# Complaints Policy

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## Policy

*futures in sight* strives to provide person-centred support directed by the interests and preferences of people with disability and their families. From time to time a person we support will not be satisfied with the assistance provided by *futures in sight* and will wish to make a complaint. *futures in sight* takes complaints very seriously and seeks to use them as opportunities to improve its practices, not just to the complainant but to all people we support.

*futures in sight* is committed to ensuring that complaints are dealt with in a responsive, efficient, effective, transparent, fair and economical way.

*futures in sight’s* complaints and appeals management procedure:

* is simple and easy to use
* is effectively communicated and promoted to all people we support and other stakeholders
* ensures complaints or appeals are considered and are treated with respect and assessed fairly
* ensures complaints are responded to within 3 working days
* is procedurally fair and follows principles of natural justice
* complies with all legislative requirements.

## Scope

*futures in sight* accepts complaints from people we support, from people seeking support, from partners, contractors, employees and volunteers and from others working or collaborating with *futures in sight*. Complaints can be in relation to any matter that is the responsibility of *futures in sight*.

## Principles

*futures in sight* will:

* consider all complaints received;
* treat all complainants with respect, recognising that the issue of complaint is important to the complainant;
* maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution;
* ensure advocacy is available to those who make a complaint and require support;
* resolve complaints, where possible, to the satisfaction of the complainant;
* deal with all complaints in a timely manner;
* keep parties to the complaint informed of progress of the complaint;
* ensure that *futures in sight* customers, contractors, volunteers and relevant others are given information about the complaints’ procedure as part of their induction and are aware of procedures for managing feedback and complaints;
* ensure all people we support and potential customers are aware of the complaints policy and procedures;
* ensure all people we support and potential customers are aware of the role of the NDIS Quality and Safeguards Commission and are assisted to contact them if they wish;
* ensure that a complainant is not penalised in any way or prevented from use of services during the progress of investigation of a complaint or following;
* ensure that feedback (both positive and negative) is considered in organisational reviews and in planning service improvements.

## Related Documents

* Privacy, Dignity and Confidentiality Policy
* Records Management Policy
* Continuous Improvement Policy
* Grievance Policy

## Legislation

* Disability Inclusion Act (2014)
* National Disability Insurance Scheme Act (2013)
  + National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
  + National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018
* The Privacy and Personal Information Protection ACT 1998 (NSW)
* The Privacy Code of Practice (General) 2003

## Procedure

### 1. Making a Complaint

A person (or their advocate) wishing to make a complaint may do so in writing or verbally to:

* any *futures in sight* Partner, Contractor or Employee;
* the designated *futures in sight* Partner (Donna Rhall); or
* a relevant external agency (such as NDIS Quality and Safeguards Commission or The Ombudsman) or an independent mediator, depending on the nature of the complaint.

If the complaint is about:

* a Partner, the complaint will normally be dealt with by the designated *futures in sight* partner Donna Rhall ph 0432 414 210 (written complaints may be sent to donna@futuresinsight.com.au); or
* the designated *futures in sight* Partner (Donna Rhall), the complaint can be put to another *futures in sight* Partner, Barbel Winter 0468 312 515 (written complaints may be sent to [barbel@futuresinsight.com.au](about:blank)) or Diana Qian 0450 739 514 (written complaints may be sent to diana@futuresinsight.com.au).

If a person (or their advocate) feels that they do not want to complain to *futures in sight* directly, the complaint may be made to the NDIS Quality and Safeguards Commission (the Commission). A complaint can be made to the Commission by:

Phone: 1800 035 544

Or visiting their website: [https://www.ndiscommission.gov.au/about/complaints](about:blank)

The NDIS Commission can take complaints from anyone about:

* 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 managed a complaint about services or supports provided to an NDIS participant

**1.1 Lodging an Appeal**

Anyone (or their advocate) may lodge an appeal if they disagree with any decision made by *futures in sight* in relation to a complaint. An appeal can be made in writing or verbally to the designated Partner or Partners.

### 2. Procedure for Complaints and Appeals Management

*futures in sight* adopts a six-step procedure for handling complaints:

1. **We Acknowledge**

Within three business days of receiving your complaint, we will acknowledge receipt of your complaint.

1. **We Review**

We undertake an initial review of your complaint and determine what if any additional information or documentation may be required to complete an investigation. We may need to contact you to clarify details or request additional information where necessary.

1. **We Investigate**

Within 10 business days of receiving your complaint we will investigate your complaint objectively and impartially, by considering the information you have provided us, our actions in relation to your dealings with us and any other information which may be available, that could assist us in investigating your complaint.

Complaints will be dealt with fairly and with as little formality as possible.

Privacy and confidentiality will be observed as far as possible and natural justice will be preserved wherever practicable.

Anonymous complaints will be treated on their merits.

1. **We Respond**

Following our investigation, we will notify you (and your advocate, if you have one) of our findings and any actions we may have taken in regards to your complaint. This may include how we have resolved or intend to resolve your complaint, and if no further action is to be taken, the reasons for this.

*futures in sight* will work with those who have made a complaint to identify remedies. (Remedies will aim to restore the complainant to the position they would have been in had the complaint not been necessary).

If you are not satisfied with theinvestigation and proposed resolution of your complaint you can seek a further review of the matter. This review would be done by another Partner and may involve an external party.

A formal external complaints procedure may follow if you (or your advocate) are still not satisfied with the outcome of your complaint. If you (or your advocate) are not satisfied with the outcome of your complaintyou will be referred to either an independent mediator, the NSW Ombudsman or the NDIS Quality and Safeguards Commission.

Should you need it, we will assist you (or your advocate) to make contact with these organisations. More information about how the NDIS Quality and Safeguards commission handles complaints is available at [https://www.ndiscommission.gov.au/about/complaints](about:blank)

1. **We Take Action**

Any internal problem revealed by a complaint will be noted and where appropriate we amend our organisational practices or policies.

If your complaint involves a crime or reportable incident (such as abuse, neglect, sexual misconduct, or unauthorised use of restrictive practices) *futures in sight* will refer the matter to other relevant bodies in accordance with Commonwealth, State or Territory laws. Such bodies may include:

* NSW Department of Communities and Justice – Child Protection Hotline;
* NSW Police
* NDIS Quality and Safeguards Commission; and
* SafeWork NSW

1. **We Record**

A register of complaints and appeals will be kept in the *futures in sight* online Complaints Register and your personal information will be recorded in accordance with relevant privacy legislation.

The Register will be maintained by the designated Partner and will record the following for each complaint or appeal:

* Details of the complainant and the nature of the complaint;
* Date lodged;
* Action taken;
* Date of resolution and reason for decision;
* Indication of complainant being notified of outcome; and
* Complainant response and any further action.

Copies of all correspondence will be kept securely in Dynamics.

The *futures in sight* Complaints Register and files will be confidential and access is restricted to *futures in sight* Partners unless otherwise required by relevant Commonwealth, State or Territory laws (such as in relation to reportable incidents).

A statistical summary of complaints and appeals will also be kept and maintained by the designated *futures in sight* Partner who will be responsible for preparing an annual overview report on complaints as part of our continuous improvement process.

Results from this report will be reviewed by the *futures in sight* Partners and used to:

* inform service planning by including a review of complaints and appeals in all service planning, monitoring and evaluation activities; and
* inform decision making by including a report on complaints and appeals as a standard item on Partner meetings.

### 3. Complaints and Grievances of Partners in relation to other Partners

*futures in sight* is committed to reaching a speedy and just resolution of any disputes or grievances that may arise and that may threaten the harmonious functioning of the company.

The following process is also outlined in the *futures in sight* Partnership Agreement signed by all Partners.

It is the responsibility of the Partners to ensure that:

* all are aware of this policy; and
* disputes are handled respectfully, confidentially, and in accordance with natural justice.

It is the responsibility of all Partners to ensure that their usage of electronic media conforms to this policy.

To deal with the dispute:

1. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties;
2. If the parties are unable to resolve the dispute at such a meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator;
3. The mediator must be –
4. a person chosen by agreement between the parties; or
5. in the absence of agreement, a person appointed by all the Partners.

A mediator may be anyone who is not a party to the dispute.

1. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
2. The mediator, in conducting the mediation, must –
3. give the parties to the mediation process every opportunity to be heard; and
4. allow due consideration by all parties of any written statement submitted by any party; and
5. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
6. The mediator must not determine the dispute.
7. The mediation must be confidential and without prejudice

If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute otherwise at law.

**Review**

This policy will be reviewed on a two-yearly basis.

However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.

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| --- | --- | --- | --- |
| Signed by all Partners | Original signed by all Partners | | |
|  |  | | |
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## Attachment A – Complaints, Advocacy and Rights-based Organisations

To assist complainants, *futures in sight* will make available a list of existing complaints, advocacy and rights-based organisations as follows:

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| **NDIS Quality and Safeguards Commission**  1800 035 544 |  |
| **People with Disability Australia**  Individual and Group Advocacy Unit  02 9370 3100; 1800 422 015;  TTY 133 677 | **Multicultural Disability Advocacy Assoc.**  10-12 Hutchinson Street,  Granville NSW 2142  02 9891 6400 |
| **Ability Rights Centre**  311 Castlereagh St  Haymarket NSW 2000  02 9265 6350 | **Australian Centre for Disability Law**  PO Box 989 Strawberry Hills NSW 2012  1800 800 708/ 02 7229 0061  Mondays, Wednesdays, Thursdays |
| **Self Advocacy Sydney Inc**  Suite 214, 30-32 Campbell St  Blacktown 2148  02 9622 3005 | **NSW Ombudsman**  Level 24, 580 George Street  Sydney 2000  1800 451 524 |
| **NSW Anti-Discrimination Board**  Locked Bag 5000  Parramatta NSW 2124  1800 670 812 | **Australian Human Rights Commission**  1300 656 419 |