

# HUMAN RESOURCES POLICY AND PROCEDURE



## HR04 Management of Problems and Complaints

*This is about what someone should do if they are not happy with something at Bedford.*

### 1. PURPOSE

Bedford is committed to having a complaints mechanism that supports the rights of individuals to raise any problems or concerns in a non-threatening (blame-free) and confidential manner; so that a resolution can be reached in a timely manner.

### 2. SCOPE

This policy applies to all of Bedford's service delivery and National Disability Insurance Scheme (NDIS) operations, with the following exclusions:

- Customer product complaints - refer to Bedford Quality Assurance Procedure (QA02.06).
- Torts i.e. any wrongdoing for which an action for damages may be brought - addressed via legal system.
- Any issue raised by a neighbor of a Bedford property who chooses to refer the matter to the Residential Tenancies Tribunal.
- Staff grievances - refer to HR Policy Grievances.

### 3. DEFINITIONS

**Advocate (support person)** – A person that provides support and ensures that a person's rights are upheld.

**Complaint** – Is an expression of dissatisfaction with a situation or service.

**Vexatious Complaint** – Is a complaint which is entirely without merit and is made with the deliberate intention to cause harassment or trouble.

**Problem** – A situation that is hard to deal with and which needs to be resolved.

**Contact Officer** – Staff members who have received training in discrimination and harassment and can provide assistance to complainants to understand the complaints resolution process.

**Client** – A person with disability, receiving funded support from Bedford. This can include employees, supported students, students on work experience or transition placements, residents, members and people receiving support from Bedford through the National Disability Insurance Scheme (NDIS).

**CIMS (Internal)** – Bedford's Customer Information Management System.

**CIMS (Victoria)** – The Victorian Government's online Client Incident Management System.

**Employee** – A person with disability receiving supported employment.

**Member** – A person with disability engaged in Bedford's Day Options service.

**Resident** – A person with disability who resides at Balyana.

**Participant** – A person eligible to receive support from the NDIS.

**NDIS Quality and Safeguarding Commission** – Oversee the NDIA Quality and Safeguarding Rules to make sure that NDIS Providers keep people safe and provide a good service.

**Service Agreement** – Refers to a document (written contract) between a Registered NDIS Provider and a Participant and explains what supports a provider will give a participant and how such supports will be paid.

**NDIS** – National Disability Insurance Scheme (a new way of supporting people with disability and their families).

**Provider** – Someone or an organisation who has products or services to help participants achieve their goals in their NDIS Plan; Bedford is a Provider.

**Staff** – For the purposes of this Policy staff are defined as any persons engaged by Bedford to provide funded services or support the provision of such services, whether they be paid or unpaid workers, including volunteers, relief staff or labour hire workers and RTO/university student placements.

**Service Delivery** – Supported employment, Day Options, Community Access and Residential Services.

**Skytrust** – A data base and document control system used by Bedford.

#### **4. POLICY**

Bedford will ensure that it has a complaints mechanism that models best practice including the right of access to such a mechanism, use of support and assistance (e.g. advocates/support person, unions) as required, and the prompt, confidential and sensitive handling of complaints with no fear or retribution for the complainant or their support person.

To achieve this Bedford will ensure that:

- Individuals are made aware of their right to raise a concern and the mechanism for dealing with complaints during induction, or at the development of a Service Agreement and are reminded of such annually at service review meetings.
- Complaints are responded to promptly, appropriately, confidentially and in line with procedural fairness.
- Complaints are recorded in an "issues register"; and the "types of complaints" data is reviewed by the Quality & Compliance Committee.
- There are clear procedures of the steps to take to resolve an issue of concern.
- Contact Officers are appointed and trained.
- The complainant is provided with feedback on the closure of the complaint, within the lines of confidentiality.
- As required, relevant Government Authorities are notified in accordance with Commonwealth or State Laws.

Bedford is open to receiving feedback and complaints and views such feedback as means to improve the quality of services. Bedford staff will acknowledge feedback by listening, showing empathy, checking whether the individual wants a support person, asking what a good outcome would look like and keeping the person (or their nominated representative) informed of the resolution progress.

## **5. PROCEDURE**

### **5.1. Principles of Complaint Resolution**

Bedford will make every effort to resolve an issue quickly in a professional manner, using principles of natural justice and procedural fairness i.e. transparency, freedom from bias and the right to be heard.

All complaints will be taken seriously and no action will be taken against anyone making a valid and truthful complaint. Similarly, all Contact Officers or advocates/support persons will be free from any repercussions from management or others, because of their role.

Any discussions pertaining to the issue will occur in private and remain confidential. Complainants need to be aware that an issue may need to be referred to Bedford's senior Executive team for assistance with the resolution of the matter.

When a complaint is made against a staff member, the complainant must be immediately referred to an Executive, who will raise the matter with the CEO.

If a complaint is against a member of Executive or the Board; Human Resources will refer the complainant to an external advocacy agency or consultant for support and guidance.

Any individual raising a complaint must:

- Attempt to resolve the issue at the workplace or service level using the steps process outlined in section 5.8 on resolution
- while the complaint is being addressed, continue to work in accordance with their contract of employment, unless it is a reasonable concern about an imminent risk to their health and safety.
- Follow any reasonable direction(s) to perform other work, either at the same workplace or at another Bedford workplace. In this circumstance, Bedford will take into consideration health and safety and whether the work is appropriate for that person to perform.

### **5.2. Induction**

Human Resources will ensure that information regarding this policy and procedure will occur during induction and at regular intervals; to assist service users understand the steps to resolve a problem, posters will be clearly displayed.

### **5.3. Role and Responsibilities of the Contact Officer**

The Contact Officer can assist the complainant to:

- Identify the issue.
- Identify who is involved in the complaint.
- Determine whether an advocate/support person is required.
- Explore all the options available for resolving the complaint.
- To follow through on their preferred options.

The Contact Officer who assists the complainant will not conduct investigations into that complaint.

The Contact Officer will then record the issue on the Issues Register on Skytrust and complete a detailed file note on CIMS (internal), including documenting the options that the complainant was given, what they chose to do and the outcome.

Human Resources will ensure that:

- Each site has at least one Contact Officer.
- Each site has easy access to both male and female Contact Officers.
- Contact Officers are trained and receive training updates.
- Photographic Posters of the Contact Officers are available to be displayed in the work area.
- Site managers are responsible for ensuring the Photographic Posters of the Contact Officers are displayed.

#### **5.4. Issues Register (Documentation/Record Keeping and Statistics)**

All formal complaints received in line with this policy must be recorded on the Issues Register in Skytrust by either the Contact Officer, NDIS Partner, the Manager or any of the Executive team (depending on who the complaint is made to).

The Issues Register in Skytrust includes:

- Names of the parties (if known).
- Location in which the complaint relates.
- Date of the complaint.
- Nature of the complaint.
- Referral source e.g. service user or their representative, Complaints Resolution & Referral Service (CRRS), Government Department, NDIS Quality & Safeguarding Commission.
- Date of the referral.
- Any changes to the delivery of services or procedures, or other actions resulting from the complaint.
- Closure date.

Issues that are of confidential nature can be separately file noted in CIMS and referenced in the Register.

Records relating to Issues must be maintained for at least 7 (postdate of referral) years or as otherwise required by law.

Human Resources will:

- Review the issues raised in the Register at least once a year;
- Identify and address any systemic issues raised; and
- Report information relating to complaints to the Commissioner, if requested.

#### **5.5. Complaints Referred by External Agencies**

All Formal complaints regarding services made by external agencies and/or advocacy agencies, Government Departments etc. are held in confidential storage and recorded on the "Issues Register" by Human Resources or Executive.

#### **5.6. Feedback, Complaints and Disputes – NDIS Participants**

If the NDIS Participant wishes to provide feedback, or is not happy with the provision of supports and wishes to make a complaint, the NDIS Participant or their representative on their behalf can contact Bedford on 1300 233 3673 or email at [participantfeedback@bedfordgroup.com.au](mailto:participantfeedback@bedfordgroup.com.au)

5.6.1 South Australia and NSW – If the NDIS Participant or their representative on their behalf is not satisfied or does not want to talk to the Provider, the NDIS Participant or their nominee can contact the Quality & Safeguards Commissioner on phone 1800 035 544 or TTY 133 677; or complete an online complaint form available at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au).

The NDIS Commissioner can take complaints about services or supports that were not provided in a safe and respectful manner or were not delivered to an appropriate standard.

Complaints about the NDIA or an NDIS Plan needs to be handled directly by the NDIA. If a NDIS Participant or their representative is not satisfied, they can raise a concern with the Office of Commonwealth Ombudsman ph 1300 362 072.

Bedford staff will provide support as required if a participant or nominee wishes to contact the Commissioner.

Bedford will provide information on how complaints can be made on their website and in the Service Agreement.

5.6.2 Victoria – If the NDIS Participant or their representative on their behalf is not satisfied or does not want to talk to the Provider, the NDIS Participant or their nominee can contact:

- Disability Service Commissioner (1800 677 342),
- Ombudsman Victoria (1800 806 314),
- Consumer Affairs Victoria (1300 558 181).

## **5.7. Advocates/Support Persons**

The Contact Officer must ask the complainant if they would like the assistance of an advocate/support person, and arrange same.

Where the complainant does not have an advocate, and requires one, the Contact Officer will provide information on advocacy available (see Attachment 1) and, where necessary, assist the complainant to contact the advocate of their choice.

Where the complainant requests the Contact Officer to act as the advocate, the Contact Officer may decline to act as advocate/support person (and advise of other advocacy sources), or pass the role of Contact Officer to an appropriate Contact Officer.

Any person is at liberty to use external advocacy or complaints mechanisms to assist in resolving complaints, at any stage in the process. If an external complaints mechanism is utilised; the Human Resources Manager must be advised of this by the Contact Officer.

It should be noted that there may be instances (e.g., dismissal, other potential legal action), when external advocacy is the preferred option, to avoid implications regarding Bedford's involvement in the process. Should a Contact Officer be unsure what steps to take in this circumstance, they should contact Human Resources for guidance.

## **5.8. Complaint Resolution**

Whilst a complainant may take up a complaint at any stage in the process, people are encouraged to raise their complaint at the first appropriate step in the process. If this is unsuccessful, they should move on to the next step and so on throughout the process until a resolution is reached. All efforts will be made to resolve the complaint quickly at the first point of contact, to avoid or reduce distress to the complainant (and respondent where applicable).

Informal Method

Approach a Contact Officer who can provide information about the range of choices available; if judged possible by the complainant, try and sort out the problem or concern with the person involved informally.

Formal Method

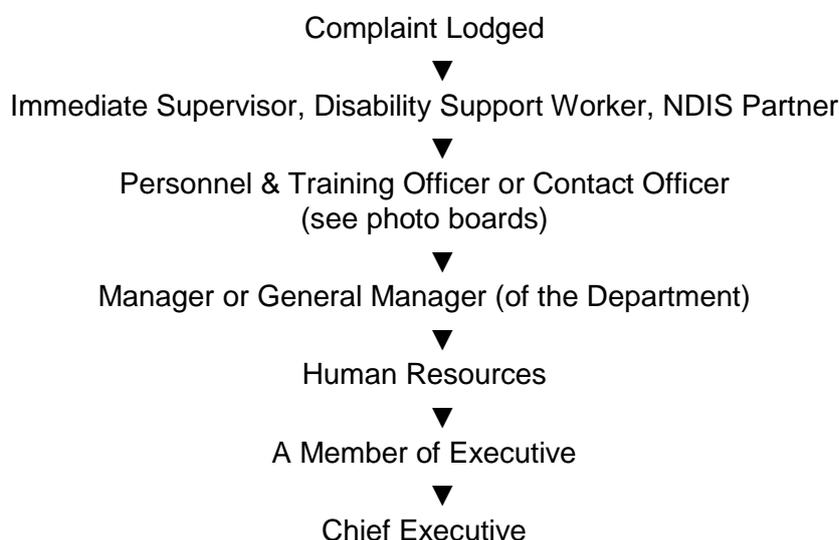
If the “informal” method does not work, if the problem or concern cannot be sorted out informally, or if the complainant does not wish to attempt an informal attempt at resolution, a formal complaint can be lodged with Human Resources via using the plain English complaint form (HR04.01), or completing an online complaint form on the Bedford web site.

Human Resources or other appropriate person will investigate the complaint, which may include interviewing the alleged offender in relation to the substance of the complaint and further investigation into the matter, including taking evidence or witness statements. Procedural fairness principles will be applied during the process.

On completing their investigation of the matter, the complainant and alleged offender will be advised of the outcome, within the limits of confidentiality. If the allegation is substantiated, appropriate disciplinary action may be taken up to and including termination of employment. If the allegation is seen to be vexatious, Bedford may choose to pursue appropriate disciplinary action against the complainant.

Possible outcomes include counselling, training, an apology and/or formal disciplinary action up to and including termination.

**Complaints may be raised internally with any of the following**



Or externally, by using external support agencies (see Attachment 1)

**5.9. Reviews and Appeals**

If at any stage in the complaints process, the complainant, their advocate, or the respondent believes the above-mentioned procedures have not been followed, or that the complainant has been victimised, then the matter may be taken up directly with the Chief Executive or an external agency.

### **5.10. Reportable Incidents/Issues**

The Human Resources Manager will ensure the relevant authorities are notified in the event of a death, serious injury, abuse or neglect, sexual or physical assault, sexual misconduct, the use of unauthorised regulated restrictive practices or any other matter that is reportable under the law/NDIS Rules.

## **6. RESPONSIBILITIES**

The responsibilities of various staff are detailed as necessary throughout this policy and procedure, but in summary are:

### **6.1. Contact Officers**

- Assist the complainant to identify the issue and explore options for resolving the complaint.
- Ensure the complainant is aware of their right to an advocate.
- Support the complainant through their preferred option for resolving the complaint.
- Pass formal complaints raised by external agencies and complaints raised about staff immediately on to Human Resources Manager for addressing.
- Notify Human Resources Manager about any complaint that may be reportable under the NDIS Rules.
- Keep records/file note documentation on CIMS (internal).
- Notation of the issue into the “Issues Register” held in Skytrust.
- Provide feedback of the outcome.

### **6.2. Human Resources**

- Ensure that inductions cover problem and complaint handling.
- Ensure that “step posters” are displayed in service areas.
- Ensure that each site has access to both male and female contact officers.
- Ensure that Contact Officers are trained and receive training updates.
- Ensure that photos of Contact Officers are displayed appropriately.
- Confidential storage of file notes.
- Pass formal complaints raised by external agencies and complaints raised about staff immediately on to the Executive team for addressing.
- Develop and monitor metrics.
- Resolution of issues raised or referral to the Chief Executive.
- Development and monitoring of systems to address non-conformances and opportunities for improvement.
- Notify relevant Government Agencies, including the NDIA if a matter is reportable.

**6.3. The NDIS Partners**

- Ensure that all customers are aware of (and receive a copy of) the Complaints Policy and associated processes (including rights to advocacy).
- Assist complainants to resolve issues raised.
- Refer complaints to the appropriate person to address.
- Assist complainants to make formal complaints in line with this policy.
- Notify Human Resources Manager about any complaint that may be reportable under the NDIS Rules.
- Keep records/file note documentation on CIMS.
- Notation of the issue into the “Issues Register” held in Skytrust.
- Provide feedback of the outcome.

**7. ASSOCIATED DOCUMENTS**

Bedford Policies/Procedures on: Quality Assurance Procedure (QA02.06), Induction, Privacy, Dignity & Confidentiality, Code of Conduct, Workplace Harassment & Bullying, Incident Reporting & Investigation Reporting Procedure (WHS 02-P04).

Dealing with Problems & Complaints “Step” Posters, Day Options Member Handbook, Day Options & Balyana Rules (& Updates) Residents Induction Handbook, Balyana Residential Agreement, Balyana Information Handbook for Families and Carers, Balyana Respite Information Booklet.

Grievance and Complaints/Issues Registers held in Skytrust.

Enterprise Agreements.

**8. REFERENCES**

National Standards for Disability Services (Feedback & Complaints)

Australian Service Excellence Standards

National Disability Services Scheme - NDIS Quality and Safeguarding Framework

Disability SA – Deed Poll

National Disability Insurance Scheme (Complaints Management & Resolution) Rules 2018

National Disability Insurance Scheme (Incident Management & Reportable Incidents) Rules 2018

National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018

Department of Health and Human Services (Victoria) Client incident management guide.

**9. AVAILABILITY OF POLICY**

This policy will be made available to everyone via the Bedford’s website and a copy can be provided if requested.

**ATTACHMENT 1: EXTERNAL COMPLAINTS MECHANISMS & ADVOCACY SERVICES**

**COMPLAINTS RESOLUTION & REFERRAL SERVICE, DISABILITY SERVICE ABUSE & DISABILITY & NEGLECT HOTLINE**

Free call: 1800 880 052  
TIS: 13 14 50  
National Relay Service: 1800 555 677

**NATIONAL DISABILITY INSURANCE AGENCY (NDIA)**

Tel: 1800 800 110

**POLICE:**

Tel: 131 444

**DISABILITY RIGHTS ADVOCACY SERVICE INC (in SA)**

Tel: 8351 9500

**DISABILITY ADVOCACY RESOURCE UNIT (DARU)**

Tel: 94980 7000

**MULTICULTURAL DISABILITY ADVOCACY NSW**

Tel: 9891 6400

**EQUAL OPPORTUNITY COMMISSION SA**

TTY: 8207 1911; Tel: 8207 1977  
Free call: 1800 188 163 (Outside Metro)

**VICTORIAN EQUAL OPPORTUNITY & HUMAN RIGHTS COMMISSION**

Tel: 1300 292 153

**DISABILITY ADVOCACY & COMPLAINTS SERVICE OF SA**

Tel: 8297 3500

**ACTION ON DISABILITY WITHIN THE ETHNIC COMMUNITY (ADEC)**

Tel: 9480 7000

**DISABILITY SERVICE COMMISSION**

Tel: 1800 677 342; TTY: 1300 726 363  
Email: [complaints@odsc.vic.gov.au](mailto:complaints@odsc.vic.gov.au)

**RETURN TO WORK SA**

Tel: 13 18 55

**WORKCOVER (in NSW)**

Tel: 13 10 50

**DEPARTMENT OF SOCIAL SERVICES**

Tel: 1300 653 227 (Statewide Number)

**SAFework SA**

Tel: 1300 365 255

**WORKSAFE VICTORIA**

Tel: 9641 1555

**LEGAL AID (in SA)**

Tel: 1300 366 424

**LEGAL AID (in NSW)**

Tel: 1300 888 529

**OFFICE OF EMPLOYEE OMBUDSMAN (in NSW)**

Tel: 9286 1000

**FAIR WORK OMBUDSMAN (in SA)**

Tel: 13 13 94

**ANTI-DISCRIMINATION BOARD NSW**

Tel: 9268 5544  
Free call: 1800 670 812 (Outside Metro)

**AUSTRALIAN HUMAN RIGHTS COMMISSION**

Tel: 1300 656 419

**HEALTH & COMMUNITY SERVICES COMPLAINTS COMMISSIONER (in SA)**

Tel: 8226 8666

**QUALITY & SAFEGUARDING COMMISSIONER for SA and NSW (NDIS)**

Web: [www.ndis.gov.au](http://www.ndis.gov.au)  
Tel: 1800 035 544; TTY: 133 677

As well, friends, family or colleagues and representatives of relevant unions (see Yellow Pages), may be able to provide advocacy assistance. If you are deaf or hearing impaired the National Relay Service can help (Tel: 1800 555 677) or if you speak a different language to English, you can call the Interpreting & Translating Centre (Tel: 8226 1990).