



Complaints Management System Policy and Guidelines

Current Version

Service Area	Disability, Aged, Community	Version	1.3
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Modification History

Version	Date	Author	Approved by	Description of change
1.0	5/2015	Natashia Telfer	Employsure	New policy
1.1	3/2019	Natashia Telfer	Employsure	Additional resources added
1.2	10/2022	Natashia Telfer	Employsure	Whistle Blowers Policy Created
1.3	2/2023	Natashia Telfer	CEO	Restructure of policies (content unchanged)

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Comments, Complaints, Feedback Handling and Management Policy

POLICY STATEMENT:

The purpose of this policy is to deliver a high-quality feedback and complaints management service within ACT to facilitate a harmonious outcome for all involved.

SCOPE:

This policy applies to:

- National Employees raising a comment, complaint, feedback
- (for NCC clients wishing to lodge an issue, this is outlined within Section 6: Client Focus)

POLICY:

National welcomes and values complaints and recognises that a strong commitment to responding to and resolving complaints allows client/participants, stakeholders and employees to contribute to the improvement of the services it delivers. Each person is encouraged and supported to make a complaint in a way that is comfortable for them, their family, and carer or advocate so that services and supports better meet their needs, expectations and outcomes.

Properly handled complaints about our work are important to our performance. Complaints which are not promptly resolved or responded to can generate unwarranted work and impact heavily on staff morale and service to participants. Complaints also give us ideas for changing the way we work, deliver services and develop policies, aiming to constantly be evolving.

We understand that some complaints will involve multiple parties or interests; such as parents, carers, participants or community organisations. In these circumstances, although it may not be possible to meet everyone's expectations, the principles outlined in this platform will apply a "participant centred approach" to ensure an appropriate outcome is achieved.

Our Responsibilities and Commitment:

Committed to providing and delivering high quality services to all members of the Canberra community and surrounding regions. The central feature of Strategic Plan is Participation. This is reflected in the way National manages and handles complaints. Participation includes any feedback about any aspect of the services that we provide or the way we provide them.

Let National know if you feel:

- We have done something well
- We have made a mistake
- We have treated you badly or unfairly
- We have made a wrong decision
- We can do something better or differently

Employees Responsibilities:

- Employees are required acknowledge any concerns or complaints a client/participant may relay to them and have a duty to report such concerns directly to National the same day.
- In the event, the client/participant is of serious nature, we ask the employee prompt the client/participant to contact National directly also.
- National may request an incident report from the employee, depending on the nature of the concern/complaint.



- Employee is to understand their responsibilities regarding mandatory reporting incidents and implement appropriate client/participant confidentiality. This means carer is not to further discuss the issue with others.

Management Responsibilities:

- Ensure employees are aware of processes of dealing with client/participant concerns when raised with employee directly. This is addressed during induction onboarding process.
- To have effective and proportionate internal complaint management and resolution arrangements in place
- Make sure that client/participants and their representatives know and understand how to contact National to advise of a complaint and or feedback.
- Listen to what the client/participant and their representative have to say
- Do our best to understand stated concerns or issues
- Investigate those concerns in procedural fairness and impartial manner
- Do our best to resolve the issue or fix the problem, although this may not always be possible
- Acknowledge any mistakes or errors we may have made
- Provide clear explanation for all our decisions unless limited by law
- Provide avenues for the client/participant to pursue action within NDIS, Human Rights Commission, Aged Care Quality and Safety Commission and/or Fair Work ACT.
- Ensure mandatory reporting is completed promptly and appropriate channels listed in Mandatory Reporting Policy at to be notified immediately. Refer to National Mandatory Reporting Policy.

Process for informing National of complaints, feedback, allegations and incidents

- Verbal notification to either management team or the directors of National followed by written
- Written notification via email, or letter.
- Utilising the suggestion boxes within SIL properties written on National's compliments and complaint form.
- Compliments and Complaints fact sheets available through National website.

Complaints Handling Process

- Upon management team receiving complaint, National will issue a formal acknowledgement of the complaint within business hours - 24 hours of receiving the complaint.
- National will investigate the complaint and provide a formal communication within 21 days stating the outcome of the complaint and actions/ steps taken to resolve the complaint.
- National will seek feedback from the complainant post investigation letter, any follow up items will be logged as continuous improvement action.
- Any risks identified from the complaint will be addressed and identified within the NCC Risk Register.

STANDARDS:

Committed to providing a high-quality response to complaints regardless of whom the complainant is, what the complaint is about or where and how the complaint is made. The following standards will guide the response, handling and management of all complaints brought to the attention on National.



- Respect- all complaints will be received respectfully
- Timely- All complaints will be acknowledged and managed within reasonable timeframes
- Transparency- All decisions will be explained in clear simple language (except where this may be restricted by law)
- Natural Justice- All complaints will be afforded the principles of natural justice

What National expects of a complainant:

- They talk to our staff respectfully
- They provide as much information about the complaint as possible
- They let us know of any special needs or if extra help is needed in understanding or accessing our complaints service
- Understand that if the incident falls within the scope of a reportable incident, the concern will be escalated accordingly.

MANATORY REPORTING

All Employees or Associates are required to complete Incident Report and any relevant documentation as requested by National and/or relevant authorities with as much of the following information as possible. See Mandatory Reporting Policy.

Responsibilities of Reporting

Community Employees – Have a responsibility to report all incidents, complaints, concerns, allegations to National the same day issue is raised to their attention.

SIL/ Agency Employees – have the responsibility to report all incidents, complaints, concerns, allegations to the RN and or Clinical coordinator. The RN and or clinical coordinator has the responsibility to notify the responsible agencies and people to which the matter relates to.

National – Has a responsibility to report all serious/ critical incidents, allegations of abuse / neglect and complaints to the appropriate governing agencies as outlined in the Mandatory Reporting Policy. National are responsible for ensuring adequate and equal coverage of any managerial roles to maintain consistent practices and quality care.

In the absence of a SIL Coordinator, The highly experienced Registered Nurse on shift would be orientated and rostered to fulfill the complaints process and upline to National.

DEFINITIONS

Complainant: A person who has made a complaint about a service provided by National.

Complaint: An expression of dissatisfaction in relation to a service provided on behalf of National.

Natural Justice: That a person, including employees, who might be adversely affected by a decision or process must be given an opportunity to a fair hearing before the decision is made.

Mandatory Reporting: Section 356 of the *Children and Young People Act 2008* outlines the legal requirement of a Mandated Reporter to report suspected cases of child abuse when they believe, on reasonable grounds, that a child or young person has experienced, or is experiencing, sexual abuse and/or non-accidental physical injury.

Critical Incident: Section 10 of the Disability Services Regulation 2014 requires specialist disability service providers to report critical incidents defined where there is “reasonable grounds to believe there is a serious risk to the life, health or safety of the person”.

Relevant Legislation and References:

ACT Civil and Administrative Tribunal Act 2008

Official Visitor Act 2012



Freedom of Information Act 1989
Health Records (Privacy and Access) Act 1997
Human Rights Act 2004
Human Rights Commission Act 2005
Human Rights Commission Amendment Act 2005

Ombudsman Act 1989
Privacy Act 1988 (Cwth)
Public Advocate Act 2005
Public Interest Disclosure Act 2012 (ACT)
Annual Reports (Government Agencies) Act 2005

Whistle Blowers Policy

PURPOSE

NCC is committed to upholding the highest standards of integrity, fairness and ethical conduct.

SCOPE

This policy applies to:

- National Employees raising a comment, complaint, feedback
- for NCC clients wishing to lodge a concern

POLICY

Employees and others working closely with NCC will often be the best source of information when things are not quite right. This Whistle-blower Protection Policy is an important element in detecting corrupt, illegal or other undesirable conduct at NCC. Creating a supportive environment where people feel safe to speak up underpins NCC's culture. When people do not speak up, this undermines the culture and exposes NCC to risks. The Board and Group Executive encourage speaking up about concerns of wrongdoing at NCC. There are various measures in place to ensure no one is discouraged from speaking up or disadvantaged or victimised for doing so.

The purpose of this Policy is to:

- explain how to speak up by reporting concerns about wrongdoing;
- outline what protections a person who reports wrongdoing will receive; and
- outline NCC's processes for dealing with reports of wrongdoing

Raising Concerns

There are a number of ways to raise concerns at NCC, depending on the circumstances and the seriousness of the issue.

- **Speaking to peers or manager**

Often day to day issues can be resolved between employees through open and authentic conversation, as part of normal team dynamics. Employees can escalate to their manager if they are concerned about an issue or want support to resolve an issue. NCC encourages employees to continue to feel empowered to raise issues in this way.

- **Raising personal work-related grievances via HR**

Grievances which cannot be resolved through speaking with peers or the employee's manager should be raised with HR using incident reports. Examples include:

- an interpersonal conflict between the employee and another employee;
- a concern about the behaviour of an employee;
- a decision relating to an employee's engagement, transfer or promotion;
- an employee's terms and conditions of employment;
- matters relating to an employee's performance or discipline - related decisions; or
- a decision relating to the termination of employment.



- **Speaking up about potential wrongdoing under this Policy**

There may be times when an employee is not comfortable raising concerns about a wrongdoing with their manager or with HR, however all concerns or incidents raised are protected by the Whistle-blower policy. This is available to all employees and others with reasonable grounds to suspect wrongdoing in relation to NCC. Reporting suspected wrongdoing will enable NCC to protect those who report from victimisation or detriment as a result of making a report. These highlighted concepts are explained in the sections below.

Who may make a report?

Anyone with information about potential wrongdoing relating to NCC is encouraged to report their concerns under this Policy. This includes individuals who are or have been in relation to NCC: an

- employee, officer or contractor;
- a supplier of services or goods to NCC (whether paid or unpaid) including their employees; and
- a relative, dependant or spouse of any of the above individuals.

What to report

Any concerns of wrongdoing should be reported. This means any misconduct or improper state of affairs or circumstances in relation to NCC. Examples of wrongdoing may include:

- breach of laws or regulations;
- criminal activity including theft;
- serious breach of NCC's Code of Conduct or Policies;
- offering or accepting a bribe;
- dishonest or unethical behaviour;
- conflicts of interest;
- anti-competitive behaviour;
- financial fraud or mismanagement including in relation to NCC's tax affairs;
- falsifying financial or corporate reporting;
- insider trading;
- unauthorised use of NCC's confidential information;
- improper use of Personal Information as described in any NCC Privacy Statement;
- improper use of NCC's physical or intellectual property;
- conduct endangering health and safety or causing damage to the environment; and
- deliberate concealment of any of the above.

There is an expectation that anyone reporting a wrongdoing has reasonable grounds to suspect the information they are disclosing is true, but there will be no penalty if the information turns out to be incorrect. Those reporting are expected to provide the information upon which their suspicion is based, but are not required to have all the details or have conducted their own investigation.

False or misleading reports

Any false reports made, where the person reporting is intentionally misleading or knows the information is not true, will be considered a serious matter that could result in disciplinary action including potential termination of employment. The protections under this Policy or the applicable law in Australia will not be available for deliberate false reporting.



How to make a report

Complete incident report and send to Managing Director directly. This will enable NCC to best protect the confidentiality of the report and the reporter's identity. Those reporting should provide as much information as possible, including details of the wrongdoing, people involved, dates, locations and other related information.

Reporting anonymously

Those not wanting to reveal their identity can make an anonymous report. However, providing the reporter's name when reporting wrongdoing will make it easier for NCC to investigate the concern raised to take effective action. For example the context in which wrongdoing was observed is likely to be useful information. Employees and others who report wrongdoing are protected by NCC including maintaining confidentiality of the reports and the identity of the reporter. The law in Australia contains additional whistleblower protections, which are summarised in Annexure A. Accordingly, anyone reporting should feel confident that their identity will remain confidential. Where no name is provided, NCC will assess the disclosure in the same way as if identity had been revealed, and any investigation will be conducted as best as possible in the circumstances. However, an investigation might not be possible unless sufficient information is provided.

NCC's commitment to those who report wrongdoing

NCC is committed to protecting and supporting people who report a potential wrongdoing under this Policy. This includes:

- protection of the identity of a reporter;
- making sure that those who report do not suffer detriment as a result of speaking up; and
- offering those who report appropriate protections based on their circumstances, the nature of the potential wrongdoing and the people involved.

Protecting a reporter's identity

When reporting wrongdoing, the reporter's identity and any information that NCC has as a result of the report that is likely to lead to identification, will only be disclosed if:

- the person reporting gives consent for NCC to disclose that information;
- NCC considers such disclosure should be made to:
 - Australian Securities & Investments Commission (ASIC), the Australian Federal Police or (for tax-related reports) the Commissioner of Taxation;
 - a Commonwealth authority or a State or Territory authority for the purpose of assisting the authority perform its functions or duties;
 - a lawyer for legal advice or representation in relation to whistleblower laws; or
- in the case of information likely to identify the person reporting, it is reasonably necessary to disclose the information for the purposes of an investigation, and all reasonable steps are taken to prevent someone from discovering the reporter's identity.

Preventing victimisation and detriment to whistleblowers



NCC will not tolerate any detrimental conduct against anyone on the basis of reporting or being suspected of reporting a wrongdoing, including conduct against that person's colleagues, employer (if a contractor) or relatives. Examples of detrimental conduct include the following:

- discrimination, detriment or damage to a person's reputation;
- isolation, harassment, intimidation or retaliation;
- a demotion or dismissal; or
- threats of any of the above, including implied threats.

Any person involved in detrimental conduct may be subject to disciplinary action including termination of employment or engagement. NCC has the right to refer any person that has engaged in detrimental conduct to law enforcement authorities for further investigation.

Protecting reporters from detriment

The measures provided to protect those who report will depend on the risks present, based on the nature of the wrongdoing and people involved. Protections may include the following, at NCC's discretion:

- assigning a whistle-blower support officer as a confidential contact to discuss any concerns following the making of the report;
- monitoring and managing the behaviour of other employees;
- relocating employees (which may include the people alleged to have been involved in the wrongdoing) to a different team or location or revising the reporting lines of employees;
- offering a leave of absence or arranging flexible working while a matter is investigated;
- access to NCC Support for current or former employees; and
- rectifying any detriment that has been suffered.

Investigations

NCC takes all reports of potential wrongdoing seriously. All reports will be assessed and, based on the nature and circumstances of the disclosure, a decision made as to whether an investigation is required. For example, reports of potential wrongdoing of a minor nature that can be resolved informally will typically not require the same level of response as disclosures involving a large-scale and complex investigation. Any investigation will be conducted in a timely, fair and objective manner, and independent from any persons to whom the report relates. Investigations will generally be overseen by the local compliance officer. Other people, including employees (for example, the Group HR Director, members of the Governance, HR, Internal Audit and Legal teams, Heads of relevant departments) or external advisers, may also be asked to assist or run the investigation. Where possible, the person reporting the wrongdoing will be informed how NCC is responding to their report, including whether an investigation will be conducted.

Fair treatment of persons involved

Unless there are confidentiality or other reasons not to do so, employees who are the subject of a report of wrongdoing will be informed of the matters raised in the report at an appropriate time and will be given a chance to respond to any allegations made against them. They will also be advised of the outcome of any investigation.

Internal reporting



NCC Management will receive a summary of reports made under this Policy at least quarterly. The summary will not identify individual reporters.

Complaints Handling Process

- National administration personnel and/or management team to log the complaint in the complaints register.
- Within 24 business hours, National are to issue a formal acknowledgement of the complaint.
- Within 21 days, National will investigate the complaint and provide a formal communication stating the outcome of the complaint and actions/ steps taken to resolve the complaint.
- National will seek feedback from the complainant post investigation letter, any follow up items will be logged as continuous improvement action.
- Any risks identified from the complaint will be addressed and identified within the NCC Risk Register.