

POLICY: SERVICE DELIVERY - PARTICIPANT COMPLAINTS DISPUTES AND APPEALS POLICY

INTENTION

The Intention of this policy is to ensure that people using the Service and or their Representative/ Nominees have the right to raise and have resolved any complaint or dispute in relation to the services they receive. Such complaints will be dealt with promptly, fairly, confidentially, and with no adverse repercussions for the individual initiating the procedure.

DEFINITION

Complaint: *The act of complaining, a grievance which is a cause of dissatisfaction*

Dispute: *Controversy, debate, quarrel, disagreement.*

Appeal: *A request made to a court of law or to a person in authority or a relevant body to change a previous decision*

OTHER DEFINITIONS

Complain: *Express dissatisfaction, state a grievance concerning a particular issue*

Grievance: *Real or perceived cause for complaint*

Aggrieved: *Having a grievance*

Management: *The Service Provider ownership team*

POLICY STATEMENTS

- Our Company encourages the raising of complaints by Participants and/or their Representative/Nominee regarding any areas of dissatisfaction with the service provided.
- Our Company supports the management of complaints in a way that Participants and/or their Representative/Nominee will have no fear of retributive action when raising complaints.
- Our Company will provide a system for raising complaints in a way that is accessible and transparent for all stakeholders.
- Participants will be provided with the opportunity to have access to an independent person of their choice to assist them through a complaint process.

- The resolution of complaints will be completed in a timely manner and in accordance with current policies and procedures.
- Our Company will have a process for including issues raised during complaints for improvements within the Service and, if indicated, included on the Continuous Improvement Register.
- All complaints and their resolutions will be recorded in the Complaints Register and complaints/resolutions will be reported to the Ownership Management Team.

PROCEDURES

- Staff will make every effort to establish an atmosphere of trust and open communication so that complaints are dealt with in a constructive way and as soon as possible after the complaint is received.
- The Owners will create an environment in which the Participant and/or their Representative/Nominee feel free to raise their concerns about service delivery and are assisted in pursuing a resolution of issues and complaints.
- At the signing of the Service Agreement, the Service Manager will provide a written copy of the complaints procedure to the Participant and/or their Representative/Nominee, and will explain it in detail.
- Should a complaint be made, the Owners will explain to the Participant and/or their Representative/Nominee all the steps which will be taken to resolve the issue and obtain their consent before any action is taken.
- The Owners will provide a Complaint Form for completion and signature by the complainant.
- The Owners will maintain a Complaints Register containing a record of each complaint received.
- All Blind Freddy Electric Bikes staff will comply with the NDIS Code of Conduct and receive training and information about complaints management and resolution.

Problems which may constitute a complaint or grievance could include:

- Physical, sexual, emotional or verbal abuse or harassment, invasion of privacy, discrimination, deprivation of choice, lack of respect for an individual's dignity, repeated tardiness, patronizing language, unsafe driving practices, unwelcome imposition of will, offensive language, smoking, etc. or any practice objected to by the person using the Service.

Complaints involving an Incident

- If the matter raised involves an incident, an Incident Form will also be completed and action taken regarding the incident.



- If a complaint involves an unlawful act, the matter may be referred to the appropriate agency.

Resolving a Complaint

- All complaints will be dealt with as soon as possible and as informally as possible and must maintain the privacy and confidentiality of all persons concerned.
- Participants may have a Representative/Nominee to provide support during any part of the complaint process. If they do not have a Representative/Nominee within their network, the Service will provide details of Advocacy Agencies with the area using the following linked [Disability Advocacy Finder](#).

All complaints whether formal or informal must be:

- Undertaken in a fair and positive manner with confidentiality maintained throughout the process.
- Approached in a positive way, with the aim of resolving the complaint in an appropriate manner.
- Referred to the Management Team either for their action or for their information.

Complaints about an e-Bike Sales Assistant or bike mechanic

- The matter should be discussed with the Support Facilitator, who is responsible for organising the support arrangements of the Participant.
- The Support Facilitator will listen to the complaint and investigate the circumstances and events leading up to the complaint.
- The Support Facilitator is to attempt to resolve the matter as informally as possible by discussion with the Participant and/or their Representative/Nominee with a view to finding a resolution and a way forward to finalise the matter.
- If the Support Facilitator is the only person who has been involved to this point, the matter will be referred to the Owners for further discussion and to find a resolution.
- The complaint/resolution must be entered into the appropriate Registers.

Referral to the Grievance Team

- If the Management Team decides the complaint is to be addressed formally through the Grievance Team the Grievance Team will investigate and meet with the person concerned.
- Following referral to the Grievance Team, if the complaint is not resolved, the Management Team will be informed and the complainant will be advised of their right to contact the relevant external authority.
- A final statement of outcome and resolutions of each grievance process must be signed off by all parties, and entered into the Complaints Register and, if indicated, the Continuous



Improvement Register. This will signify the completion of the current grievance process.

Role of the Grievance Team (See Role & Responsibilities of the Grievance Team)

The Grievance Team will:

- Follow all Grievance Team Guidelines to resolve the complaint/grievance.
- Make any recommendations to the Management Team if Service improvements are indicated for inclusion in the Continuous Improvement register.
- The Grievance Team must ensure as far as practicable that the manner in which all meetings are conducted will be conducive to maintaining relationships and will provide fair, objective and independent analysis of the situation whilst maintaining privacy and confidentiality.

Role of Independent Support Person during grievance resolution

- Prior to the first meeting, a complainant will be offered the opportunity to include an independent person/s to support them at meetings.

Grievance Meeting Process

The Grievance Team will:

- Establish the role of the support person or of each person if there is more than one.
- Outline the process that is to be followed.
- Inform the parties that any information obtained in the conduct of the meeting is confidential.
- Take accurate and detailed notes of all conversations including dates, people involved and attach any supporting documentation.
- If deemed necessary, provide the complainant with a written summary of the meeting and clarification of the next steps to be taken.
- At the conclusion of the Grievance process the resulting agreed outcome and planned actions will be recorded, signed and copies supplied to all parties.
- This will be reported on to the Management Team, and a timetable agreed upon for a review of the resulting actions.

Feedback about the Complaints process

- Persons involved in a complaints process will be provided with a Feedback Form to document their level of satisfaction with the complaints processes.
- Persons involved in a complaints process will have access to a later review of any resulting corrective action/s taken.

Appeals Process:

- If the complainant is not satisfied with the outcome of their complaint, they have the right to request that the Service review the process.
- The complainant will also be provided information about their right to contact the relevant external authority as is detailed in the complaints flowchart, such as the following linked



easy read document on [Handling complaints and fixing problems Information for you.](#)

DELEGATIONS

Management Team

- Receive Complaints which have not been able to be resolved by staff.
- Appoint a Grievance Team and oversee its responsibilities.
- Approve the Role and Responsibility/Guidelines of the Grievance Team.
- Set procedures for the Grievance Team.

- Identify and address potential problems before they become formal grievances.
- Be aware of, and committed to, the principles of open communication and information sharing with the Participant and/or their Representative/Nominee.
- Ensure as far as practicable all complaints are handled in the most appropriate manner at the earliest opportunity and all concerned are treated fairly and without fear of retribution.
- Provide information to complainants about the referral to the Grievance Team where a complaint is not able to be resolved satisfactorily.

REFERENCES

<https://www.legislation.gov.au/Details/F2018L00634>

For the Complainant - [NDIS Quality and Safeguards Commission Complaints Management and Resolution Guidance Version 2.1 - September 2019](#)

For the Service Provider - [NDIS Quality and Safeguards Commission Effective Complaint Handling Guidelines for NDIS Providers](#)

[NDIS Act 2013](#)

[NDIS Code of Conduct](#)

[Disability Services Act 2006 \(Qld\)](#)

Disability Services Regulation 2017

[Human Services Quality Standards](#)

[National Disability Insurance Scheme Act 2013](#)

[National Disability Insurance Scheme \(Complaints Management and Resolution\) Rules 2018](#)

[National Disability Services Scheme - NDIS Quality and Safeguarding Framework 2018](#)

[National Disability Insurance Scheme \(Procedural Fairness\) Guidelines 2018](#)

[National Disability Insurance Scheme Terms of Business for Registered Providers](#)

[National Disability Insurance Scheme Practice Standards](#)

[Privacy Act 1988](#)

AMENDMENTS/REVIEWS

Next review due 1 May 2021

