

LIFE INDEPENDENCE DISABILITY SUPPORT SERVICES

www.lifeindependence.com.au

Ph: 0429 225 993, 0488 061 999

E: lifeindependenceservices@gmail.com

COMPLAINTS POLICY

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Drafted by	Merryn Farnsworth	Approved by	20/11/2020 manager
Responsible person	Merryn Farnsworth	Scheduled review date	20/11/2021

INTRODUCTION

The purpose of this policy is to outline the type of services and supports available to service users to which this policy may apply. This policy also describes the ethical, legislative, legal and complaint practice standards Life Independence adheres to. This policy provides options for complaints, redress and feedback options for clients receiving services from Life Independence.

PURPOSE

The purpose of this policy is to provide a reference source for NDIS participants, supporters or relevant stakeholders. It provides information about principles and key practices the service will use for effective complaints management. This intention is to provide clarity to how client rights are protected and the processes in place for receiving, managing and responding to complaints.

Guiding Legislation, Rules, Regulations & Guidelines

- National Disability Insurance Scheme Act, 2013
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules, 2018
- The NDIS Code of Conduct

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SCOPE OF POLICY

This policy applies to all Life Independence staff or any person acting in any capacity whereby they are taken to be representing Life Independence and its interests.

REQUIREMENTS OF COMPLIANCE

It is a condition of employment that all staff read and provide a signed receipt for this document acknowledging their understanding and commitment to comply with the principles of this policy.

NON-COMPLIANCE CONSEQUENCES

In the event that a staff member is found to be non-compliant with this policy they will be liable to disciplinary action. This may include but not be limited to immediate termination, counselling or other actions deemed appropriate and in keeping with the law.

PROCEDURES

This policy is not designed to be used as a manual on procedure for performing duties on behalf of Life Independence. Should staff require procedural information, companion documents are available on the Life Independence website. Staff are expected to access the sources available through the service website for full information on policies, procedures, legislation and all other relevant information relating to service delivery with Life Independence.

DECLARATION OF INTENT

Life Independence has the responsibility to deliver safe and quality supports and services to people with a disability. This means the service has a responsibility to deliver safe services in the context of the following principles of the NDIS Act, 2013. People with a disability have the right to:

- Realise their potential for physical, social, emotional and intellectual development.
- Be supported to participate in and contribute to social and economic life to the extent of their ability
- Be supported to exercise choice including in relation to taking reasonable risks in pursuit of their goals and the planning of their delivery of supports
- Be respected for their worth and dignity and to live free from abuse, neglect and exploitation
- Be able to determine their own best interests including the right to exercise choice and control and to engage as equal partners in decisions that will affect their lives to the full extent of their capacity
- Have their privacy and dignity respected
- Have the role of families, carers and other significant persons in their lives acknowledged and respected

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- Have access to advocates and supports which promote innovation, quality, continuous improvement, contemporary practice and effectiveness

DEFINITIONS

The definitions taken from the NDIS Rules on Complaints below makes clear what a complaint is and what Life Independence systems and processes are:

- A complaint can be described as an expression of dissatisfaction with an NDIS support or service, including how a previous complaint was handled, for which a response or resolution is explicitly or implicitly expected.
- A complaints management and resolution system is a system created by a provider for dealing with complaints that puts the person with a disability at the centre of the complaints system.
- A complaints management and resolution system should be identifiable by the following features:
 - o The system is transparent and encourages complaints i.e. people know how to make a complaint to the service provider and/or the NDIS commission and can do it easily.
 - o Has clear, documented processes to receive and resolve complaints
 - o Protects people making complaints from adverse effects
 - o Assists people to make complaints in a way that suits their needs including anonymously
 - o Provides information on the services complaints processes in an easily accessible way
 - o Provides support and assistance to anyone that wishes to make a complaint
 - o Receives, acknowledges and resolves complaints in a fair, timely and effective manner
 - o Takes action to resolve issues raised in complaints
 - o Has processes in place for learning from complaints and improving service delivery processes
 - o Documents the complaints processes in terms of making information on making a complaint available and retaining information on complaints made.
 - o Shows procedural fairness that complies with rules laid down by the NDIS
 - o Shows evidence of a process in place for referring complaints to other agencies such as the NDIS commission where the seriousness of the complaint warrants this.

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COMPLAINTS & RESOLUTION PROCESSES

Life Independence has processes in place designed to provide an effective complaints management and resolution system. They comply with the NDIS Commission rules on benchmarks you should be able to expect from a service and are best outlined in stages.

ROLES, RESPONSIBILITIES, COMPLIANCE & TRAINING FOR WORKERS

The owner/manager of Life Independence is directly responsible for receiving and dealing with any and all complaints relating to the service. This involves ensuring means to make a complaint directly to the service are readily available and that the person making the complaint has the means to make a complaint directly to the NDIS Commission if they choose. The owner/manager of Life Independence is responsible for ensuring each person representing the service complies with the complaints management and resolution policy and is trained in its use.

ACCESSING INFORMATION TO MAKE A COMPLAINT

Information relating to this policy as well as links to other support services such as NDIS, advocacy groups and information on how to access information in other ways can be found through the service website.

MAKING A COMPLAINT

A complaint can be made to any representative of Life Independence. Complaints can be made verbally or in writing. Complaints can be made anonymously via the service website contact page. A copy of the services complaint form is available to be downloaded from the service website or upon request. Should anyone not feel comfortable making a complaint directly to the service, alternative resources providing information to other agencies such as advocacy groups and the NDIS Commission are available on the service website.

WHEN A COMPLAINT IS LODGED

Confirmation of receipt of the complaint will be provided within 48 hours of the complaint being made. This confirmation will be made in writing via email unless otherwise requested. The complaint will then be recorded in the services complaints register. Once the complaint is received and recorded one of a number of ways will be used to deal with said complaint dependent on the nature and severity of the complaint and reporting procedures mandated by law. These include:

- Early resolution of the complaint for example discussing and fixing the issue.
- Conciliation, for example meeting with a person with a disability and their advocate to work out a solution.
- Investigating the matter where there are serious issues involved for example staff misconduct.
- Referring the matter onto some other agency for example to the NDIS Commission where the seriousness of the matter makes it improper for the service to investigate it alone.

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The service will aim to resolve all complaints within 14 days of receipt. Should the nature of the complaint exceed this time frame, written notification will be provided via email to the person who has made the complaint and any relevant updates provided.

The service will work to a benchmark of 14 days from the receipt of complaint to resolving the matter. Where the nature of the complaint is likely to exceed this time frame the person making the complaint will receive written notification and ongoing support to understand what is happening with the complaint.

Some of the options that a person making a complaint might receive include:

- Answers to questions
- Actions to fix the problems including having an external agency investigate
- An apology if appropriate

WHAT FOLLOWS A RESOLVED COMPLAINT

When the complaints process has been finalised Life Independence will advise the person/s involved advising the outcome of complaint management. This written advice will include:

- The outcome/decision
- The information considered that led to this decision
- Any agreed actions for both the person reporting the complaint and agreements the service has made to address issues and concerns
- Your right to have our decision reconsidered by lodging a request with us using the same channels to have the matter reconsidered

RECONSIDERATION PROCESS FOR ANY OUTCOME DISPUTES

Requests for reconsideration of an outcome can be lodged via the original channels within six weeks of receipt of the outcome/decision. Alternatively contact can be made groups such as the NDIS Commission via information on the service website to request the matter be looked into another way. Should the application for reconsideration be settled in view of new facts and information the person will receive further written confirmation within 48 hours and an outcome within 14 days where able. If the matter is unable to be settled in an agreeable way in keeping with the services procedures the person will be referred onto another service mandated to receive complaints. This could occur in instances where the service is asked to reconsider a decision made by the same manager and this cannot be done in a fair an impartial fashion.

HOW THE SERVICE SUPPORTS A PERSON MAKING A COMPLAINT

Any person making a complaint will be protected from recrimination via a number of options. Where possible fears will be reconciled to everyone's satisfaction if the person making the complaint is happy to continue receiving services from the subject of the complaint. Where this is not possible, the person making the complaint will

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have changes made which could include changing services or referring the person to another service. During the complaint resolution process the person making the complaint will be offered the support of advocacy agencies and other support services.

REFERRING COMPLAINTS

Processes exist for assessing the nature and seriousness of each individual complaint. This is considered in conjunction with the size and scope of the service. Should the complaint not relate directly to a service delivered by Life Independence or if the allegation is serious in nature it may be deemed inappropriate for the matter to be considered internally and instead the service will be obligated to refer complaints on. This could relate to any Commonwealth, State or Territory Laws or where the provider cannot process internally due to the small size of the service or other reasons that provide procedural fairness. Examples of complaints that must be referred include:

- Allegations of child abuse
- Allegations of criminal offences
- Reportable incidents such as physical, sexual or emotional abuse of a person with a disability.

Situations such as this may be referred onto organisations such as but not limited to the following:

- Victoria Police
- NDIS Commission

RECORD KEEPING

The service will keep records of each complaint in the services complaints register for at least 7 years. The record will include the following data:

- Information about the complaint
- Any action taken to remediate or resolve complaints
- The outcome of any action taken.

CONTINUAL IMPROVEMENT

The service has systems in place to enable reflection on any complaints received and the processes involved leading to each outcome. The service will consider the following:

- Does the complaint relates to a policy, procedure or process that needs refinement
- Do staff need further training
- Can the learnings from the complaint be embedded into the services continuous improvement plan to improve the way things are done