**1.POLICY**

This policy acknowledges Mix It Up- *Live life your way’s* commitment to welcoming and receiving comments, complaints and feedback from service participant, carers/ advocates/ guardians and member of the wider community as it assists in providing high quality services to participants and provides an opportunity to continuously improve the service. Mix It Up- *Live life your way* is determined to ensure that people feel safe to make a complaint or provide negative feedback, access to advocates and independent information, support, advice and representation, access independent mechanisms for complaints, appeals or disputes without fear of adverse consequences or loss of service. Mix It Up – *Life life your way* will establish easy to use comments, complaints feedback system for service participants, carers, advocates/ guardians and any other community member.

**2. PURPOSE AND SCOPE**

This procedure applies to feedback offered by any person who has interaction with Mix It Up – *Live life your way*. Mix It Up – *Live life your way* acknowledges that feedback is a vital component within the quality management system and is utilised in directing improvements in service delivery to meet changing needs.

Mix It Up – *Live life your way* acknowledges that service participants and advocates have a right to express concern or to complain about matters that affect them.

Mix It Up – *Live life your way* values the wellbeing of their service participants and is committed to ensuring that all those who seek services are fairly treated.

The Mix It Up – *Live life your way* business prides itself on providing quality services to service participants and continuous improvement practices. To ensure this is achieved Mix It Up – *Live life your way* values any feedback, comments and complaints.

**What is a complaint?**

Broadly speaking, a complaint is an expression of dissatisfaction with an NDIS support or service, including how a previous complaint was handled, for which a response or resolution is explicitly or implicitly expected.

* **A complaint** is someone letting you know that your service is not ‘hitting the mark’.
* **A well-handled complaint** signals to the person that their opinion is valued and their feedback has been taken seriously. This interaction can actually improve the relationship between our organisation and clients.
* Making a complaint can lead to **improved services**, communication and changes to the way supports are delivered.
* Empowering people to speak up goes to the very heart of people feeling valued and respected as equal citizens in their community, an essential part of our **person-centred approach** to service delivery.

**3. RESPONSIBILITIES**

**Mix It Up – Live life your way Business Owner is to:**

* Provide information to participant’s, their carers and /or advocate on how to raise their concerns or complaint.
* Ensure workers are aware of the participants rights to raise their concerns and complaints.
* Ensure workers know the Mix It Up -*Live life your way* comments, complaints and feedback procedure.
* Maintain a Comments, Complaints and Feedback register.
* Ensure a complaint is received, investigated, managed and resolved in a fair and prompt manner.
* Inform service participants of external mechanisms that they can utilise to raise and address their concerns and complaints.

 **Workers are to**:

* Reinforce to the participants of Mix It Up – *Live life your way* of their rights to raise their concerns/ complaint without retribution.
* Encourage participants, their carers and/ or advocates to raise concerns as soon as they arise.
* Provide participants with information on how to raise their concerns both internally and externally.
* Assist participants to complete the comments, complaints and feedback form if needed.
* Raise any concerns with the Mix It Up – *Live life your way* Business Owner as soon as possible to enable a prompt resolution.

**4. BACKGROUND:**

The comments and complaints processes are to ensure that both positive and negative feedback, complaints and disputes are effectively handled and seen as opportunities for improvement.

Mix It Up – *Live life your way* acknowledges that robust and timely feedback, including compliments and complaints, is a key driver for continuous improvement.

**5.GUIDELINES**

All attempts will be made to resolve complaints quickly and efficiently, through discussion, liaison, correspondence and/or negotiation, thus eliminating the need for formal application for appeal.

* All service users are to be made aware of the comments, complaints and feedback process.
* Mix It Up – *Live life your way* will provide information about the comments, complaints and feedback process and advise service participants of the importance of expressing any concerns they may have about the service.
* If service participants are concerned about any aspect of service delivery, they should approach the Mix It Up – *Live life your way* Business in the first instance.
* The comment, complaint or feedback can be made verbally, in writing, and can be made anonymously.

**6. PROCEDURE:**

**6.1 Making a Comment, Complaint or Providing Feedback**

Participant’s and their families are encouraged to bring their complaints to the attention of Mix It Up – *Live life your way* workers in the first instance and can request an advocate or translator if required. Mix It Up- *Live life your way* recognises that communicating with people during an investigation can be an emotive process and requires sensitivity and procedural fairness to be afforded to all parties.

Mix It Up – *Live life your way* welcomes communication of a comment, complaint or feedback. This can be communicated via:

* The ‘We’d like to hear from you’ brochure
* Direct contact with Workers, sub- contractor or Business Owner
* Other written formats

Where feedback or information is provided anonymously, further investigation may not be possible.

**Contacts for Making a Complaint**

Call 1800 035 544 (free call from landlines)

Complaint contact form www.ndiscommission.gov.au

National Relay Service www.relayservice.gov.au then 1800 035 544

Translating and Interpreting Service 131 450

**Who can make a complaint?**

* NDIS participants,
* other people with disability,
* friends,
* families,
* carers,
* advocates,
* workers, or
* any other person who wishes to make a complaint.



**Registered providers must afford procedural fairness to people when managing complaints.**

Participants may also seek advice from an external source such as:

* Aged Rights Advocacy Service (ARAS)
* Advocacy for Disability Access and Inclusion
* Community Visitors Scheme (CVS)
* Citizen Advocacy South Australia Incorporated
* Disability Advocacy and Complaints Service of South Australia (DACSSA)
* Disability Rights Advocacy Service Incorporated
* Independent Advocacy SA Incorporated

It’s always okay to speak up if you feel unsafe or unhappy with your NDIS supports or services.

## How to notify the NDIS Commission of a reportable incident

Forms for notifying the NDIS Commission of a reportable incident are provided below:

* [Reportable incident – Immediate notification form](https://www.ndiscommission.gov.au/document/661)
* [Reportable incident – 5 day notification form](https://www.ndiscommission.gov.au/document/656)

Once a form is completed, you can email it directly to the NDIS Commission at reportableincidents@ndiscommission.gov.au.

**What complaints The Commission takes**

* You can make a complaint to the commission about the quality or safety of supports and services provided by any NDIS provider.
* The Commission take complaints about whether NDIS services have been provided in a safe way and to an appropriate standard.
* You can also make a complaint to the commission about how an NDIS provider has responded to a complaint.
* If you or someone making a complaint on your behalf is concerned about how you will be treated, you can make a confidential complaint. This may influence how the NDIS Commission can take action.

**How The Commission will Handle your Complaint**

The Commission will acknowledge your complaint and may ask for more information. You can let them know your preferred method of communication. In helping to resolve a complaint, the commission may:

* request information and documents to help clarify the issues
* help you to talk to the NDIS provider
* with your consent, speak to the NDIS provider about the issues
* talk to you about the information we receive from an NDIS provider.

Sometimes a complaint may be referred to conciliation or investigation. A conciliation meeting helps people to understand the issues and reach agreement on how a complaint can be resolved. An investigation may be conducted if the issues raised in the complaint involve serious concerns or risks to people with disability.

As part of this, the Commission may request further documentation, contact people involved in the complaint, visit the service provider or talk to other people affected by the issues including other people with disability and staff. If a complaint raises a serious compliance issue, the Commission has powers to take action.

***You may withdraw a complaint at any time by telling the Commission.***

**Documenting the complaints management and resolution system**
The complaints management and resolution system must be documented. Accessible forms of the documented system must be available for and provided to:

• persons with disability receiving supports or services from the registered NDIS provider
• the families, carers and advocates of those persons with disability
• each person employed or otherwise engaged by the registered NDIS provider.

Making the complaints management system accessible means the process for making a complaint and investigating it should be easy to access and understand.

Information about the process should be available in a variety of forms of communications, formats and languages appropriate to the needs of people with disability who receive supports and services from a provider.

This **could** include:
• Make websites accessible to people using screen readers and, if necessary,

 make publications and correspondence available in Braille, large print or

 audio formats for people with sight impairment.

• Ensure offices are accessible for wheelchairs and to people with mobility

 impairment.

• Ask people if they have any special requirements for access or

 communications.

• Offer assistance to help complainants with reading or writing difficulties to

 formulate and lodge complaints.

• Accept complaints on behalf of people with intellectual impairment from

 representatives.

• Provide a text telephone (TTY) service for people with a hearing impairment.

 (contact numbers listed above)

## How to respond to a complaint

## In responding to a complaint, the Four A’s of successful resolution is a useful approach developed by the Victorian Disability Services Commissioner in their booklet ‘Everything you wanted to know about complaints…’:

## <http://www.odsc.vic.gov.au/wp-content/uploads/Booklet_everything_youwantedtoknow_.pdf>

## The approach recognises that people who make a complaint are generally seeking one or more of these four outcomes:

## Acknowledgment

* genuinely listening to the person without interrupting
* empathising
* making sure the person feels comfortable talking to you, and being aware of whether you are feeling defensive and how this may be perceived
* acknowledging how the situation has affected the person
* rectifying by asking the person what a good outcome would look like for them, and
* notifying the person regularly and promptly of the steps that will be taken in response to their complaint, ensuring commitments aren’t made that can’t be fulfilled

## Answers

People want to know why something has or has not happened, or why a decision was made. People need to understand what has happened in order to better understand how they can move on to resolving their concern. Answers should include a clear explanation that is relevant to the concern raised but ONLY if the facts are known.

## Action

* what will be done
* who will do it
* when it will be done by
* how the progress of the complaint and outcomes will be communicated to the person making the complaint and the participant,
* how the progress of the complaint actions and implementation will be oversighted

## Apology

An apology may be part of, or the sole outcome a person is seeking when they make a complaint.

It is important to consider who should provide the apology and the form of the apology. A genuine apology can be a meaningful step, however a poorly provided apology can make the situation worse. An apology should often come from the person complained about, as well as a more senior member of the organisation, in order for the person complaining to be satisfied that their concerns were taken seriously.

When providing an apology, it is helpful to consider:

* timeliness
* sincerity
* being specific and to the point
* accepting responsibility for what occurred and the impacts caused
* explaining the circumstances and causes (without making excuses), and
* summarising key actions agreed to as a result of the complaint.

## Referring complaints

The complaints management and resolution system must ensure that complaints are referred or notified to any other bodies if required by law. For example, a complaint may raise an issue that concerns the possible commitment of a criminal offence and, in such a case, it must be referred to the appropriate law enforcement. It is the responsibility of each NDIS provider to understand and comply with any relevant mandatory reporting or other obligation it has under the Australian law for example, work health and safety laws.

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**Record keeping requirements**

A registered NDIS provider must keep and maintain appropriate records of all complaints received by the provider. This will include, where appropriate:

· information about the complaint

· any action taken to remediate or resolve complaints, and

· the outcome of any action taken.

***Records must be kept for 7 years from the date the record was made***

## After a complaint has been dealt with

It is important that you have systems in place to allow the organisation to reflect on the complaints process and any outcomes. This includes ensuring that you are checking in with the person who made the complaint for feedback around the finalisation of their complaint, and their response to any follow up or implementation of actions.

Things to consider:

· What was the complaint about? What service, policy or procedure did it call into question?

· What was the experience for the person who made the complaint, or for any affected participant? Were the issues resolved for them?

· What information did the complaint provide that will allow you to identify and improve those services, policies and procedures and our organisation as a whole?

· How effectively did we communicate with the person who made the complaint, any affected participants, affected staff and other stakeholders?

· Do people using our services, their families, carers and friends require more or improved information about their rights and the complaints process? Does the person who made the complaint feel more comfortable about speaking up in the future?

· Does anything need to change in our complaints handling system or approach to dealing with complaints?

· Do staff require further training?

· Did the handling of the complaint reflect our stated values and expectations for complaint handling? Or, was the complaint perceived as something negative that needed to be dealt with as quickly as possible?

**6.2 Compliments**

Compliments where the service has exceeded normal expectations will be acknowledged within five working days.

**6.3 Suggestions and Feedback**

Where feedback or suggestion is made, it will be referred to the Mix It Up – *Live life your way* Business Owner for consideration. Acknowledgement of receipt of the feedback or suggestion will be acknowledged will be made to the originator within two business days of receipt, where the identity of the originator is known.

The Mix It Up – *Live life your way* Business Owner will communicate any decision made to the person who provided the suggestion or feedback.

Where a worker or sub- contractor receives information in relation to a compliment, complaint or feedback and that information is outside their area of role responsibility. This information must be promptly reported to the Mix It Up – *Live life your way* Business Owner.

Acknowledgement of any written complaint will be made within two business days of its receipt.

**6.4.1 Minor Complaints**

Minor complaints are complaints where the facts are not in dispute, the inconvenience or distress to the participant is minor and for a defined period, for example:

* Annoyance caused due to failure to return a phone call.
* Possible overcharging of an account.

Minor complaints are normally addressed at the time they are raised. In the event that the complaint is not resolved at the time it is raised, the complaint is the referred to the Mix It Up – *Live life your way* Business Owner.

* Further action if required, including advising complainant of their next action if required.
* Document outcome and any changes made as a result of the complaint.

**6.4.2 Major Complaints**

Major complaints must be reported to the Mix It Up – *Live life your way* Business Owner. Major complaints are those which may be reoccurring, and have a greater impact on the complainant, for example:

* Poor Management of care and support
* Not completing a scheduled appointment or service

Persons raising a major complaint will be asked if they agree to be identified during the investigation process. If the Mix It Up – *Live life your way* business owner does not receive permission from the complainant to act:

* The complainant will be advised that all reasonable steps will be taken to deidentify the complainant.

If the evaluation of action taken on the complaint is ongoing and feedback from the Mix It Up – *Live life your way* business owner to the complainant is required, it should be provided every 14 days unless otherwise agreed.

**Reportable incidents**

**Critical Complaints**

Mix It Up – *Live life your way* must report to the NDIS Commission serious incidents (including allegations) arising in the context of NDIS supports or services, including:

* the death of an NDIS participant
* serious injury of an NDIS participant
* abuse or neglect of an NDIS participant
* unlawful sexual or physical contact with, or assault of, an NDIS participant
* sexual misconduct committed against, or in the presence of, an NDIS participant, including grooming of the NDIS participant for sexual activity
* the unauthorised use of a restrictive practice in relation to an NDIS participant.

**This does not replace existing obligations to report suspected crimes to the police and other relevant authorities.**

Mix It Up – *Live life your way is* responsible for preventing, responding to, and managing incidents. Mix It Up – *Live life your way* has in place internal management and reporting system to ensure that all incidents (not just reportable incidents) are recorded, and that actions are taken to respond to them and prevent such incidents from happening again.

Mix It Up – *Live life your way considers the below examples as high risk incidents that would require investigation:*

* Incidents of reportable assaults
* Harassment of participants
* Participants’ demonstrating severe distress.
* Issues relating to criminal investigation of matters relating to the participant.
* Issues that could immediately threaten the health, safety or well-being of the participant.
* Significant risk to Mix It Up- *Live life your way.*

**Timeframes for reporting**

Most reportable incidents must be notified to the NDIS Commission within 24 hours of a provider’s key personnel being made aware of it, (Critical complaints must be reported to the Mix It Up – *Live life your way* business owner within 4 hours of being identified). A more detailed report about the incident and actions taken in response to it to be provided within 5 business days.

The unauthorised use of restrictive practice must be notified to the NDIS Commission within 5 business days of a provider’s key personnel being made aware of it. If there is harm to a participant, it must be reported within 24 hours.

A final report may also be required within 60 business days of submitting the five-day report. The NDIS Commission will advise providers whether a final report is required.

In all cases, providers must assess:

* the impact on the NDIS participant
* whether the incident could have been prevented
* how the incident was managed
* what, if any, changes are required to prevent further similar events occurring.

Mix It Up – *Live life your way* must make their records available to auditors as part of the quality assurance process, and contribute to NDIS Commission investigations relating to incidents.

If the complaint can be resolved, the Mix It Up - *Live life your way* business owner will direct the action required, document the action taken and evaluate whether further actions are required.