



POLICY AND PROCEDURES	
Approved By: Carpentaria Disability Services Inc. (Carpentaria) Board of Directors	Date Approved: August 2007
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COMPLAINTS POLICY AND PROCEDURES

1. STATEMENT OF PURPOSE

The following policy and procedures have been developed and will be implemented to meet the requirements of:

- the NT Disability Services Act 1993;
- the National Disability Services Standards;
- Agreements between Carpentaria and the NT Department of Health;
- National Disability Insurance Scheme Act 2013;
- NT Quality and Safeguarding Framework;
- Convention on the Rights of Persons with Disabilities; and
- Health and Community Services Complaints Act.

2. COMPLAINT HANDLING POLICY

Each person who receives a service from Carpentaria will be encouraged and supported as necessary, to make complaints about the type or quality of services provided to him or her.

The right to raise service issues or complain about how the service is provided extends to “interested parties” such as the person’s family, friends, advocate and guardian, and to other members of the community who can demonstrate a genuine interest in the life and circumstances of the person.

The right to complain or raise service issues includes Carpentaria staff advocating on behalf of a person receiving services, and to persons who feel that they are eligible to receive a service from Carpentaria but who are denied access.

Carpentaria will provide appropriate avenues for clients or staff to state any complaints about the service they receive, without fear of penalty or victimisation and with the intent to resolve the complaint to the complainant’s satisfaction.

All complaints shall be handled according to policies regarding privacy, dignity and confidentiality.

Where a matter cannot be resolved within Carpentaria, then it may be taken to an independent mediator and/or the Health and Community Services Complaints Commission.

3. DEFINITIONS OF TERMS

A “**Complaint**” is defined as a claim by an interested party that Carpentaria has acted unreasonably towards a person:

- by either providing or not providing a service;
- by withdrawing or varying a service;
- in the way in which Carpentaria has provided a service;
- in the way Carpentaria administers a service.

It is likely to be considered “**Unreasonable Conduct**”, if the service provided does not conform to the norms and standards of practice in the relevant disability service. What is important is what another competent, diligent service provider would have done in equivalent circumstances, and what fair-minded observers would be likely to consider reasonable conduct.

4. PRINCIPLES

The following principles capture the spirit and intent of the policy and procedures that will be implemented by Carpentaria to efficiently and effectively respond to complaints, and to ensure that the quality of services is continuously improved (from good to better within available resources).

- **INFORMING:** there is no point in having a complaint handling system if the individuals expected to use it don't know about it. All service recipients/potential service recipients and "interested parties" should be provided with a copy of Carpentaria complaint management policy and procedures. This information should also be available on request, in alternative formats, such as in a brochure format (refer to Section 10.2 for Complaint Brochure) and on the Carpentaria website.
- **SUPPORTING:** persons who wish to make a complaint might need some help in putting their complaint into words, obtaining the assistance of an interpreter, a Speech Pathologist or an advocate or friend to support them. Carpentaria staff should provide all assistance and support necessary to ensure the complaint is made.

- **RECEIVING:** complaints need to be accepted politely and with respect. Persons wishing to make a complaint will be deterred from doing so if they feel that they will not be taken seriously.

Carpentaria staff when receiving a complaint should not be judgemental, be defensive, or offer their personal opinion as to whether or not they think that the complaint is well-founded, and should be helpful and respectful of the linguistic or cultural background of the person lodging the complaint.

The staff member receiving the complaint should ascertain whether the person wishes to lodge a formal complaint (either verbally or in writing). If it is not clear from what the person has said, it is important to ask the question: *“would you like me to treat this as a complaint?”*

If the answer is yes, then the person is to be invited to complete the “Complaints, Feedback and Ideas Form” or a member of staff may complete the form if appropriate. The procedures for complaint handling must then be followed.

Carpentaria will receive complaints from clients, community members, family and advocates.

- **PROTECTING:** Carpentaria will ensure that the person is protected against recrimination or reprisals if they exercise their right to complain. The complaints system will be fair to all parties (ie. the person making the complaint and Carpentaria staff) and follow the principles of ‘natural justice’ (ie. staff must not jump to conclusions about where the fault, if any, may lie).
- **RESOLVING:** the emphasis of the complaints system should be on resolving problems at the earliest possible stage. The earlier the better for everyone.
- **REVIEWING:** persons who are dissatisfied with the outcome of their complaint should be able to request a further review by the Board of Directors and/or the Health and Community Services Complaints Commission.

5. COMPLAINT HANDLING PROCEDURES

5.1 Staff Member Receiving Complaint

- i. identifies and clarifies the person’s complaint and the outcomes expected by the complainant;
- ii. informs the person in-charge on duty to discuss the issue with the person raising the issue/complaint. Where the issue can be resolved through mutual agreement in the Service Area, then this should be undertaken;

- iii. where the complaint cannot be mutually resolved in the Service Area, the person in-charge on duty will inform the person of the Carpentaria complaints handling processes and procedures;
- iv. the person will be provided a 'Complaints, Feedback and Ideas Form'; which summarises the complaint; the outcomes expected by the complainant and provides contact information on the complainant. The person in-charge on duty will assist the person with completing the Complaints, Feedback and Ideas Form where needed;
- v. the 'Complaints, Feedback and Ideas Form' will be forwarded to the Carpentaria Service Coordinator as soon as it has been received. This should occur as soon as possible and by no later than 48 hours after receiving the complaint (if the complaint is lodged during the weekend). In the case of very serious complaints (eg. criminal activities or allegations of physical, sexual or emotional abuse) this must occur immediately. Carpentaria's Critical Incident Reporting procedures would also be implemented in this instance.

5.2 Service Coordinator

- i. reviews 'Complaints, Feedback and Ideas Form' and determines if immediate action can be taken to resolve the complaint;
- ii. if appropriate, seeks to immediately resolve the complaint and advises complainant of action being taken;
- iii. decides whether the complaint is serious and requires the Chief Executive Officer or the Chief Operating Officer to be notified immediately. A complaint would be considered serious if it is:
 - about the unprofessional or unethical behaviour of a staff member (breaches Carpentaria Policies and Procedures);
 - potentially involving a criminal action such as assault, abuse or fraud that needs to be investigated by the Police;
 - potentially related to a complaint about neglect of client needs.
- iv. notes immediate action taken or recommendations if any, and forwards same to the Chief Executive Officer. This should occur as soon as possible and no later than 48 hours after a complaint has been received. Very serious complaints must be immediately reported to the Chief Executive Officer.

5.3 Chief Executive Officer (CEO)

- i. considers information in the 'Complaints, Feedback and Ideas Form'. The CEO determines if immediate action can be taken to resolve the complaint;

- ii. where action taken has not led to resolution or the complaint is complex, the CEO may appoint a senior staff member or an external person as “Action Officer” to be responsible for resolving the complaint;
- iii. sets timeframe during which the complaint concern must be investigated and responded to (generally set at a maximum of 4 weeks) by the nominated “Action Officer”;
- iv. discusses the complaint with the Chairperson of the Board of Directors, if the issue is complex or needs to be managed independently of Carpentaria. Where the complaint is serious and involves notification of the Police, the Chairperson of the Board of Directors will be informed immediately about the complaint;
- v. ensures that all complaints and the outcomes of same are appropriately recorded on the ‘Complaints, Feedback and Ideas Register’ and that the CEO:
 - prepares a monthly report for the Board of Directors to inform them and up-date actions taken regarding complaints received;
 - maintains accurate records in the event of further investigations;
 - monitors trends and identify staff who may require additional supervision, support or training;
 - assesses, reviews and monitors the adequacy or otherwise of current policies, procedures and practices.
- vi. where a complaint cannot be resolved, provides assistance to the complainant or refers the complainant to an external body for examination of the complaint.

5.4 Action Officer (appointed by CEO)

The Action Officer appointed to investigate and resolve the complaint will be responsible for:

- i. investigating the complaint in an objective manner, which will include:
 - accessing/liaising with all relevant stakeholders, internal and external to the organisation;
 - generates an acknowledgement letter of received complaint from Carpentaria within 5 working days and sends this to the complainant;
 - preparing a report to the CEO which includes:
 - a. a brief summary of the complaint and the events leading up to the same;
 - b. background information on current polices, procedures and protocols that are relevant to the complaint;

- c. details on exactly what occurred including actions taken by involved staff;
 - d. details on what was not done which should/could have been done at the time, and the reasons why this was the case;
 - e. details on what steps if any have now been taken, or could/should be taken in the future to prevent the occurrence of the same or a similar situation.
- ii. updates the CEO during the course of the investigation;
 - iii. contacting and maintaining contact with the complainant throughout the investigation without pre-empting the outcome of the investigation;
 - iv. forwarding the report of the investigation and all other documentation or material associated with the complaint to the CEO, including a draft of the formal response to be sent to the complainant.

5.5 Board of Directors

The Board of Directors will be responsible for:

- oversighting the actions of Carpentaria in managing complaints;
- reviewing/monitoring complaint handling process;
- supervising the investigation of serious complaints involving suspected criminal or corrupt conduct; and
- consideration of proactive measures that will address issues related to any consistent areas of complaint.

