COMPLAINTS, DISPUTES AND APPEALS

POLICY NUMBER: NDIS STAFF 15

INTENT

The intent of this Policy is to provide an avenue through which all employees and volunteers (both hereinafter referred to as 'staff') can resolve work related complaints and disputes as they arise and ensure that they have the right to raise and have resolved any grievance in relation to the Service.

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 General Manager, Support Manager and/or Management Committee.*

POLICY STATEMENTS

- Management and senior staff will make every effort to establish an atmosphere of trust and open communication so that any complaints are dealt with in a constructive way.
- Real Living Options Association Inc. encourages its staff to resolve any complaints or disputes that they may have with another person, with that particular person at the earliest opportunity. The Management and senior staff will make every effort to immediately deal with any complaint or dispute from staff.
- Real Living Options Association Inc. encourages open communication and feedback as essential elements of a productive work environment.
- Real Living Options Association Inc. supports the management of complaints and disputes in a way that staff will have no fear of retributive action when raising complaints and disputes. No staff member will be intimidated or unfairly treated in any respect if they utilise this Policy to resolve an issue.
- A copy of this Policy will be made available for all staff.
- Staff can be reassured that any matter will be dealt with fairly and confidentially.
- Real Living Options Association Inc. will:
    - Facilitate the resolution of complaints and disputes in a timely manner.

- Provide a complaints management system/process that is accessible and transparent, and in accordance with this Policy.
- Have a process for including issues raised during complaints and disputes for making improvements within the Service. A Complaints and Resolutions Register will be maintained for recording of all complaints and their resolution.
- Aim to provide reasonable training and support where any areas can be identified that need improvement for the parties involved. Refer to policies on Training and Development and Performance Achievement Plans.
- Employ the principles of natural justice in dealing with complaints and disputes.

PROCEDURES

- In the first instance staff who experience a problem with another staff member should raise the issue with that person.
- An informal procedure is recommended, followed by a formal complaints process if the matter is unresolved or it is appropriate.
- This document must be read in conjunction with the relevant system/process for managing complaints, disputes or appeals.
- Complaints and disputes will be reported in the General Manager's Report to the Management Committee.
- Complaint forms and Incident reports will be recorded in the appropriate staff files.

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.
- Reported to the Management Committee and be included in the Continuous Improvement Register if the issues and resolution involve the Service or service delivery.

Complaints between Staff

- If the complaint is between two staff members, the General Manager should discuss the matter openly and work together to achieve a desired outcome for all parties.
- As far as practicable, the General Manager will finalise the matter and any agreements along with the Resolution of Complaint Statement will be signed off.

Complaints against the General Manager

- If the complaint cannot be resolved with the General Manager, they may write to the Management Committee to make the complaint. The Management Committee may refer the matter to the Grievance Committee.

Complaints against a Participant and/or Representative/Nominee

- If the staff complaint involves a Participant or Representative/Nominee, the matter should be referred to the General Manager who will investigate the circumstances and events leading up to the complaint prior to meeting with the staff member to discuss a way forward. The General Manager will deal with the matter as informally as possible in order to find a resolution and finalise the matter.

Complaints against the Service

- If the staff member has a complaint about the Service, they should discuss it with the General Manager who should attempt to resolve the matter. If a decision from the Management Committee is required, the General Manager will involve the Management Committee.
- The General Manager may seek advice from any members of the Grievance and/or Resource Committee regarding complaints.

Complaints involving an incident

- If the matter raised involves an incident, an Incident Form should be completed and appropriate action taken regarding the incident.
- If a complaint involves a serious incident or criminal or unlawful act it must be reported as a critical incident. *Refer to NDIS GOV 17 Incident Management.*

Management Committee

- If any matter is not resolved, the General Manager will determine whether or not to refer the matter to the Management Committee. The dissatisfied party/ies may approach the Management Committee, however, they must be aware that the Management Committee will require them to follow the procedure in the Staff/Volunteers Complaints practice and this policy.

Referral to the Grievance Committee

- If the Management Committee decides the complaint is to be addressed formally through the Grievance Committee, the Grievance Committee will investigate and meet with the person concerned. Refer to Grievance Committee documents in the 'Complaints and Disputes Policies' booklet available at reception.
- Following referral to the Grievance Committee, if the complaint is not resolved the Management Committee will be advised and the aggrieved will be advised of their right to make contact with an external party/ies, contact information and that any expense is at the cost of the party seeking the external dispute resolution method.

- Any agreements and Resolution of Complaint document must be signed off by all parties, and entered into the Complaints Register and, if indicated, the Continuous Improvement Register. A date will be set for a review to complete the process.

Role of Independent Support Person during grievance resolution

- Prior to the first meeting, the aggrieved person and the respondent will be offered the opportunity to select an independent person of their choice to be present in a passive capacity during meetings related to this matter.
- If one or both persons is/are unable to obtain an independent person, Management will offer the person assistance to attempt to secure a volunteer person.

Feedback about the Complaints Process

- Persons involved in a complaints process may complete a Feedback Form to document their level of satisfaction with the process.
- 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 how they may take their complaint to an external governing body.

DELEGATIONS

Management Committee

- Monitor the General Manager's management of complaints and disputes by providing feedback during the General Manager's Report to Management Committee.
- Appoint a Grievance and Resource Committee annually, delegate to it where appropriate, oversee its operations, and make decisions on its recommendations.
- Respond to complaints and disputes received by using the relevant Workplace Practice/s.

General Manager

- As far as practicable, identify, prevent and address potential problems before they become formal grievances.
- Be aware of and committed to the principles of open communication and information sharing with staff.
- Ensure all complaints are handled in the most appropriate manner at the earliest opportunity and all staff are treated fairly and without fear of retribution.
- Refer matters to the Management Committee where a complaint is not able to be resolved satisfactorily.

All Staff

- Attempt to initially resolve complaints or disputes with the person involved. If the attempt is unsuccessful or inappropriate, the immediate supervisor should be advised at the earliest opportunity.

RELATED DOCUMENTATION

NDIS STAFF 6 Training and Development

REFERENCES

Disability Services Act 2006 (Qld)
Disability Services Regulation 2006 (Qld)
National Disability Insurance Scheme Act 2013
NDIS Practice Standards and Quality Indicators
Social, Community, Homecare & Disability Services Industry Award 2010
Fair Work Act 2009 (Cth)
Workplace Health & Safety Act 1995 (Qld)
Prevention of Workplace Harassment Code of Practice (2004)

AMENDMENTS/REVIEWS

12/04/2012, 22/02/2018, 28/07/2022, 06/11/2025