

# Community Living Association

## POLICY AND PROCEDURES

### Complaints and Compliments Policy

#### **POLICY**

Community Living Association ("CLA") is committed to being open and responsive to any complaints or suggestions for improvement made by its constituents or other members of the community and stakeholders.

CLA actively encourages and assists all to exercise their right to raise, and have resolved, any complaints or disputes they may have regarding the agency and its services in a timely manner.

CLA will seek an outcome to a complaint which is satisfactory to all parties and will endeavour to incorporate suggestions for improvement into service development and service improvement programs.

Our approach to complaints starts with people's rights under the United Nations Convention on the Rights of Persons with Disabilities, the Queensland Charter of Human Rights and Responsibilities, the Disability Act 2006 and other relevant laws and standards.

CLA emphatically upholds the right of constituents, clients, their supporters and family members, tenants, members of the community, volunteers and employees to raise complaints without fear of retributive action, they can either report directly through CLA's existing channels or they can report directly through NDIS or alternative responsible authorities.

During the handling of a complaint, we aim to keep in regular contact with the person and/or the persons who made the complaint. At CLA we value the feedback we receive and include those giving us feedback as active participants in the resolution of the issues raised. We acknowledge that the supports provided may not always meet people's expectations and/or mistakes do happen. For this reason, we value people letting us know when this occurs so we can improve the supports we offer.

Compliments are welcomed and are also of benefit in emphasising interactions and outcomes that constituents and others find helpful.

### **SCOPE**

This policy applies to all feedback and complaints from constituents, families, supporters, carers, advocates, statutory bodies, government agencies, stakeholders, staff or members of the public to or about the CLA "workers". "Workers" include employees, board members, contractors, volunteers, consultants, staff, visitors and students.

If this complaint is assessed to be an incident, CLA's Incident Management policy and procedure will be followed.

### **DEFINITIONS AND ABBREVIATIONS**

**Complaint** - An expression of dissatisfaction made to or about the agency, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

**Incident** - An event or circumstance that occurred during service delivery, which resulted in harm or has the potential to harm a client. This includes high, medium and low risk/impact incidents.

**Feedback** – Any issue which is brought to the attention of CLA in order to improve the operations of the Agency.

**Compliment** – A compliment is an expression of praise, encouragement or gratitude about a service that is funded, regulated or provided by the Agency. It may be about an individual staff member, a team or a service.

**Constituent / People we support** - An adult, or parent/guardian of a person who is currently receiving services or has received services from CLA.

**Member of the community** - Any person who is not a person receiving services and who is representing themselves, a community agency or company. Member of the community includes volunteers and donors.

### **PURPOSE**

The purpose of this policy is:

- To establish the principles which are to govern CLA's response to complaints and feedback/suggestions for improvement.

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- To ensure the existence of procedures through which people we support and members of the community can communicate feedback or complaints regarding any aspect of CLA's services, functioning or operations.
- To enable CLA to address all complaints ensuring that they are recorded, considered, resolved and monitored.
- To ensure that suggestions for improvement are actively encouraged, received, considered and if appropriate, delegated with their implementation monitored and recorded.
- To ensure that all agency stakeholders are aware of the content of this policy and its associated related procedures.

### Key principles for managing complaints

At Community Living Association we aim to have an effective complaints system. Our approach covers the following values and principles:

- Rights – People have a fundamental right to speak up about the supports they receive.
- Respect – People are treated with respect and dignity throughout the process. This includes respecting their privacy and maintaining the confidentiality of their information.
- Fairness – People are treated fairly and their concerns are dealt with in an unbiased and objective manner.
- Accessible – Information should be provided in ways that enable people who use the service to know how to make a complaint.
- Person-Centred – The complaints system is flexible to respond to individual needs and to consider what is important to and important for people receiving supports.
- Responsive – There is a clear process for ensuring that complaints are handled in a timely way and people are kept informed of the progress of their complaint.
- Natural Justice – People involved in a complaint need to be given a fair opportunity to respond to issues raised and to present their views.
- Accountable – Your process for resolving complaints is clearly outlined so people know what to expect.
- Excellence – The complaints management system is part of a quality culture that sees the complaint as an opportunity for continuous improvement.

### PROCEDURE

- CLA encourages the raising of complaints by constituents, their supporters and family members, tenants, members of the community, volunteers and employees, regarding any areas of dissatisfaction with service delivery through:
  - Verbal and written information from workers,
  - The prominent display of the CLA 'Complaints Poster'
  - Explaining the Complaints and Compliments Policy and Procedures using information in the CLA booklets, which is given to constituents during intake and is processed with the worker doing intake.
  - Ongoing invitation to constituents to go through the complaints policy and review of this information as part of any service user's review. This will be documented in the Annual Plan and Review.
  - Workers will document that they have done this in NDIS Service Agreement.
  - Raising with constituents and their significant others the option of making a complaint when people seem dissatisfied with service practice. Workers will support constituents and their significant others to lodge a complaint if they wish to do so.
  - Providing an anonymous complaints, compliments and feedback form via website.
  - Video format of complaints and compliments process developed by constituent provided on website
  
- CLA shall implement and maintain a formal complaints process to ensure that all complaints are responded to in a timely and impartial fashion.
  
- Information about providing feedback and making complaints will be provided in a variety of formations where appropriate, including easy English. Interpreters and referrals to advocates can be provided.
  
- Complaints and feedback can be lodged by a third party on behalf of another person, if their consent has been provided.
  
- CLA shall assess if a complaint falls within the agency's definition of an incident.
  - If the complaint is assessed to be an incident, CLA's Incident Management policy is to be followed. This policy outlines how all incidents are to be managed *including those involving children (under the Reportable conduct scheme) and breaches of client privacy (Privacy Amendment (Notifiable Data Breaches) Act 2017).*

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- CLA shall ensure that all suggestions for improvement and complaints are recorded, considered and retained for process improvement purposes.
- CLA shall ensure that all parties are informed of their right to have a support person or advocate present to assist or represent them during the formal complaints process. Formal complaints can be written or verbal. If verbal, the assisting staff member will document the complaint. Access to interpreters will be available if required. You can request assistance to locate an external advocate to support you.
- CLA shall address all complaints in a confidential manner. Only the people directly involved in making, investigating or resolving a complaint will have access to information about it.
- Complaints can be made anonymously if the complainant so chooses.
- CLA shall ensure that the complaint investigation process is impartial. No assumptions will be made nor any action taken until all relevant information has been collected and considered. Any change of support arrangements during the period while the complaint is being heard will be discussed with the complainant.
- CLA shall ensure that any complaint is free of repercussions for the complainant. CLA will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint.
- CLA has a complaints management process provided in appropriate formats that is accessible and transparent, as outlined in information given to constituents when they begin working with CLA and is reviewed annually.
- CLA recognises that constituents may not come forward with a complaint and accordingly CLA workers are required to bring forward to their supervisor any situations that could legitimately lead to a complaint.
- Team Leaders will be responsible for managing the complaints process unless they require escalation to the Co-ordinator.
- All information relating to a complaint will be logged within Complaints and Compliments Register with the relevant documentation.
- CLA shall ensure that all staff is aware of this policy and its related procedures.
- CLA shall ensure that all stakeholders are informed of the existence of this policy and its related procedures at the commencement of association with CLA and / or receiving services. A copy of this policy and the relevant procedure must be made

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available to stakeholders / people we support in their preferred format / language as required.

- CLA recognises the right of individuals to approach external agencies for advice or assistance at any point in the process, as outlined in the CLA booklet, as reminded by workers and recorded in the Complaints Checklist.
- CLA will use complaints to consider whether improvements within the service are necessary. This is recorded in the Complaints and Compliments Register and in the Continuous Quality Improvement register.
- If outcomes through the internal CLA Inc. process is unsatisfactory to the Complainant, they will be advised of their right to complain to their local member of State Parliament, Queensland Department of Communities, Queensland Ombudsman or NDIS Commission.
- Feedback from constituents, clients, their supporters and family members, tenants, members of the community, volunteers and employees, will be reported to Team leaders in supervision and in Team meetings as potential learning and continuous improvement after the complaint.
- Records of complaints will be kept for minimum of seven years from the date record was made

### **Feedback and Compliments**

- Provision of feedback and compliments to CLA will be voluntary.
- Feedback may be collected:
  - After interactions with the service (e.g. initial assessment and planning, reviews, exit);
  - During service delivery
  - At forums and AGM
- Stakeholders can provide feedback at any time through:
- Feedback, Compliments and Complaints Form via website;
- Phone: 07 3266 5633
- Post: 5 Nundah St, Nundah, QLD, 4012
- Email: [reception@communityliving.org.au](mailto:reception@communityliving.org.au)
- Where feedback is provided verbally, the receiving staff member will transcribe the feedback onto the Feedback and Complaints Register.

### Complaints Management Process

- CLA complaints management process can be simplified into five steps:
  - Receive;
  - Record;
  - Acknowledge;
  - Resolve; and
  - Communicate resolution.

#### **1. Receive**

- To lodge a complaint, individuals are encouraged to speak directly to a staff member first, in an attempt to resolve the matter without recourse to the complaints procedures.
- Staff will:
  - Listen – openly to the concerns being raised by the complainant.
  - Ask – the complainant what outcome they are seeking.
  - Inform – the complainant clearly of the complaint process, the time the process takes and set realistic expectations.
  - Be accountable – and empathic towards the affected person and action all commitments made.
  - Assess – situations that pose an immediate threat or danger, or require a specialised response.
- All complaints will be referred to the relevant Team Leader for resolution.
- The relevant Team Leader will discuss minor complaints directly with the party involved as a first step towards resolution.
- All complaints will be lodged into the Complaints and Compliments Register.
- Complaints can be lodged:
  - Directly with a staff member
  - via the website complaints and feedback form, this can be done anonymously
  - Phone: 07 3266 5633
  - Post: 5 Nundah St, Nundah, QLD, 4012
  - Email: [reception@communityliving.org.au](mailto:reception@communityliving.org.au)
- At any time, individuals can make a complaint directly to the National Disability Insurance Agency (NDIA) when needing to make a complaint in regards to the plan.
- To the NDIS Quality and Safeguards Commission if needing to make a complaint in regards to service provision.

- Constituents can use an advocate of their choice to act on their behalf if they wish. The advocate may be a family member or friend, or through advocacy support services.
- Staff will take reasonable steps to ensure a complainant is not adversely affected because a complaint has been made by them or on their behalf.

### 2. Record

CLA will:

- Record – all information that is relevant to the compliment or complaint, in its original and simplest form, in CLA’s Complaints and Compliments Register.
- Store – and protect – the Complaints and Feedback Register in a secure file, accessible only to the Leadership Team.

### 3. Acknowledge

CLA will:

- Acknowledge – receipt of the grievance within 2 working days to build a relationship of trust and confidence with the person who raised the complaint.
- Provide anonymity – a person may request to remain anonymous in their lodgement and therefore contact may not be possible or expected.
- Seek desired outcomes – provide realistic expectations and refer the matter to other organisations where identified as being more suitable to handle.
- Avoid conflict of interest – by appointing a person unrelated to the matter as an investigator if necessary.
- Provide timeframes and expectations – to the complainant where possible.

### 4. Resolve

In resolving a complaint or grievance, CLA will:

- Involve the complainant – keep them informed of the progress of the complaint and discuss any disparities identified in the information held;
- Request additional information – when required but apply a timeframe that limits when it is to be provided by;
- Consider extensions – only where necessary and always communicate any additional time requirements to the complainant with an explanation of the need;
- Record all decisions or actions of the complaint investigation in CLA’s Complaints and Compliments Register; and
- Focus on the identified complaint matters only. A complaint is not an opportunity to review a whole case.



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- Investigation of complaints will not be conducted by a person about whom a complaint has been made. If required, the Leadership Team will determine the appropriate person to undertake the investigation.

### 5. Communicate Resolution

- CLA will respond to all complaints and grievances as soon as possible and within 28 days from acknowledgement.
- If a complaint or grievance cannot be responded to in full within 28 days of acknowledgement, an update will be issued to the complainant. The update will provide the date by which a full response can be expected. The update should be provided verbally in the first instance then confirmed in writing.
- CLA (or delegate) will:
  - Discuss the outcome – where possible, verbally with the complainant before providing written advice and allowing them the opportunity to make further contact following receipt of the written advice.
  - Include information on recourse – further action available to the complainant at the conclusion of the complaint investigation. An action of recourse may be to escalate the matter further with an external agency or for a further review within the organisation.
  - Identify opportunities – relay complaint outcomes to the appropriate area within the organisation for action to improve service delivery.
  - Seek Feedback – from the complainant regarding their experience of the complaints process.
- Support will be provided to assist complainants understand correspondence regarding complaints and grievances where required (e.g. interpreters, referral to advocates, etc.).
- Options for actions responding to a complaint include but are not limited to:
  - explaining processes;
  - rectifying an issue;
  - providing an apology;
  - ongoing monitoring of issues; and
  - training or education of staff.
- CLA's Complaints and Feedback Register will be used by CLA's Leadership Team to record every complaint, track investigation progress and outcomes and how the outcomes have been communicated to stakeholders.

**Procedural Fairness**

Procedural fairness:

- is impartial;
  - requires a response proportionate to the complaint, accusation and likely remedial action;
  - ensures that a complainant or participant is not disadvantaged by the complaint or the process of resolving a complaint;
  - ensures that persons who are likely to be adversely affected by a complaint process are given the opportunity to present their views and have them heard.
- Procedural fairness must be afforded to a person if their rights or interests may be adversely or detrimentally affected in a direct and specific way.
    - In those circumstances: the person must be given notice of each prejudicial matter that may be considered against them;
    - the person must be given a reasonable opportunity to be heard on those matters before adverse action is taken, and to put forward information and submissions in support of an outcome that is favourable to their interests;
    - the decision to take adverse action should be soundly based on the facts and issues that were raised during that process, and this should be apparent in the record of the decision, and
    - the decision maker should be unbiased and maintain an unbiased appearance.
  - The precise requirements of procedural fairness can vary from one situation to another. The required steps can vary according to:
    - the nature of the matter being dealt with;
    - the options for resolving it;
    - the time-frame for resolution;
    - whether facts in issue are in dispute;
    - the gravity of possible findings that may be reached; and
    - the sanctions that could be imposed based on those findings.

**NDIS: Complaints Escalation and Dispute Resolution**

- If a complainant remains dissatisfied with the outcome of their complaint or grievance, they will be provided with details of other agencies they can use to assist them to achieve a resolution.
- Escalated complaints will be tracked in the Complaints and Compliments Register in the same manner as other complaints and the same communication processes as outlined above will be applied.

### **RELEVANT LEGISLATION, STANDARDS, AGREEMENTS AND GUIDELINES**

This document is informed by (but may not be limited to) the following legislation and standards:

- Disability Service Act 2006
- Information Privacy Act 2009
- Human Rights Queensland Act 2019

The following Standards apply to this Policy

- Human Services Quality Standards (Queensland)
- Community Care Common Standards (Queensland)
- NDIS Quality and Safeguard Standards

### **ATTACHMENTS**

Complaints Flow Chart (included in CLA booklet)

Complaints Checklist

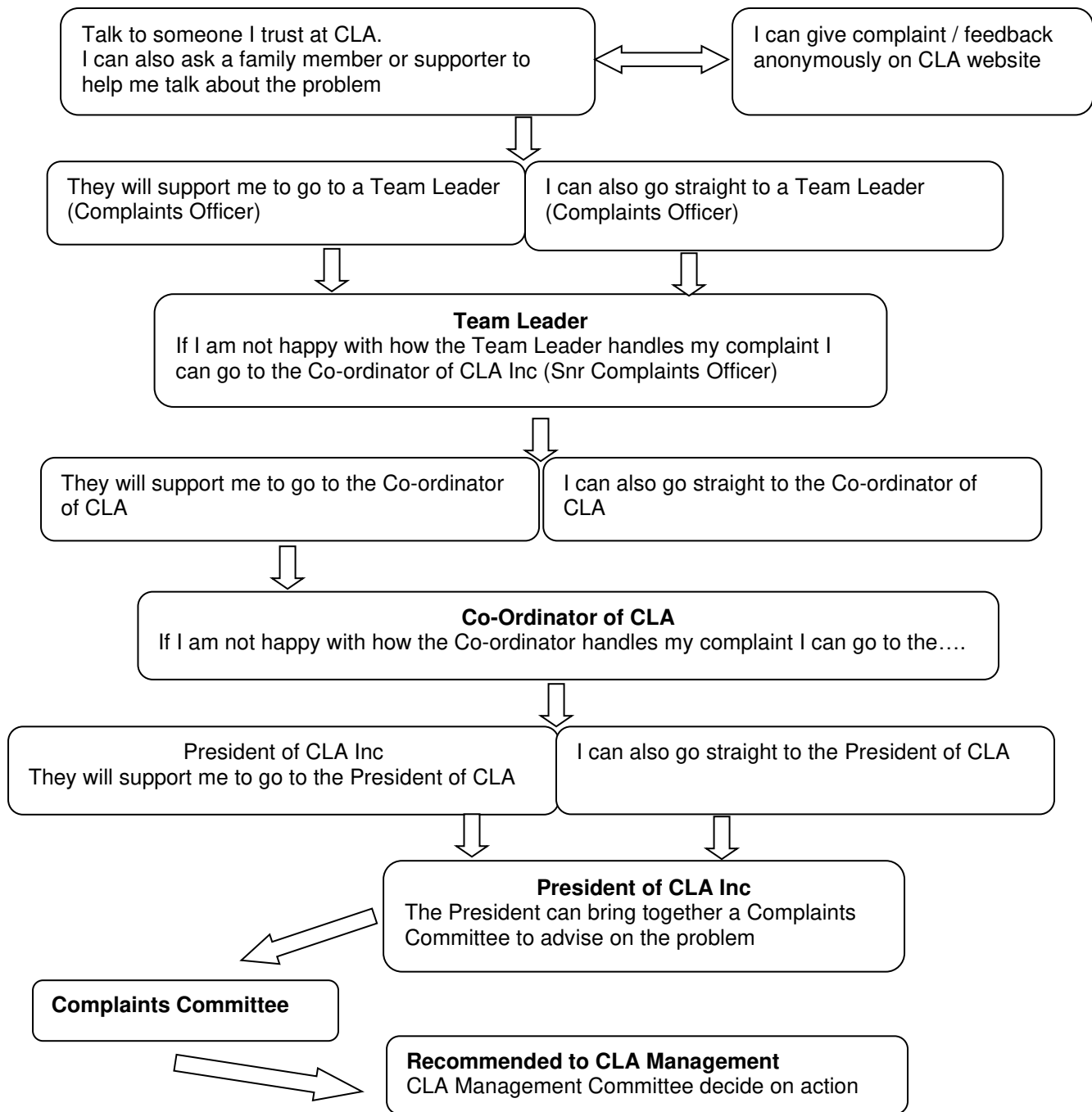
Complaints and Compliments Register

### CLA Complaints & Compliments Register

Date made	Team related to	Complaint or Compliment?	Source	Person making submission	Person handling submission	Nature of submission	Outcome of submission	Outcome unsatisfactory and escalate further (NDIS Commission etc)	Finalisation Date	Sign off by authorised officer

### Complaints Flowchart

**If I have a problem with how I am treated by CLA I can...**



**I will not be punished for making a complaint about CLA.**

**I have the right to make a complaint.**

**Independent advocated who can help me make a complaint SUFY (3255 1244), QDN (3252 8477), AMPARO (3369 2500), QLD Dept of Disability (3224 7179).**

**I can also make a complaint to NDIA at any time.**

**COMPLAINTS CHECKLIST**

Complainant: ..... Contact Details: .....

<b><u>Action</u></b>	<b><u>Date Completed</u></b>
<input type="checkbox"/> Person reports the complaint.	___ / ___ / ____
<input type="checkbox"/> Person is reminded of the complaints process and has bought the complaint forward.	___ / ___ / ____
<input type="checkbox"/> Worker has offered the person advocacy support.	___ / ___ / ____
<input type="checkbox"/> Worker brings the complaint forward to their Team Leader.	___ / ___ / ____
<input type="checkbox"/> Co-ordinator will acknowledge complaint within 2 working days.	___ / ___ / ____
<input type="checkbox"/> Date and details of complaint recorded in Complaints and Compliments Register by Co-ordinator.	___ / ___ / ____
<input type="checkbox"/> Constituent is reminded that they may have an independent support person, external agencies, advocates to assist them at any point during the complaints process.	___ / ___ / ____
<input type="checkbox"/> Complainant is reminded that there will be no retributive action taken against them for making a complaint.	___ / ___ / ____
<input type="checkbox"/> If Complaint cannot be resolved in full within 28 days of <u>acknowledgement</u> , update to be provided to complainant.	___ / ___ / ____
<input type="checkbox"/> Action and outcome is recorded in the Complaints and Compliments Register.	___ / ___ / ____
<input type="checkbox"/> If complainant is not happy with this outcome, they are informed of their option to go to the CLA President who formally records the complaint. <b>This step and the consequent outcomes are also recorded in the Complaints and Compliments Register.</b>	___ / ___ / ____
<input type="checkbox"/> CLA President convenes Complaints Committee or recommends to Management Committee the appointment of independent investigator.	___ / ___ / ____
<input type="checkbox"/> Complaint Committee or Independent Investigator investigates complaint and makes recommendations to the Management Committee.	___ / ___ / ____
<input type="checkbox"/> Management Committee considers recommendations and decides on an action.	___ / ___ / ____
<input type="checkbox"/> Action communicated to complainant with information about further action that they can take if they are not happy with the outcome.	___ / ___ / ____

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<input type="checkbox"/> Team reflection and learning from the situation.	___ / ___ / ____
<input type="checkbox"/> Details of organisational change generated by complaints/compliments are placed on the Continuous Quality Improvement register.	___ / ___ / ____

**Attachment to Complaints and Disputes Policy and Procedure**

Complaints and Compliments Policy

PRESIDENT'S INFORMATION SHEET

Under Policy, Complaints should only come to the President if:

- a) It is a complaint about another Committee Member;
- b) It is a complaint about the Co-ordinator of CLA; or
- c) A complainant is not happy about how a complaint has been resolved at CLA Co-ordinator level and wishes to bring it to a higher authority.

The President will communicate with the complainant and make a determination on whether the President should handle the complaint. The President will not normally handle the complaint if it has not met the previously mentioned conditions and will refer complaint back to Co-ordinator of CLA.

If complaint does meet the previous mentioned conditions the President will determine if the complaint should be referred to a CLA Management Committee Complaints Sub-Committee. The President will discuss with the person what options there are to resolve the complaint. If the person decides to continue with a formal complaint, the complainant will be invited to put the complaint in writing. The complainant will be offered support to put the complaint in writing if they require such support. On receiving a written complaint the President will nominate two other members of CLA Management Committee as the co-members of the Complaints Committee.

The President will select co-members who can be expected to deal with the complaint impartially. If the President feels unable to deal with the complaint impartially they will approach another Committee Member to chair the Complaints Committee. The President or nominee will chair the Committee. CLA Inc Management Committee will be informed that there is a complaint in process but will not be informed of specifics at this stage. The Complaints Committee will meet and consider all written evidence on the complaint. The Complaints Committee will have the authority to ask any party to provide evidence though the Complaints Committee cannot force the giving of evidence. Persons asked to give evidence can bring a supporter or advocate to any meeting with Complaints Committee. The Complaints Committee will consider the complaint and indicate to the parties that they will make a recommendation to Management Committee. Decisions by the Management Committee are required to be lawful. The Complaints Committee will make recommendations to the Management Committee who will accept or vary the recommendation. The final decision of the Management Committee will be communicated to the parties in writing with an invitation to pursue other channels if they are unhappy with the decision. Parties will be informed that if they are unhappy with the Management Committee's decision they can pursue the matter through other channels, including DSQ Complaints, Industrial Affairs etc.

In certain circumstances the President may recommend to the Management Committee the hiring of an Independent Investigator where it is felt –

- a. Committee does not have time or skills
- b. there are not enough Committee members who feel removed from conflict of interest.

[https://claorg.sharepoint.com/admin/Shared Documents/Policies & Procedures \(Working Copies\)/Section 1 Governance and Management/1.13 Complaints and Compliments Policy.doc](https://claorg.sharepoint.com/admin/Shared Documents/Policies & Procedures (Working Copies)/Section 1 Governance and Management/1.13 Complaints and Compliments Policy.doc)

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