

 <p>ACCESS 2 PLACE HOUSING</p>	<h2>DEALING WITH COMPLAINTS</h2>		Policy Number	TM02
			Version	2
			Date	October 2018
			Review Date	October 2020

1 Purpose

Access 2 Place Housing (A2P) is committed to providing a safe and respectful environment and to improving our services by seeking tenant and community feedback using complaints as a driver for improving services.

2 Context

A2P recognises the right of tenants and/or their families/guardians to have any concerns raised dealt with in a responsive, structured, consistent and reliable manner, and without fear of retribution, to ensure a high quality standard of service delivery is maintained.

Should A2P's tenants and/or their families/guardians at any time be dissatisfied with services being provided, A2P will ensure a structured and efficient system be in place for presenting those concerns, either formally or informally to have the concerns resolved and meet expectations for service.

3 Scope

This policy applies to tenants, families/guardians, support agencies and/or other stakeholders who may wish to express dissatisfaction with any aspects of A2P service delivery.

4 Risk

In the absence of a *Dealing with Complaints Policy*, A2P is at risk of not upholding the rights of its tenants or their families/guardians. An effective *Dealing with Complaints Policy* procedure has the potential to identify ongoing issues of concern or issues of a systemic nature with service delivery that might otherwise go unrecognised. Without such procedures, A2P limits its capacity to improve and deliver quality services.

5 Policy Detail

5.1 General

A2P will encourage any individual or organisations who interact with them, to inform of any concerns or complaints they may have. In responding to these complaints A2P is committed to:

- Fairness;
- Timeliness;
- Confidentiality;
- Providing support to those making complaints;
- Investigating the complaint with external bodies where appropriate;
- Referring the complaint to external bodies where appropriate; and
- Giving feedback to the person making the complaint.

Complaints can be made in any format such as in writing, by speaking with a staff member or through an advocate. A2P policies and culture encourage feedback and a timely response.

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5.2 Compliance

A2P will ensure complaint management and resolution requirements are consistent with those outlined in the *National Disability Insurance Scheme Complaints Management and Resolution) Rules 2018* and Performance Outcome 1 in the *National Regulatory System Community Housing 'Evidence Guidelines'*.

A2P's Operations Manager will:

- implement a complaints management and resolution system;
- ensure staff are nominated for the responsibility for addressing complaints;
- provide tenants and/or families/carers with a fact sheet on how to raise a complaint and the process that will be engaged in by A2P upon receipt of a complaint;
- ensure a *SA Disability Advocacy Services Fact Sheet* is provided to the tenant and/or families/carers;
- ensure appropriate support and assistance is provided to any person who wishes to make, or has made, a complaint;
- ensure complaints are acknowledged, assessed and resolved in a fair, efficient and timely manner;
- ensure appropriate action is taken in relation to issues raised in complaints;
- ensure that any person who makes a complaint to the provider, and each person with disability affected by an issue raised in such a complaint, is advised how that complaint or issue may be raised with the NDIS Commissioner;
- ensure appropriate support and assistance in contacting the NDIS Commissioner in relation to a complaint is provided to any person who makes a complaint and each person with disability affected by an issue raised in a complaint;
- ensure a person who makes a complaint, or a person with disability affected by an issue raised in a complaint, is not adversely affected as a result of the making of the complaint;
- ensure that information provided in a complaint is kept confidential and only disclosed if required by law or if the disclosure is otherwise appropriate in the circumstances;
- ensure that persons making a complaint:
 - (a) are appropriately involved in the resolution of the complaint; and
 - (b) are kept informed of the progress of the complaint, including any action taken, the reasons for any decisions made and options for review of decisions in relation to the complaint;
- ensure that a person with disability affected by an issue raised in a complaint:
 - (a) is kept appropriately informed of the progress of the complaint, including any action taken, the reasons for any decisions made and options for review of decisions; and
 - (b) is kept appropriately involved in the resolution of the complaint;
- ensure staff receive training and induction in the use of the complaints management and resolution system;
- maintain an *A2P Complaints Register* that records information about the complaint including but not limited to:
 - (a) information about complaints;

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- (b) any action taken to resolve complaints; and
- (c) the outcome of any action taken; and
- review the *A2P Complaints Register* on a regular basis as part of the internal auditing activity to identify any systemic issues for developing improved process.

6 Procedure

6.1 Making a Complaint

Complaints can be received in varied ways, including email, via the A2P website, by letter or verbally. People wishing to lodge a complaint are encouraged to put the complaint in writing via the A2P feedback form which is available on the A2P website or by emailing info@access2place.com.au

All complaints must be entered into the *Complaints Investigation Form* by the person receiving them and submitted to the Operations Manager.

6.2 Assessment and Further Action

The Operations Manager will make an assessment on the seriousness and magnitude of the complaint. If it is assessed that the complaint is of an extreme or high nature, it will be escalated to A2P's CEO and a Corrective Action Request may be opened to ensure adequate response to the complaint is followed and closed out.

If the complaint received about an A2P staff member is of a sufficiently serious nature, the CEO may direct that staff member be suspended with pay.

Any complaints that have potential implications to the reputation of the organisation will be referred to the CEO for referral to the Chair for further direction.

If a complaint can be handled immediately and the matter resolved to the satisfaction of the complainant, it is preferable to handle the complaint informally. Where possible, the actions relating to all complaints should be documented on the Chintaro system if relating to a tenant and on the A2P Complaints Register. To maintain privacy of all parties, only basic information about the complaint should be entered into Chintaro with reference made to where the main body of the complaint can be found. If the matter cannot be resolved informally, the complaint should follow the formal complaint process.

Please Note: Refer to Attachment 1: **COMPLAINTS – FORMAL PROCESS FLOW CHART**.

In such an instance, the complaint will be referred to the Operations Manager and/or CEO if appropriate who will acknowledge the complaint within five working days, either in writing or in person. The complainant may be offered an appointment to discuss their complaint if further information is required.

If an interview occurs, the complainant should be offered a support person/organisation to assist in this process by providing the *SA Disability Advocacy Services Fact Sheet*.

6.3 Investigation

In order to respond to a complaint, reasonable verification should be obtained.



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Where a complaint is made repeatedly about the same/similar issue, staff can encourage complainants to record incidents in a *Disruptive Incidents Diary*. Only incidents that may be a breach of the Conditions of Tenancy should be recorded, as A2P is restricted in the action it can take. These incidents will be reviewed by A2P to determine how serious the problem is before deciding what action to take. Serious cases of disruption will be investigated as soon as practicable.

Initial Interview

When conducting the initial interview (if appropriate) with a person lodging a complaint the staff member will:

- Explain the procedure that they will go through and the time frames involved.
- Ask the complainant to talk about the complaint in his/her own words if they are able to.
- Help the complainant to clarify their issues.
- Ascertain what outcome the complainant would like to see occur.
- Use appropriate interviewing skills at all times such as active listening and asking open ended questions.
- Consider the complainants communication needs and ensure that appropriate communication strategies are available (e.g. interpreter, sign language interpreter).
- Never guide the complainant responses in any way.

The Operations Manager or CEO (if appropriate) will then investigate the complaint and explore strategies to respond effectively. It is important to respond and investigate complaints in a timely manner and record all actions taken. Fourteen days is the required time frame for the investigation process.

If the complaint is about a staff member, the CEO will speak directly to the worker concerned. The CEO will also inform the staff member of the complaint and take into consideration the following:

- Details of the allegations;
- Provide the opportunity to put their case forward;
- Place all relevant material before the person investigating the complaint;
- Be informed of the decision and the reason for the decision.
- Have all relevant submissions and evidence considered;
- Not have matters which are not relevant taken into account;
- Have a decision-maker who will be independent, fair and just.

All parties to the complaint have the right to:

- Have an independent investigation.

6.4 If the Complaint Relates to a Criminal Matter

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The CEO will refer the complaint to the relevant external body, such as the Police.

6.5 Information Management

The Operations Manager or CEO may wish to interview a range of other people (i.e. staff, tenants) to assist in gathering information. In these circumstances, the Operations Manager or CEO will need to ensure that confidential information about tenants and staff is not revealed, e.g. it may be inappropriate to fully explain the circumstances of the complaint and only necessary information should be sought.

The Operations Manager or CEO will ensure that people who are interviewed are aware of how the information they give will be used, i.e. that it may be recorded in the final report, which is an official document. If information is given by a person which they request be kept confidential, they must be advised that, while this will be taken into account, it is notwithstanding any Freedom of Information request which may be lodged and upheld.

A request from a person who is party to the complaint, to sight or receive copies of any official documentation which relates to the complaint should be upheld depending on the nature of the material. Such a request may be refused if it is unsafe or impossible to gain consent, or consent has been refused by the other party, and, if information is shared, it is anticipated a child, young person or member of their family will be at risk of serious harm, abuse or neglect, or pose a risk to their own or public safety. This does not preclude the person requesting the information from making application to sight it under the *Freedom of Information Act 1992*.

The Operations Manager or CEO will record notes of all interviews. Upon request, these notes will be made available to the interviewee.

The Operations Manager or CEO will be aware that staff who are interviewed in the process of investigating a complaint, may require counselling and will be able to direct staff to available counselling processes.

Throughout the investigation process, the Operations Manager or CEO will consult with all parties involved in the complaint process on a regular basis to advise them of how the matter is proceeding.

6.6 Resolution of Complaint

Once the investigation process has been completed, the Operations Manager or CEO will need to reflect on the information gathered and decide what needs to happen to resolve the matter.

The Operations Manager or CEO will need to consider:

- If there is a basis for the complaint.
- What the complainant wants as an outcome and whether this is appropriate, realistic, or achievable.
- Who to delegate the complaint resolution process to.

6.7 What if the Complainant is not satisfied with the outcome?

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If a complainant advises A2P that they are not satisfied with the process, progress or response to their complaint, a more senior person in the organisation (Board Member) may consider the complaint. Arrangements will be made to speak to that person directly.

Other avenues to escalate the complaint include referring the matter to the South Australian Civil and Administrative Tribunal (SACAT) to undertake the appeal process. Refer to the A2P *Appeal Policy* for further detail regarding this process.

6.8 Documentation

All complaints must be recorded on the *A2P Complaints Register*. All complaints are to be entered into the register and a summary of the issue, actions taken to resolve the matter and the A2P person taking responsibility to resolve the matter and the outcomes.

6.9 Finalising the Complaint

When a formal complaint is investigated and a resolution found, this must be communicated back to the complainant as soon as possible to ensure there is record of the issue, action taken and the outcome. This is best done in writing by the CEO or if the matter has been escalated internally, by the Chair of the Board.

6.10 Tenant Well-being and Reporting Processes

Any complaints that compromise a tenant's wellbeing and/or safety will be subject to an appropriate level of assessment and action. Refer to the *A2P Incident Management Policy and Procedures* for further information.

It is important to note that A2P plays an essential role in ensuring people living with disability are supported to live their own lives, without fear of discrimination or mistreatment. The *Incident Management Policy* provides guidance and processes to protect people with disability from abuse and neglect within our organisation.

A2P employees are to act with reasonable care to ensure the tenant is not exposed to unnecessary danger.

7 Definitions

7.1 Advocate for the purpose of this policy, is a person who represents the interests or expressed wishes of A2P tenants and/or their families/guardians and who acts in their best interest where he or she is unable to express his or her wishes.

7.2 Resolution of complaint is achieved when the issue is formally settled or concluded and each of the parties involved are notified of the outcome. "Resolved/Resolution" does not necessarily mean that the complaint or dispute is concluded in favour of either of the parties involved.

7.3 Complainant refers to any individual who submits a complaint/dispute or has any form of grievance with A2P. This may include, but is not exclusive to the following:

- A2P tenant, family member/guardian
- Carer or advocate of a client
- Support agency of a tenant

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- Member of the public or any other stakeholders of A2P

8 Reference Documents and Links

8.1 Directive Documents

- *National Disability Insurance Scheme Act 2013*
- *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*
- *Disability Inclusion Act 2018 (South Australia)*
- *Equal Opportunity Act 1984 (South Australia)*
- *Freedom of information Act 1991(South Australia)*
- *Health and Community Services Complaints Act 2004 (South Australia)*

8.2 Supporting Documents

- *National Regulatory System Community Housing ‘Evidence Guidelines’*
- *Australian Standard ISO10002-2006 Customer Satisfaction – Guidelines for complaints handling in organisations*
- *HCSCC Charter of Health and Community Service Rights*

8.3 Related Documents and Resources

- *Disruptive Incident Diary*
- *Incident Management Policy*
- *Confidentiality and Privacy Policy*
- *Conflict of Interest Policy*
- *Complaint Investigation Form*
- *Complaints Register*
- *SA Disability Advocacy Services Fact Sheet*

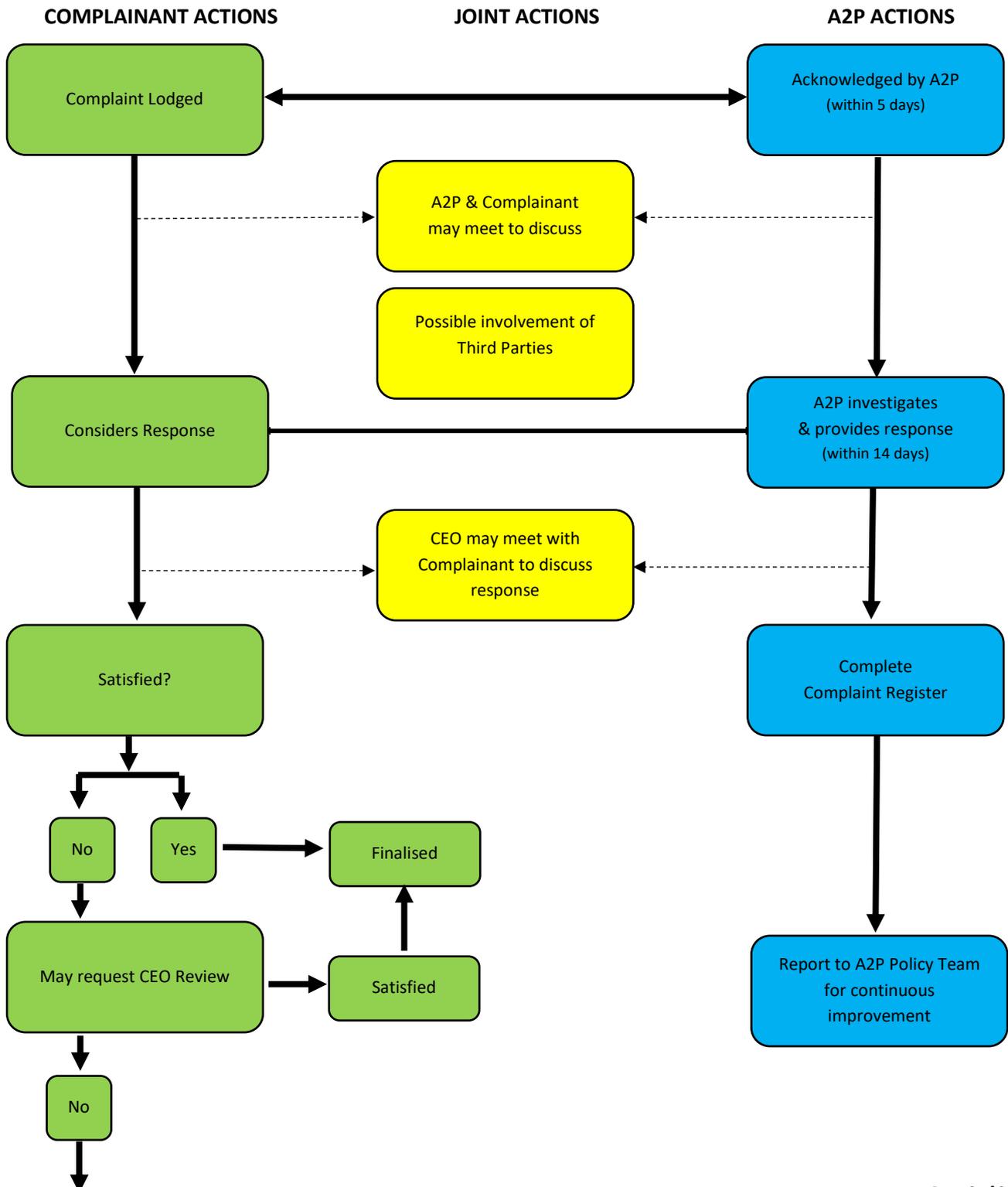


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9 Flowchart

COMPLAINTS - FORMAL PROCESS FLOW CHART





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May pursue externally
(e.g. Ombudsman,
Board or externally)

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Name: Lyndi Gepp Position: Policy and Compliance Officer	Name: Jonathan Lardner Position: CEO	Name: Jonathan Lardner Position: CEO

11 Revision History

Date	Version	Author / Amended By	Comments / Review History
2/10/2016	1	Lyndi Gepp	Original Draft
1/08/2018	2	Russell George	Updated with new legislative requirements and procedure