



INTERCHANGE INNER EAST Policy and Procedures Manual

1.5 Complaints Policy

Procedures number:	1.5	Version:	1.3
Drafted by:	ML/BV	Endorsed by Board on:	December 2019
Responsible person:	ML	Scheduled review date:	December 2020

PURPOSE

Interchange Inner East (Interchange IE) is committed to ensuring any complaints regarding the services provided are managed in accordance with the requirements of the Disability Act 2006 and in accordance with the guidelines for Complaints Management under the Office of the Disability Services Commissioner and the NDIS Quality and Safeguards Commission. Interchange IE encourages a culture of open communication which is both responsive and accountable in relation to any grievance, feedback or complaint.

SCOPE

For the purpose of this policy, a complaint means an expression of unhappiness or dissatisfaction with a situation/service or failure to provide services to an acceptable standard.

A complaint can:

- relate to a specific occurrence or episode, inclusive of staff or volunteer performance
- be an issue that has had an impact on an individual or a group.

A complaint can be made by any member of the Interchange IE community (parent, participant, carer, guardian, staff or volunteer) or any member of the public.

Complaints will be managed in accordance with the following principles:

- That mutual respect, responsiveness, accountability and transparency underpin the processes by which Interchange IE seeks to resolve any complaints / grievances.
- That Interchange IE participants and families benefit from a service which encourages feedback and the raising of any issues of concern.
- That encouraging a culture in which 'it's ok to complain' provides an environment of evaluation and feedback necessary to enable Interchange to develop and improve services.

Interchange IE is subject to both state-based and NDIS Commission complaints management obligations, as required in relation to funding from the Victorian Government and compliance with the NDIS.

Complaints related to Volunteer programs (State funded) are directed to the Disability Services Commissioner, complaints related to NDIS funded services or supports are overseen by the NDIS Commission.



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POLICY

Interchange IE encourages feedback and the raising of any concerns from service users, families, staff, volunteers and the wider community. Interchange IE will manage any complaints with respect, responsiveness, transparency and accountability.

Anyone can complain about Interchange Inner East services provided to a person with a disability or their representative. This includes NDIS participants, other people with a disability, friends, families, carers, advocates, workers, or any other person who wishes to make a complaint.

PROCEDURE

1. Information about complaint resolution for participants, care givers, volunteers and staff

Interchange IE will promote a culture in which it's ok to complain to IIE through display and distribution of information on how to complain. All families are provided with a copy of this policy and our complaints brochure on registration.

Participants, families and volunteers will be informed through the family and participant manual and reminded on a regular basis, through organisational communications, of the existence and purpose of Disability Services Commissioner and NDIS Commission and Interchange's Complaints Policy inclusive of procedures.

Staff and volunteers will be informed of the complaints policy and process and their rights and obligations through the induction process, staff/volunteer manual and regular communication.

An accessible, easy to follow flow chart for the making of a complaint, is available to participants/families, staff and volunteers. Translation services are also available.

2. Access to Advocacy support for making a complaint or lodging an appeal against a decision

Interchange IE will inform participants/families of their right to use an advocate of their choice, or the support of an Advocacy Service, to assist with making a complaint or lodging an appeal against a decision.

3. Recording a complaint

Any participant, care giver or family member, on behalf of a participant, can lodge a complaint about the service. The staff member or volunteer receiving the complaint has an obligation to make their manager aware of the complaint.

All complaints must be recorded in writing on Complaints Register Form, this will record the complaint in the Complaints register.

If there are verbal complaints of a serious nature, the Senior Manager/Executive Officer will ask that the complaint be put in writing to their Manager.

All Complaints are recorded on the Interchange IE Complaints register. Interchange IE's register and complaints management process aligns with the requirements of the Disability Services Commissioner and the NDIS Commission Complaints about staff within internal protocols.

Volunteer complaints, and those from participants with State based funding will be recorded in line with requirements outlined by The Office of Disability Services Commissioner.



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Participants/families privacy and confidentiality will be respected and protected in relation to the recording, management and resolution of the complaint.

4. Reporting Complaints or Allegations of Physical or Sexual Assault

Physical or sexual assault constitutes a reportable Incident and **must be** immediately reported to the most senior staff member available or the Executive Officer. In the event of such an incident, management and staff will be required to follow the Interchange IE “Incident Reporting Procedures” and the Victorian Government Department of Health and Human Services Guidelines ‘Responding to Physical and Sexual Assault. All follow-up actions must align to either the Client Incident Management System (State funded) or sections 20 and 21 of the National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018 (NDIS Rules).

All suspected, actual or alleged incidents of physical or sexual assault must also be reported immediately to the most senior staff member and the Executive Officer who will respond in accordance with Victorian Government Guidelines. This may include contacting the Police.

5. Failure to Disclose Offence: Obligations to report sexual abuse or suspected abuse

Under the Crimes Amendment (Protection of Children) Act 2014 **it is now an offence for Interchange IE staff and volunteers NOT to disclose.**

The required process for staff and volunteers to follow if they reasonably suspect sexual abuse during the course of their duty, as an employee/volunteer of Interchange IE is as follows:

- Contact Senior Management, Executive Officer or General Services Manager to discuss their concerns
- Complete a reportable incident form for an NDIS funded participant or Interchange IE staff member (the Manager will assist you). Incidents relating to participants or programs receiving State funding will be treated as a Major Impact Incident as per the government funding bodies' Client Incident Management Scheme Reporting requirements.
For NDIS funded support it will be treated as a reportable incident – immediate notification, under Interchange IE and the NDIS Commission’s reporting requirements
- Under the law reporting child sexual abuse is the obligation of all staff and volunteers. Staff and volunteers must make Interchange IE aware of their concerns or suspicions immediately.
- Interchange IE’s Management will support staff and volunteers to meet their obligations as a worker in a funded service in relation to the Crimes Amendment (Protection of Children) Act 2014.
- It is imperative that staff and volunteers adhere to regulations concerning their duty of care regarding privacy and confidentiality for IIE participants, families, staff and volunteers (i.e. do not discuss with informal contacts or colleagues) This requirement is not time limited and applies even after your employment with Interchange may end.
- Whilst the requirement is that suspected abuse of persons 16 years and under be reported, Interchange IE has many vulnerable participants aged over 16. Interchange requires that suspicion of any type of abuse be



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reported for participants of any age. Interchange IE will support staff and volunteers to make a report to suitable agencies, including the Police.

6. Anonymous Complaints

Interchange IE is unable to formally respond to anonymous complaints. This is because Interchange IE is unable to investigate and follow-up such complaints. However, in the event that an anonymous complaint is received Interchange IE will note the issues raised and, where appropriate, try to investigate and resolve them appropriately within its resource capacity.

7. Complaints Management/Resolution

Interchange IE will investigate the complaint within 10 business days of having been made aware of it.

The investigation will include;

- Contact with the person or the representative making the complaint
- Discussions with Interchange IE staff who are directly involved in the issue
- Discussions with any witnesses or outside agencies involved
- A review of the circumstances leading to any event or situation related to the issue
- Discussions with all parties to enable the negotiation of a resolution of the issue and strategies to avoid reoccurrence
- A review of any policy or documents related to the issue
- A written report outlining the nature of the complaint, the impact on the participant, the proposed resolution, and the action taken.

Where a complaint is believed to be unfounded or the result of a misunderstanding, it will still be recorded, and the appropriate comments will be written on the report.

Where a complaint has been lodged in writing, a written report will be sent to the person who has made it.

Any formal complaint once received will be reported to the Committee of Management to enable them to monitor the organisations response, ensure a client focused approach and minimise the risk to the organisation.

8. Mediation

A complaint to the Disability Commissioner or the NDIS Commission or can be lodged at any time during this process but more specifically, can occur where a person believes that a disability service provider has not properly investigated or taken action on a complaint which has been made to the disability service provider.

Current contact details of the Disability Services Commissioner and NDIS Commissioner will be provided on the Interchange IE website, in regular communications, in information to new participants/families/staff and



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volunteers and available on request from Interchange IE. Interchange IE is committed to participating in any mediation process between anyone making a complaint our service and the Office of the Disability Commissioner or NDIS Commissioner in order to resolve any ongoing grievance.

9. Reporting complaints

A member of the senior management team will assume the role of Complaints Officer at Interchange IE and will record all complaints using the template provided as requested by the Disability Services Commissioner's Office or by the NDIS Commission or. A 'non- identifying' report of all complaints received will be sent electronically via the Annual Complaints Register to the Disability Services Commissioner's Office on an annual basis within the required timelines.

10. Complaints about the NDIA or participant plans are to be directed to the National Disability Insurance Agency (NDIA) www.ndis.gov.au/contact/feedback-and-complaints or the Commonwealth Ombudsman www.ombudsman.gov.au

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Appendix B: Requirements for NDIS Funded Vs. State Funded Services

Requirements for NDIS Funded Vs. State Funded Services		
<small>(Source: Complaints Management in Victoria from 1 July 2019 – Factsheet for service providers, Victoria State Government June 2019)</small>		
Requirement	State funded services	NDIS funded services or supports
Type of Supports or services provided	<ul style="list-style-type: none"> Participants in receipt of state funded services or supports In-kind services 	<ul style="list-style-type: none"> NDIS funded services or supports Commonwealth Department of Health Funded Continuity of Support services
Who complaints can be directed to	<ul style="list-style-type: none"> Complaints about state funded services can be made to the Disability Services Commissioner, Mental Health Complaints Commissioner, Health Complaints Commissioner, Office of the Public Advocate, Victorian Ombudsman or the Victorian Civil and Administrative Tribunal (as appropriate). 	<ul style="list-style-type: none"> Complaints about the quality or safety of NDIS supports and services can be made to the NDIS Commission. Complaints about the National Disability Insurance Agency (NDIA) or participant plans can to be made to the NDIA or to the Commonwealth Ombudsman.
Who can make a complaint	<ul style="list-style-type: none"> Anyone can make a complaint about the provision of a service by Interchange IE. This includes the person receiving the service, family member or friend, a staff member, carer, or a member of the community. 	<ul style="list-style-type: none"> Anyone can complain about NDIS funded services provided to a person with disability. This includes NDIS participants, other people with disability, friends, families, carers, advocates, workers, or any other person who wishes to make a complaint.
Nature of complaints	A complaint can be about anything to do with the services being provided or the way in which a complaint has been handled by Interchange IE	Complaints can be made to the NDIS Commission about: <ul style="list-style-type: none"> NDIS services or supports that were not provided in a safe and respectful way NDIS services and supports that were not delivered to an appropriate standard How an NDIS provider has responded to a complaint.
Interchange IE responsibilities	Interchange IE is responsible for complying with all relevant laws and regulations regarding:	As an NDIS service provider Interchange IE are responsible for:

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Requirements for NDIS Funded Vs. State Funded Services		
<small>(Source: Complaints Management in Victoria from 1 July 2019 – Factsheet for service providers, Victoria State Government June 2019)</small>		
Requirement	State funded services	NDIS funded services or supports
	<ul style="list-style-type: none"> providing statutory bodies such as the Disability Services Commissioner with requested information during assessments, reviews and investigations complying with inspections and audits complying with notices and recommendations issued by relevant statutory bodies reporting to appropriate statutory bodies as per relevant legislation e.g. annual reporting to the Disability Services Commissioner under the <i>Disability Act 2006</i> and twice yearly to the Mental Health Complaints Commissioner under the <i>Mental Health Act 2014</i>. 	<ul style="list-style-type: none"> providing the NDIS Commission with requested information and complying with inspections attempting to resolve the complaint and reporting back to the Commissioner undertaking remedial actions or any other action the Commissioner considers appropriate in relation to the complaint and reporting back to the Commissioner.
Compliance and enforcement	<p>Victoria's statutory authorities may take a range of actions depending on the nature of services and of the complaint. Actions may include investigation, review, issuance of notices or recommendations, or other corrective actions. Penalties may also apply.</p>	<p>The NDIS Commission takes a responsive and proportionate approach to regulation, applying the strongest actions to the most serious issues and breaches. It may also escalate actions if an initial response does not achieve the intended outcome.</p> <p>Actions that the NDIS Commission may take against a provider include:</p> <ul style="list-style-type: none"> Education, persuasion and support Registration, audit and investigation Compliance notice Infringement notice Civil penalties Revoke registration

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Requirements for NDIS Funded Vs. State Funded Services		
<small>(Source: Complaints Management in Victoria from 1 July 2019 – Factsheet for service providers, Victoria State Government June 2019)</small>		
Requirement	State funded services	NDIS funded services or supports
		<ul style="list-style-type: none"> • Ban
Additional reporting obligations for Interchange IE	<p>Interchange IE must ensure that complaints are referred or notified to any other relevant bodies as needed and where required by law.</p> <p>It is the responsibility of Interchange IE to understand and comply with relevant mandatory reporting and other obligations it has under Victorian and Commonwealth laws.</p>	<p>Interchange IE must ensure that complaints are referred or notified to any other relevant bodies as needed and where required by law.</p> <p>It is the responsibility Interchange IE to understand and comply with any relevant mandatory reporting or other obligations it has under Victorian and Commonwealth laws.</p>
Record keeping	Retention and disposal of records will be as per the Public Record Office of Victoria Standards.	<p>As a Registered NDIS provider Interchange IE will keep appropriate records relating to complaints to provide statistical and other information about complaints to the NDIS Commissioner, on request. This will include, where appropriate:</p> <ul style="list-style-type: none"> • information about the complaint • any action taken to remediate or resolve complaints, and • the outcome of any action taken. <p>All records will be kept for 7 years.</p>
Making a complaint	<p>Disability Services Commissioner (DSC) <https://www.odsc.vic.gov.au/making-a-complaint/></p> <p>Mental Health Complaints Commissioner (MHCC) <https://www.mhcc.vic.gov.au/complaints></p> <p>Health Complaints Commissioner <https://hcc.vic.gov.au/make-complaint></p> <p>Office of the Public Advocate <https://www.publicadvocate.vic.gov.au/></p> <p>Victorian Ombudsman</p>	<p>Complaints about the quality or safety of NDIS supports and services:</p> <p>NDIS Quality and Safeguards Commission <https://www.ndiscommission.gov.au/participants/complaints></p> <p>Complaints about the NDIA or participant plans:</p> <p>National Disability Insurance Agency (NDIA) <https://www.ndis.gov.au/contact/feedback-and-complaints></p> <p>Commonwealth Ombudsman</p>



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Requirements for NDIS Funded Vs. State Funded Services		
(Source: Complaints Management in Victoria from 1 July 2019 – Factsheet for service providers, Victoria State Government June 2019)		
Requirement	State funded services	NDIS funded services or supports
	https://www.ombudsman.vic.gov.au/Complaints/Make-a-Complaint Victorian Civil and Administrative Tribunal https://www.vcat.vic.gov.au/	http://www.ombudsman.gov.au/

RELATED LEGISLATION AND POLICY

1.2 Privacy Policy, Interchange IE

1.10 Incident Reporting Policy, Interchange IE

1.11b DHHS Guideline failure to disclose offence

Department of Health and Human Services, 2018. *An overview of the Victorian Child Safe Standards*. Melbourne
<https://providers.dhhs.vic.gov.au/overview-victorian-child-safe-standards-word>

Disability Worker Exclusion Scheme 2017
<https://providers.dhhs.vic.gov.au/disability-worker-exclusion-scheme>

HACC Client Incident Management Scheme (CIMs) 2018
<https://providers.dhhs.vic.gov.au/cims>

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018
<https://www.legislation.gov.au/Details/F2018L00631>

NDIS Quality and Safeguards Commission, 2019. *Complaints Management and Resolution Guidance V2.1*
<https://www.ndiscommission.gov.au/sites/default/files/documents/2019-09/complaintmanagementresolutionguidance-v21-september19.pdf>

NDIS Quality and Safeguards Commission, 2019. *How to make a Complaint – Accessible Fact Sheet*
https://www.ndiscommission.gov.au/sites/default/files/documents/2018-07/NDIS%20Commission%20-%20Complaint_1.pdf

NDIS Quality and Safeguards Commission, 2019. *How to make a Complaint – Fact Sheet*
<https://www.ndiscommission.gov.au/sites/default/files/documents/2018-07/NDIS%20Commission%20-%20Complaint.pdf>

Office of Disability Commissioner, 2019. *It's OK to complain – brochure*
https://www.odsc.vic.gov.au/wp-content/uploads/07_DSC_Brochure_Aboriginal_2019_web.pdf

Parliament of Victoria, 2014. *Crimes Amendment (Protection of Children) Act 2014*
[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/8BF1F1FC6337744FCA257CEC001B0F87/\\$FILE/14-036abookmarked.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/8BF1F1FC6337744FCA257CEC001B0F87/$FILE/14-036abookmarked.pdf)