

## Complaints, Grievance and Appeals Policy

<b>Policy Number</b>	CAL POL-008	<b>Version</b>	2
<b>Classification</b>	Governance	<b>Issue Date</b>	20/02/2025

### 1. Purpose

**1.1** Caringa Australia Limited is committed to ensuring that any person or organisation using Caringa’s services, or any employee of Caringa has the right to lodge a complaint or an appeal with the organisation. All concerns that are raised will be addressed in line with the principles of natural justice ensuring access, equity, fairness, accountability and transparency.

**1.2** This policy provides the framework to ensure that all complaints and appeals processes are facilitated by being clearly described, accessible to all people, fairly assessed and responded to promptly.

### 2. Scope

**2.1** This policy applies to all Caringa employees, contractors and board members, known throughout this policy as “workers”. The policy and related procedures extend to encompass all complaints and appeals that are lodged with the organisation from service users, known throughout this policy as “clients”, their advocates, and external parties.

**2.2** This policy is effective from the issue date above and available for viewing in Donesafe and Caringa website and server.

### 3. Policy Statement

**3.1** This policy aligns with Caringa’s commitment to comply with all legislative, regulatory and contractual requirements, including but not limited to;

- the NDIS Practice Standards,
- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 (Cth), and
- the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 (Cth).

### 4. Definitions

<b>Appeal</b>	Request for reconsideration of a decision made, arising from a previous complaints process.
<b>Complaint</b>	An expression of dissatisfaction made to or about an organisation regarding its workers, services or products that warrants response or resolution.
<b>Complainant</b>	A person who expresses their dissatisfaction to either the organisation itself or an external body.

<b>Child / Young Person</b>	The Children and Young Persons (Care and Protection) Act 1998 (NSW) defines a child as a person who is under the age of 16 years and a Young person as a person who is aged 16 years or above but who is under the age of 18 years.
<b>Disclosure</b>	The action of making new or previously secret information known.
<b>Grievance</b>	A complaint about a real or perceived wrong that causes resentment and is grounds for action.
<b>Malicious complaint</b>	A complaint made that the complainant knows to be untrue or frivolous and is made with the intent to cause harm.
<b>Respondent</b>	A person against whom a complaint has been made.
<b>Review</b>	Request for the details of the complaint and the way it was investigated, be examined again by another senior member of the organisation.
<b>Vexatious complaint</b>	A complaint that is made with the intention of harassing or annoying the recipient, rather than to address a genuine issue or concern.

## 5. Operation

**5.1** Caringa recognises that all complaints are a concern to the complainant and affirms that the organisation will treat all complainants with respect and that the complaint will be handled with sensitivity, parity and in a timely manner, regardless of the origins of the complaint. Complaints and complainants from outside of the organisation are treated with the same consideration as those generated from within.

**5.2** Confidentiality of the parties involved will be maintained keeping the information private to those directly involved in the complaint and its resolution. Information will only be disclosed if required by law, or in other limited circumstances permitted by law to prevent serious or imminent threat to a person's health or safety.

### **5.3 How to make a complaint**

- a. A complaint may be made either verbally or in writing.
- b. **Written complaints** can be lodged via;
  - the online feedback form found on the Caringa website <https://www.caringa.com.au/contact-us/> ;or
  - an email can be sent to [feedback@caringa.com.au](mailto:feedback@caringa.com.au) ; or
  - submit via letter to – People and Culture Officer, PO Box 299 Grafton NSW 2460, mark your envelope “CONFIDENTIAL”
  - Caringa workers can lodge via Donesafe.
- c. **Verbal complaints** can be made to any Caringa worker at any operational level or by phoning the main office on 02 6640 9300.

- d. Q codes are available to scan and direct you to the feedback and complaints page. These are located in all Caringa sites, including main offices, community hubs and supported independent living (SIL) locations.
- e. Complaints may also be made to an external body.
  - For complaints related to NDIS service/s the NDIS Commission – 1800 035 544; or
  - For complaints not related to NDIS service/s the NSW Ombudsman Complaints Line - 1800 451 524
  - Advice, Support and Advocacy – The Disability Advocacy Support Helpline 1800 643 787
- f. Caringa will fully cooperate in any external investigation which may take place, this includes participating in early resolution, conciliation, and/or reporting to the body about resolution and corrective actions if required.

#### **5.4 You can remain Anonymous**

Complaints can be made anonymously through our online Feedback and Complaints Form, by phone call or letter. By remaining anonymous we are unable to provide you with outcomes of your complaint.

#### **5.5 If the complainant is a child or a young person**

- a. All complainants regardless of their age are informed of their right to have a support person present and all efforts will be made by Caringa to facilitate contact with the nominated person.
- b. As with all complaints, or disclosure, if at any stage it is felt that the person is at risk of significant harm, neglect or abuse, the relevant authorities will be contacted. For example; the Police (000) or the Child Protection Helpline (13 21 11)
- c. Caringa workers receiving a complaint or disclosure are directed to follow the procedure outlined in CAL PRO-008 Complaints, Grievance and Appeals Procedure

#### **5.6 How the complaint will be managed**

- a. Caringa workers will adhere to and fulfil their designated responsibilities and follow the procedural steps outlined in CAL PRO-008 Complaints, Grievance and Appeals Procedure to ensure that all complaints are captured and managed consistently.
- b. All complaints are listed on the register, issued a number, and undergo an initial assessment after which they are assigned to the most appropriate person to investigate.
- c. Complainants will be contacted, and provided with details of:
  - who the complaint will be investigated by
  - expected timeframe for resolution provided
  - permissions to contact other relevant parties requested.
- d. With the exception of formal complaints made by statutory bodies, Caringa reserves the right to classify complaints made by other organisations as *critical feedback*. Where Caringa receives a complaint that we classify as critical feedback, the complainant will be informed of this and advised that Caringa does not routinely provide further updates regarding actions or resolutions to the complainant,

e.g.

*“Thank you for contacting Caringa with your information. Caringa appreciates receiving critical feedback from others in our sector, and we treat all information, feedback and complaints seriously and with a focus on continuous improvement. Please note that you may not receive further information from Caringa about this matter. We will address it at our discretion and in accordance with our statutory and compliance-based obligations.”*

- e. The complaint handler will review, assess and respond to the complaint.
- f. Caringa strives to resolve all complaints in a timely fashion. In most instances a complaint will be acknowledged within 2 business days with the aim of resolution within 28 business days.

### **5.7 Complaint respondent**

- a. A person who has had a complaint made against them is generally entitled to know the details of the complaint and the identity of the complainant. The exception would be if the complainant is protected under **CAL POL – 038** Whistle-blower Protection Policy.
- b. Respondents:
  - are entitled to the same supports as complainants as outlined in 6.1 of this policy
  - can expect the same level of privacy, respect, and consideration afforded to complainants as described throughout this policy.
- c. Respondents have the right to seek legal advice including through their union delegate.

### **5.8 How to lodge an appeal**

- a. If the complainant is not satisfied with either the way the investigation was conducted, the decision that was made, or the proposed resolution of the complaint, you can request that the complaint be either;
  - **Reviewed** – the details of the complaint and the way it was investigated, be examined again by another senior member of the organisation, to ensure that procedural fairness has been applied.
  - **Appealed** – the final decision be reconsidered.
- b. To request a review, or to appeal a decision made at the closure of a complaint; Submit your request to the people and culture officer or at [feedback@caringa.com.au](mailto:feedback@caringa.com.au) You will be contacted to discuss timeframes relevant to the nature of the appeal or review.
- c. To escalate to the NDIS commission, the NSW ombudsman or to seek support and advocacy external to Caringa – see 5.3 e) in this policy

## **6. Support**

**6.1** Throughout the complaint process, complainants and respondents, have the right to be supported by an advocate, support person or an interpreter. The person nominated is there to provide the complainant or respondent with support only, they do not take part in any of the conversations, with the exception of language interpretation. All support people will be bound by confidentiality agreement.

**6.2** Caringa encourages and supports clients, their families or advocates and Caringa workers to raise any concerns they have about the organisation or the services it provides.

**6.3** Caringa workers are trained in the Complaints, Grievance, and Appeals Policy during their induction and as part of their ongoing refresher training. Board members and sub-contractors are given information about the complaints processes and made aware of their responsibility to facilitate client feedback and complaints that are expressed to them.

**6.4** Easy Read complaints procedure is provided (contained within Caringa's Client Welcome Pack) and is discussed with each new Caringa client.

**6.5** A copy of the Complaints, Grievance, and Appeals Policy will be made available upon request.

**6.6** Workers at Caringa who are involved in a complaints process will be supported by Caringa to ensure their continued wellbeing. This may include being assigned an internal support person and/or encouragement to connect with the Employee Assistance Program (EAP) 1300 364 273 which is readily available to them.

## **7. Maintaining Compliance**

**7.1** Caringa has a legal obligation to retain all records of complaint and/or appeal on file for a minimum of 7 years, including; 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, complainant response and any further action. All copies of correspondence are also to be retained electronically in secure files.

**7.2** A statistical summary of complaints and appeals will be kept in electronic format and maintained by Caringa for the purpose of identifying relevant trends and informing continuous improvement strategies for application across the organisation, which in turn will be recorded in Caringa's Continual Improvement System.

**7.3** This policy and the associated CAL PRO-008 Complaints, Grievance and Appeals Procedure is to be adhered to by all Caringa workers. A breach of this policy or failure to follow the outlined procedure in CAL PRO-008 may result in disciplinary action including, but not limited to, termination of employment or services.

**7.4** It is a breach of this policy for anyone to commit an act of retaliation against a complainant, someone supporting a complainant, or any individual involved in, or investigating the complaint. Acts of retaliation may result in disciplinary action including, but not limited to, termination of employment or services.

**7.5** If during the course of an investigation into the original complaint, the complaint is found to be a malicious or vexatious complaint, the complainant may be subject to disciplinary action including, but not limited to, termination of employment or services.

**7.6** If you become aware of a breach of this policy, immediately report this to your direct manager, if you are not comfortable in reporting to your direct manager, please refer your report directly to the People and Culture team or report via the online feedback form.

## **8. Other Related Documents**

### **8.1 Legislation & Related Documents**

- NDIS Practice Standards
- National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Act 2017 (Cth)

- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 (Cth)
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 (Cth)
- National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018 (Cth)
- Disability Services and Inclusion (Complaints and Incidents Management) Rules 2023 (Cth)
- Privacy Act 1988 (Cth)
- Australian Privacy Principles (APPs)
- The Children and Young Persons (Care and Protection) Act 1998 (NSW)

### 8.2 Caringa Australia Ltd Policy, Procedure, and Work Instruction Documents

- **CAL PRO - 008** Complaints, Grievance and Appeals Procedure
- **CAL POL – 010** Incident Management
- **CAL POL – 001** Service Management
- **CAL POL – 038** Whistle-blower Protection Policy
- **CAL WI – 092** Accessing Donesafe

### 8.3 Caringa Australia Ltd Forms and Related documents

- **FEE0111** Caringa Feedback Form – on Donesafe and Website
- **CAL FOR – 218** Discussion Record Form
- **CAL FOR – 225** Risk Assessment, Evaluation and Treatment Worksheet
- **CAL FOR – 228** Investigation Report
- **CAL FOR – 179** Confidentiality Agreement for Individuals
- **CAR DOC– 008** Client Services – Feedback and Complaints Procedure (pictorial contacts)
- Complaints - Easy Read © Scope (Aust) Ltd

## 9. Document Control and Review

Owner	People and Culture Manager
Approval	Board of Directors
Approval date	29-11-2024

Review of this document will occur in consultation with the relevant stakeholders when legislative changes are made or when changes are made to the way in which Caringa Australia Ltd implements document control and record management arrangements.

Reviews must happen every **2 years**, or earlier if organisation undertakes changes that effect the relevance of this policy.

Version	Date Approved	Action/Amendment Description	Updated by
2	29/11/2024	Policy moved to NEW template, updated to include addition of Support and Compliance sections/ procedural information transferred to Procedure document CAL PRO-008	People and Culture Team
1	27-03-2019	ORIGINAL Version	Rachel Choy