

Feedback and Complaints Policy

This policy instrument was approved by the Senior Leadership Team on 23rd May 2019.

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Scope

This Policy applies to all Staff and Clients, Agency wide.

Purpose

The purpose of this document is to assist Staff and Clients in understanding Marist180’s response to Feedback and Complaints, in order to comply with current contractual requirements. Marist180 follows principles of Procedural Fairness and Natural Justice and complies with the requirements under; Children and Young Persons (Care and Protection) Act 1998 (NSW); Community Housing Providers (Adoption of National Law) Act 2012 (NSW), Community Services (Complaints, Reviews and Monitoring) Act 1993, National Disability Insurance Scheme (Complaints Management Resolutions) Rules 2018; Privacy Act 1988 (Cth); and the National Catholic Safeguarding Standards.

Marist180 is committed to:

- Consistent decision making.
- Providing information about the Complaint and Feedback process, responsibilities and the recording of information.
- Best practice in service delivery to Clients.
- Thorough investigation of Feedback and Complaints, including concerns, suspicions, disclosures, breaches or allegations of abuse, systemic failures, criminal conduct, as required by relevant legislations.
- Continuous Improvement of services utilising Feedback and Complaints.

Policy

Marist180 is committed to providing the best outcomes for Feedback and Complaints

Marist180 recognises that feedback provides opportunities to:

- review service provision.
- ensure service delivery is consistent with Marist180's Mission and Vision statements.
- Identify and rectify areas that need improvement.
- Efficiently and appropriately manage complaints.
- Acknowledge the performance of staff members.

Marist180 is committed to a Complaints and Feedback process which is:

- Fair and open.
- Effective and efficient.
- Responsive and client centred.
- In line with Privacy and Confidentiality protocols.

Managing Feedback and Complaints

In receiving Feedback or Complaints, Marist180 will follow the Commonwealth Ombudsman's "Better Practice to Complaint Handling" by:

- Sending an automated response with a Personalised Ticket Number when submitted externally via M180 website.
- Acknowledging receipt of Feedback and Complaints within two (2) business days where possible, and if a response has been requested.
- Assessing the complaint, give priority and allocate.
- Investigate the issue raised where relevant and decide on any actions or improvements that may be required.
- Advise relevant government departments and/or external agencies where required to under legislation.
- Respond to the individual making the complaint within 28 business days of receipt (or sooner if required by contract or legislation) with the outcome of the investigation. If the matter cannot be resolved within this time, Marist180 will advise the individual of the reasons for the delay and provide a revised timeframe.
- Ensure appropriate records are maintained in accordance with Marist180 Policies and Procedures, any applicable program or contractual requirements, and applicable Privacy legislation.

Using Feedback and Complaints to Improve Quality

At Marist180 we strive to provide the best possible service to Staff and Clients. We view all Feedback and Complaints we receive as an opportunity to develop and improve the quality of our services. Marist180 reviews the Feedback and Complaints we receive as part of monitoring and improving our services. Summary information from our Feedback and Complaints systems is analysed and used in our service design and improvement activities to continually improve the quality and effectiveness of our services. **[Refer to Quality and Continuous Improvement Policy]**

We may use feedback from stakeholders in our publications (e.g., Annual Report), newsletters, marketing material, and for training and quality assurance purposes. This is always done in a way that protects the identity of the individual, or if this is not possible or appropriate, with their express permission. **[Refer to Media Consent Form]**

A Positive Approach to Complaint Management

Decisions and actions taken by Marist180 should be assessed against the impact on, and needs of, the Clients. That is the core concern of the Agency. The approaches used to respond to our Clients are also appropriate in resolving issues with Staff.

Marist180 encourages reporting of complaints as a way of assisting the Agency with maintaining quality and continuous improvement. Complaints are an opportunity for change and improvement in service delivery and Staff skill levels. Marist180 encourages Clients to provide feedback via a variety of channels.

Responses to every complaint must be:

- Procedurally fair.
- Prompt.
- Calm.
- Consistent.
- Clear.
- Linked to service delivery.

External Feedback and Complaints

When a complaint is received from an external source (e.g., DCJ, property neighbours, NDIS providers/assessors, or other complaint bodies or agencies) either by phone, email or letter, Staff receiving the complaint should notify the relevant People Manager. When lodging Feedback or Complaints, the below four (4) key components must be provided:

1. What happened?
2. When did this happen?
3. Where did this occur?
4. Who did this or who else was present?

A decision is then made about the most appropriate way to respond. Responses can be via a phone call, email, letter or a meeting to address the issue. An investigation may also be required depending on the nature of the complaint. A record of all external complaints should be kept in the Feedback and Complaints Register.

Internal Feedback and Complaints

When Feedback and Complaints are received from an internal source (Staff or Clients) either by phone, email or letter, Staff receiving the complaint should notify the relevant People Manager. When lodging Feedback or Complaints, the below four (4) key components must be provided:

1. What happened?
2. When did this happen?
3. Where did this occur?
4. Who did this or who else was present?

A decision is then made about the most appropriate way to respond. Responses can be a phone call returned, an email, a letter or a meeting to address the issues. An investigation may also be required. A record of all internal complaints should be kept by the Safeguarding Compliance Officer through the Feedback and Complaints Register.

Determining the response level

Marist180 has developed a three-tiered model to respond to complaints. When an issue arises or a complaint is made. The person who receives the complaint needs to decide where the complaint sits within the three tiers. It is appropriate to seek input from your relevant People Managers as well as the person making the complaint in deciding the most appropriate response.

Level 1

A Level 1 Response is required for Feedback and Complaints regarding the below, which can be handled by frontline Staff and People Managers. These matters include, but are not limited to:

- A complaint about service delivery, including residential facilities which can be managed directly by Staff or People Managers.
- First or second time low level performance, issues that should only require a reminder, direction or limited support/development from a People Manager.
- Matters that have not placed Clients, Staff or other people or property at risk of any harm or injury.
- Matters, that if occur again, would not cause harm or serious concern to another.
- Staff complaints may be included at this level depending on its nature.

Where the matter cannot be resolved by frontline Staff and People Managers in a timely manner, or a client of Marist180 contacts Marist180 complaint officer directly, the matter may be escalated to Level 2 for response or action from a senior member of Marist180. The matter will be entered into the Marist180 Feedback and Complaints Management System.

Level 2

Level 2 is where either a complaint requires review or the complaint is of a more serious or complex nature, requiring further investigation or it concerns an issue that requires a response or action from a senior member of Marist180. Complaints that involve allegations of misconduct by Staff or performance issues should be escalated to at least this level after having been entered into the Marist180 Feedback and Complaints Management System. These matters include, but are not limited to:

- Complaints by external agencies, neighbours, Department of Communities & Justice (DCJ), NDIS or other government or complaint bodies.
- Any complaint about Staff performance, made by a member of the public, Staff or Clients.
- Low level performance issues that have been repeated and not resolved and escalated to a more serious performance issue. That is, there is now potential for there to be employment implications or if repeated again could cause injury or serious concern to another.
- Performance issues of a more serious nature – whether “one off” or repetitive; is likely to result in more significant employment consequences.
- Performance issues that have caused some grief or difficulties to Clients, Staff or other person or property does not amount to “Reportable Conduct” (as defined by the NSW Ombudsman) or amount to placing Clients at immediate risk of harm or injury.
- Misuse of Agency property including money.
- Performance that involves an allegation of criminality such as stealing, fraud, assault, illicit drug use or possession.
- Sexual harassment or unlawful discrimination.

Level 3

A Level 3 response is required for complaints or allegations that involve serious misconduct, child protection matters, fraud or corruption or potentially criminal behaviour requiring a high-level oversight and investigation by an experienced investigator. These include any allegation that would meet the criteria of “Reportable Conduct” as defined by the NSW Ombudsman and other matters that require liaison or response to external authorities around compliance. These matters include, but are not limited to:

- Behaviour that is likely to result in injury to Clients.
- Any complaint about a breach of boundaries of a sexual nature or inappropriate relationship with Clients.
- A breach of Code of Conduct e.g.: consuming alcohol at work or coming to work intoxicated.
- Bullying or intimidating conduct towards Staff or Clients.
- Allegations of “Reportable Conduct” (as defined by the NSW Ombudsman).
- Matters in which the actual conduct of Staff required a report to other authorities e.g.: Police, DCJ, NSW Commission for Children and Young People (CCYP), Department Immigration & Citizenship (DIAC), NDIS Quality and Safeguards Commission, Office of Children’s Guardian (OCG), NSW Ombudsman etc.
- Any systemic complaints that require liaison or response to external authorities around compliance e.g.: SafeWork NSW, employment screening and accreditation.

Reviewing complaints

If you are not satisfied with Marist180’s response to your Feedback or Complaint, you can contact any one of following complaint bodies:

Community Housing related complaints:

Housing Appeals Committee (HAC)

Phone: 1800 629 794

Website: <https://www.hac.nsw.gov.au/how-to-appeal/appeal-online>

Registrar of Community Housing (RCH)

Phone: 1800 330 940

Website: <https://www.nrsch.gov.au/complaint form>

Disability related complaints:

NDIS Quality and Safeguards Commission

Phone: 1800 035 544 (free call from landlines) or TTY 133 677 (& for interpreters)

[National Relay Service](#) and ask for 1800 035 544.

Website: <https://www.ndiscommission.gov.au/about/complaints>

OOHC Service-related:

NSW Ombudsman

Phone: (02) 9286 1000 or 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Website: <https://www.ombo.nsw.gov.au/complaints>

Tenancy & Guardianship related:

National Civil and Administrations Tribunal (NCAT)

Phone: 1300 006 228

Website: <https://www.ncat.nsw.gov.au/>

Department of Communities & Justice (DCJ)

[Follow the link to choose the correct avenue for the type of complaint.](#)

Website: <https://www.DCJ.nsw.gov.au/about/contact/complaints>

Office of the Children's Guardian (OCG)

Phone: 02 8219 3600

Email: ocg@ocg.nsw.gov.au

Website: [Complaints - NSW Office of the Children's Guardian](#)

Training

All Staff are to have access to, and be aware of, this Policy and the accompanying Feedback and Complaints Management Procedures. Marist180 provides training for Feedback and Complaints annually.

Legislation

- [Better Practice Guide to Complaint Handling](#)
- [Children and Young Persons \(Care and Protection\) Act 1998 \(NSW\)](#)
- [Children and Young Persons \(Care and Protection\) Regulation 2012](#)
- [Community Housing Providers \(Adoption of National Law\) Act 2012 \(NSW\)](#)
- [Community Services \(Complaints, Reviews and Monitoring\) Act 1993](#)
- [National Catholic Safeguarding Standards](#)
- [National Disability Insurance Scheme \(Complaints Management and Resolution\) Rules 2018](#)
- [National Disability Insurance Scheme \(Incident Management and Reportable Incidents\) Rules 2018](#)
- [National Disability Insurance Scheme Act 2013](#)
- [National Disability Insurance Scheme NDIS \(Quality and Safeguards Commission and Other Measures\) Transitional Rules 2018](#)
- [Privacy and Personal Information Protection Act 1988 \(Commonwealth\)](#)

Related policies, procedures and forms

- [Code of Conduct](#)
- Child Protection Policy
- Child Protection Procedures
- Client Complaint Form, Procedure & Appeals (Program specific)
- Feedback and Complaints Form
- Feedback and Complaints Register (Program specific)
- Having Your Say Form (Program specific)
- Managing Allegations against Staff Policy
- [Managing Allegations against Staff Procedures](#)
- Notification to the Registrar Policy
- [Privacy Policy](#)

Review

Annually as part of the Policy review schedule

Document history

Revision Date	List of Changes	Author	Approval
Nov 2010	Version 1, Draft Complaints Policy.	-	-

July 2011	Version 2, Approved Feedback & Complaints Policy.	-	-
Sept 2012	Version 3, Updated (position title & Minor updates).	-	-
March 2016	Version 4, Reviewed.	-	-
January 2018	Version 5, Updated.	-	-
April 2018	Version 6, Updated to new format.	-	-
29/04/2019	Version 7, Final Draft – Anastasiya Holubko.	AH	GR
1/05/2019	Version 8, Graham Rands Approved.	AH	GR
3/05/2019	Version 9, Peter Monaghan approved.	AH	PM
10/09/2020	Version 10, Anastasiya Holubko – terminology & complaint bodies.	AH	PM

Definitions

Client - A person participating in a program and receiving services provided by Marist180. The term includes Young People, Children and Adults.

Complaint - Any expression of dissatisfaction within Marist180 services and programs, Staff, Policies or Procedures.

Feedback – Relates to opinions, comments and expressions of interest that can be positive or negative regarding programs, services and Staff.

NDIS Commission - National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission is an independent government body that will work to improve the quality and safety of NDIS services and supports, investigate and resolve problems, and strengthen the skills and knowledge of providers and participants across Australia.

People Manager - anyone who manages people; the person in authority at a point in time, e.g., House Manager or Program Manager.

Procedural Fairness - Procedural Fairness is a legal principle that ensures fair decision making. It has developed over time as a result of decisions by the Courts in administrative law cases. Some decision-making processes, such as Code of Conduct decisions, have codified procedural fairness obligations, meaning that the legislation expressly provides for procedural fairness.

Reportable Conduct - Section 25A(1) of the Ombudsman Act defines 'Reportable Conduct' as:

- any sexual offence or sexual misconduct committed against, with or in the presence of a child - including a child pornography offence;
- any assault, ill-treatment or neglect of a child; and/or
- any behaviour that causes psychological harm to a child – even if the child consented to the behaviour.

Staff - Includes employees [whether permanent, temporary or casual], carers, volunteers, contractors, consultants, agents, students undertaking work or professional experience.