all workers (includes workers, students, contractors, and volunteers) and clients and meets relevant laws and regulations and standards.

Workers are expected to be familiar with and apply this policy in all their actions.

Definitions

Worker	Anyone who carries out work for a <u>person conducting a business or undertaking</u> regardless of whether they are full-time, part-time or casual. This can be a: <ul style="list-style-type: none"> ● Worker contractor or subcontractor, or a worker thereof ● outworker, such as a contractor or worker who is engaged to work from their home or at a place that would not previously have been thought of as a business premise ● apprentice or trainee ● school-based work experience student ● labour hire worker ● volunteer.
Allegation	a claim that an illegal act has occurred. Allegations are always investigated and sometimes an external authority undertakes the investigation such as the police.
Concern	a notification that a person is worried that something is not working, has gone wrong or is otherwise not as it should be.
Complaint	formal advice that an incident has occurred, something is not working the way it should, something is inappropriate, or someone is at risk. A serious incident process is required for legal and contractual purposes when a complaint is about a serious incident.
Whistle-blower	A person who raises concern regarding illegal and/or improper conduct that affects others. The person is not usually involved in the issue but is wanting to alert others to suspected misconduct. The alert may be raised outside of usual reporting lines or processes.

Policy

Feedback and Complaints

We value complaints from clients, families, carers, service providers and regulators to ensure people are treated fairly when they use our services.

Complaints are an important source of information and are used to improve our services wherever possible.

Everyone has the right to complain.

People making complaints should be supported to access complaints processes.

Complaints processes should be sensitive to any cultural requirements.

Robust complaints processes and systems are an important part of quality service management and help safeguard clients.

Complaints identify risks to clients but also visitors and workers and support us to meet its occupational health and safety obligations.

Complaints identify opportunities for us to continuously improve its service.

Whistle-blowers

This policy guides us on how to support people to raise concerns about service delivery in the interests of service safety and quality.

This policy is used to support whistle-blowers, who in good faith and without malice, disclose information or raise concerns about alleged improper or illegal activity.

Services are provided in a safe and honest way. We expect everyone to comply with all legal requirements. We will support and respect anyone who acts as a whistle-blower to draw attention to suspected inappropriate, corrupt, or illegal conduct or behaviour.

We will:

- ensure transparency and accountability in its administrative and management practices
- ensure workers operate in an ethical, legally compliant and proper manner
- ensure the whistle-blower is protected from retaliation against a report
- ensure the principle of natural justice is upheld for whoever is the subject of the report
- not tolerate conduct that breaches this policy
- not tolerate retaliation against a whistle-blower.

The policy applies when reporting non-compliant or improper conduct and applies to all workers and management.

Procedure

Complaint Pathways

Feedback and complaints can be received in several different pathways. These pathways are described in the Worker Handbook and Client Handbook and our website. Information is updated regularly as required.

Complaints Process

Our clients are advised about the Feedback and Complaints process as part of our service provision including the methods by which they can provide feedback. We provide this information as part of 'onboarding' with clients, and also during yearly reviews. The information provided can include:

- A copy of our Feedback and Complaints policy and procedure
- Easy English, plain English or accessible versions of this policy and procedure
- Our Feedback and Complaints Form

Complaints or feedback can also be made anonymously.

If required, clients can be supported to make their complaint or provide feedback and can be provided with information about how to access independent advocacy. Refer to:
<https://disabilityadvocacyfinder.dss.gov.au/disability/ndap/>

Appropriate support and assistance to contact the Commissioner in relation to a complaint will be provided to any person who wishes to make a complaint.

Details about how to complain directly to us will be provided to clients initially and again if required and are also publicly accessible via our website or on request.

The Commissioner contact details are available at [complaints-feedback](#) (1800 035 544 or TTY 133 677).

All Complaints, including any made anonymously, are entered into our feedback and complaints register and actioned.

We ensure that all workers are trained in our Feedback and Complaints Management procedure during induction and on an ongoing basis.

Process for Complaints Handling

Receipt of Complaints & Feedback

A complaint and its supporting documentation will be securely maintained and recorded on the **Feedback and Complaints Register**.

Feedback and complaints are filed safely under the client's folder, kept in the filing cabinet.

Acknowledgment

A complaint must be acknowledged within **3 business days**.

If feedback is positive, thank the client for their feedback and record in the feedback log.

Initial Assessment and Addressing

After acknowledgement of the complaint/feedback, the complaint is assessed for the following:

- whether the issue raised is within our control
- consider the outcome sought by the complainant
- identify if there are any other issues that may need to be recorded
- whether the complainant has been offered appropriate support, assistance or independent advocacy.

Assess the severity

When assessing the complaint, the following should be taken into consideration:

- the urgency and complexity of the complaint
- whether the complaint involves other people's health and safety
- whether the resolution requires external involvement
- the possible delays in resolving the complaint and the risk involved

To ensure our transparency, the complainant will be kept informed at all stages of the complaint process and will be informed if there will be any possible delays.

Decisions and Resolutions

The complainant will be involved in the resolution process, as appropriate to the specific situation.

We ensure that complainants and persons with disability affected by an issue raised in a complaint or and their families, carers and advocates (as applicable):

- are kept informed of the progress of the complaint, as appropriate (i.e. this could not be done if the complaint was anonymous), including any actions taken, the reasons for any decisions made and options for review of decisions;
- are involved in the resolution of complaints by maintaining contact with them and seeking their views on specific issues as we work through resolution processes.

After the assessment and investigation of the issue(s) raised with the complaint, the Director will contact the complainant and advise the following:

- the outcome of the complaint and actions taken
- the reasons for decision
- any improvements made and resolution(s)

All complaints processes will be treated as confidential and only disclosed if required by law. Further, if there are adverse findings about an individual, The applicable privacy obligations under the [Privacy Act 1988](#) and *National Privacy Principles* and any applicable exemptions in or made pursuant to that Act, will be reviewed before sharing findings with the person making the complaint.

Closing the Complaint and Record Keeping

We will keep records of the following:

- How the complaint was handled and managed
- The resolution(s) of the complaints
- Actions which need to be followed up
- Quality improvements identified and implemented as a result of feedback or complaint

These records are recorded into our **Feedback Register**.

Records will be maintained for 7 years from the date the record was created.

A key driver of satisfaction is timeliness. As such, we aim to resolve complaints within 21 days of receiving the complaint.

If this is not achievable, a justification, i.e., no response from complainant, shall be documented on the **Feedback Register**.

Reporting, Monitoring and Continuous Improvement

Reporting

We remain committed to continually improving its service delivery. Feedback is analysed by the data recorded on the feedback and complaints register.

Workers will report all serious incidents to the Director.

Workers will contact police where there is an allegation of a criminal offence.

De-identified complaint activity is routinely reported to the Director as part of ongoing quality assurance and continuous improvement.

We commit to report information relating to complaints to the Commissioner upon request of the Commissioner.

Monitoring

The Management Team will review this policy and procedure at least annually. This process will include a review and evaluation of current practices and service delivery types, contemporary policy and practice in this clinical area, the Incident Register and will incorporate worker, client, and another stakeholder feedback. Feedback from service users, suggestions from worker and best practice developments will be used to update this policy.

Responsibilities

All workers are responsible for the implementation of our complaint's procedure. This includes encouraging and supporting people accessing us to raise any concerns or complaints they have on any issue.

Director is responsible for:

- ensuring complaints are recorded and actioned.
- communicating with clients, family, carers, and other key stakeholders during a complaints process.

Review and evaluation

We will communicate with clients about quality evaluations and encourage their participation in evaluating services.

At least twice per year the Management Team will analyse complaints data to determine service gaps, issues or trends in practice, procedures or policies that need to be amended to better safeguard people accessing services and improve services.

Continuous Improvement

We will undertake an annual review of its complainants to elicit overall client feedback, including satisfaction with the Feedback and complaints management process. This review also includes:

- The number of complaints and feedback received
- Key issues and the outcome of complaints
- Systemic issues identified
- Timeliness of complaints resolution
- The number of requests received for internal or external review of complaint handling.

Results of monitoring and continuous improvement processes will be fed into the **Continuous Improvement Register**. This includes seeking client feedback on the accessibility of the complaints and resolution system.

Whistle-blower Protection

Reporting Internally

Reports made by a whistle-blower must be based on reasonable grounds and be a disclosable matter. The report should (where possible) be in writing and contain details of:

- the nature of the disclosable matter
- the person responsible for the disclosable matter
- the facts on why the whistle-blower believes the disclosable matter has occurred
- (if known) the nature and whereabouts of any further evidence that would support the report.

All disclosable matters must be treated as confidential and (without the whistle-blowers consent) must:

- not be disclosed to anyone not connected with the investigation. Unless the responsible person is
- obliged to do so by law. If the whistle-blower wishes to make their report anonymously, their wish is
- honoured unless overridden by due process of law. However, there may be difficulties with keeping them updated with relevant information as a result of remaining anonymous.

Workers need to be aware that only disclosable matters are covered by this policy. Disclosures, such as a personal work-related grievance do not qualify for protection under the Corporations Act 2001 (Cth).

Investigation

The responsible person will need to assess each disclosure made to determine:

- whether whistle-blower protections will apply (if unsure, proceed as if they do apply), and
- if a formal, in-depth investigation is required.

It is important that the responsible person and investigating officer focus on the substance of the disclosure, not possible motives for the whistle-blower to have made the disclosure. Whistle-blowers are not required to act in good faith to be protected.

If an investigation is necessary, the responsible person will arrange for an investigating officer to investigate, which will determine the legitimacy of the allegations. The investigation is to be conducted thoroughly, but with the aim to conclude the investigation as early as possible. The whistle-blower, subject to privacy and confidentiality considerations, will be kept informed of the investigation process and (where appropriate) its outcome. They must maintain full confidentiality of any information they receive.

The person who is subject to a disclosure also needs to be informed about the investigation. However, this can be at any time so long as it is before making any adverse findings against them. This is in the event there may be concerns that the individual will destroy information or the disclosure needs to be referred to ASIC or the Federal Police. A worker who is subject to the disclosure may contact our support services (e. g. counselling).

When investigating, the investigating officer must:

- address all relevant questions
- conduct the investigation under strict confidence
- observe the rules of natural justice
- meet with the person upon whom the allegations are against, allowing them the opportunity
- to comment beforehand (according to the rules of natural justice)
- compile all the information into an investigation report for further review.

The investigation report will include:

- the allegations
- comments by the person the allegations are against, with considerations by the investigating officer
- a statement of all relevant findings, with the evidence provided
- the conclusions reached (including the damage caused and the impact on us and other affected parties) and the reasoning behind it
- recommendations based upon those conclusions.

At the end of the investigation, the responsible person will be provided a copy of the investigation report and be consulted in regard to a decision on the matter. If the police are to be involved, this is to be done at the earliest possible opportunity.

Should the whistle-blower not be content with the outcome of the investigation, they can request the investigation be reopened. We are not obligated to reopen an investigation if it feels it is unnecessary and that the prior investigation was conducted properly. A further complaint can still be made to ASIC should the whistle-blower still feel dissatisfied.

Note: It may not be possible to undertake an investigation if not enough information was provided and the disclosure was made anonymously, and it is not possible to contact the whistle-blower.

Whistle-blower protections

Protections provided to whistle-blowers under the Corporations Act 2001 (Cth) include:

Detriment protection

The whistle-blower (and those related to the whistle-blower) will be protected from detriment by any person internal or external. Actions that are not detrimental, include:

- Administrative action that is reasonable for the purpose of protecting a discloser from detriment.
- Managing a disclosers unsatisfactory work performance if the action is in line with the
- Our performance management framework.

Actions to be taken:

Measures to protect a whistle-blower from detrimental acts include:

- Support services (including counselling or other professional or legal services) that are available to whistle-blowers.
- Should the whistle-blower feel it necessary, we will reassign the whistle-blower to another location, to a role of the same level.
- We can make modifications to the whistle-blowers workplace or the way they perform their work duties.
- We can reassign or relocate other workers involved in the disclosable matter.
- Management will be reminded of their responsibilities when managing the performance or taking other action relating to a whistle-blower.
- Should the whistle-blower feel that they have suffered detriment, they may lodge a complaint to the responsible person which will then be investigated by the investigating officer. Interventions will be implemented upon the detriment being proven true.

Identity protection

The whistle-blowers identity and information will be kept confidential, unless:

- they provide you with consent to disclose their information
- the information is disclosed, when:
 - the information does not include the disclosers identity
 - We have taken all reasonable steps to reduce the risk that the discloser will be identified from the information, and
 - it is reasonably necessary for investigating the issues raised in the disclosure
- their identity is disclosed to:
 - the Australian Securities and Investments Commission (ASIC)
 - a member of the Australian Federal Police
 - a legal practitioner, to obtain legal advice or legal representation in relation to the whistleblowing laws, or anyone else prescribed by the regulations
 - Information may only be disclosed if it is necessary for the purposes of investigating the disclosure.

Actions to be taken

Reducing risk of identity disclosure:

- All personal information or reference to the whistle-blower witnessing an event will be redacted.
- The whistle-blower will be referred to in a gender-neutral context.

- Where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them.
- Disclosures will be handled and investigated by qualified workers.

Secure record keeping and information sharing:

- All paper and electronic documents and other materials relating to disclosures will be stored securely.
- Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure.
- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser.
- Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other workers.
- Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

Compensation and other remedies

The whistle-blower will be provided with additional support and compensation through the courts if:

- they suffer loss, damage, or injury because of a disclosure, and
- the entity failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Whistle-blowers are encouraged to seek independent legal advice.

Civil, Criminal and Administrative Liability Protection

The whistle-blower will be provided with protections from:

- civil liability (e.g. any legal action taken as a result of whistleblowing)
- criminal liability (e.g. attempted prosecution for unlawfully releasing information)
- administrative liability (e.g. disciplinary action for making the disclosure).

Note: the protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

Should a whistle-blower feel that any of their protections have been breached, they can submit a complaint to the responsible person or to ASIC. It is also advised that they seek independent legal advice.

Penalties for breach of whistle-blower protection

Severe civil and criminal penalties will apply to those who breach the protections provided to whistle-blowers under the Corporations Act 2001(Cth). Courts are empowered to make orders for relief against a company if they fail to protect a whistle-blower from detriment.

False and malicious reports

Workers should take care not to make deliberately false or malicious disclosures. Workers found (by the investigating officer) to have made such a disclosure will be subject to disciplinary action, including possible termination of employment.

Reporting externally

Workers are still covered by the whistle-blowers protections if they wish to report their concerns to ASIC, even if they have not raised their concerns internally first. You can lodge a report through writing to ASIC.

You can report your concerns to ASIC anonymously; however, ASIC will not be able to follow up with you for further information or tell you what steps they may take based on the information you provided. However, you will still qualify for whistle-blower protections.

Other people who can receive a disclosure include:

- legal practitioners
- regulatory bodies (e.g. ASIC) and other external parties (if authorised), and
- (under certain circumstances) journalists and members of Commonwealth, state or territory parliaments.

Responsibilities of workers

- regularly review and memorise this policy and related processes
- report any disclosable matters
- ensure reports of disclosable matters are private and confidential.

Responsibilities of the investigating officer

- remain unbiased throughout the investigation
- ensure the scale of the investigation is in proportion to the seriousness of the wrongdoing
- ensure the investigation is completed in a fast and efficient manner
- examine relevant documents and evidence
- maintain strict confidentiality throughout the investigation
- conduct interviews with relevant witnesses
- keep accurate and clear records.

Responsibilities of Directors

- regularly review and memorise this policy and related processes
- appoint an investigating officer
- ensure sufficient resources are allocated to the investigating officer
- ensure all reports by whistle-blowers are investigated to the necessary degree.

Monitoring and Review

We will review these policies and procedures at least annually. This process will include a review and evaluation of current practices and service delivery types, contemporary policy and practice in this clinical area, the Incident Register and will incorporate worker, client, and another stakeholder feedback. Feedback from service users, suggestions from worker and best practice developments will be used to update these policies.

The **Document Control Register** and **Continuous Improvement Register** will be used to record and monitor progress of any improvements identified and where relevant feed into service planning and delivery processes.

References

Our Documents / Resources	Appendix 1 – Easy Read Guide for clients and other stakeholders Feedback Form Feedback and Complaint Register Client Wellbeing Form
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	<p>Worker, Client, and Stakeholder Surveys Privacy and Confidentiality Policy and Procedure Continuous Improvement Policy and Procedure</p>
General External References	<p>ASIC Corporations (Whistle-blower policies) Instrument 2019 Safe work Australia State / Territory Work Health and Safety Act and Regulations Australian Privacy Act (1988) (Cth) Corporations Act 2001 Australian Human Rights Commission Act 1986 Age Discrimination Act 2004 Disability Discrimination Act 1992 Racial Discrimination Act 1975 Sex Discrimination Act 1984 SA Equal Opportunity Act 1984</p>
NDIS	<p>National Disability Insurance Scheme (NDIS) Act 2013 (Cwth) Associations Incorporated Act 1985 Disability Discrimination Act 1992 (Cth) United Nations Convention on The Rights of Persons with Disabilities Terms of Business for Registered Providers (effective 1 July 2016) NDIS (Incident Management and Reportable Incidents) Rules 2018.</p>
Aged Care	<p>Aged Care Act 1997 (Cth), User Rights Amendment (Charter of Aged Care Rights) Principles 2019 Aged Care Act 1997 (section 11.3) Meaning of people with special needs The Code of Conduct for Aged Care Aged Care Quality Standards Charter of Aged Care Rights</p>
Child Protection	<p>Charter of Rights for Children and Young People in Care National Principles for Child Safe Organisations National Disability Insurance Agency (NDIA). (2022). Supporting Children with Disability Fact Sheet. Children and Young People (Safety) Act 2017 Family and Community Services Act 1972 Child Safety (Prohibited Persons) Act 2016</p>

Appendix 1 – Easy Read Guide



This fact sheet is about how to make a complaint or provide us with feedback.

You have the right to complain about our service. It is ok to complain.



When things go wrong, we can learn from our mistakes and make service better.



You can make a complaint in different ways.

You can tell someone you have a complaint.

You can write a complaint or use a complaint form.

You can draw a picture of what went wrong.



You can use any type of communication that suits you to make a complaint.



People who support you can help you to complain. This means that your family, friends or other people can complain for you.



Only people who try to fix the problem will be told about your complaint.

You will not be in trouble for complaining.

We will not make you feel bad for saying something.

We will be honest and fair.

We will try to fix the problem quickly.

We will tell you what we did to fix your complaint.

We will work hard to make our service better

