Complaint REsolution procedure

## Title

Complaint resolution procedure.

## Purpose

This procedure outlines complaint resolution processes which support better relationships, ensuring complaints are resolved fairly and respectfully.

## Introduction

The Restrictive Practices Unit (RPU) is responsible for delivering a high-quality restrictive practices authorisation scheme for:

* South Australian National Disability Insurance Scheme (NDIS) participants, their legal guardians, families, and advocates
* NDIS service providers
* members of the disability community.

The RPU complaint resolution procedure aims to:

* provide safeguards for people with disability
* meet people’s entitlements to pursue complaints and seek a resolution
* improve relationships
* fix problems before they escalate
* put things right and find solutions
* increase satisfaction
* improve operations
* meet community standards and expectations.

The RPU will ensure people have:

* clear and simple information and processes
* accessible and safe ways to communicate their concerns
* support to make a complaint and participate in the resolution process.

Anyone can raise a complaint about RPU’s services. Complaints can be made directly to the RPU.

This procedure is consistent with the Department of Human Services [customer feedback and complaints policy.](https://dhs.sa.gov.au/about-us/policies/corporate/customer-feedback-and-complaints-policy) It is informed by the Australian Standards complaint management in organisations (AS 10002:2022), Commonwealth Ombudsman [better practice complaint handling guide](https://www.ombudsman.gov.au/__data/assets/pdf_file/0019/112276/Better-Practice-Guide-FINAL-v6-A2111312.pdf) and Premier and Cabinet Circular [PC 039 complaint management in the South Australian public sector](https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/PC-039-complaint-management-in-the-SA-public-sector.pdf).

## Principles

The RPU will resolve complaints in a way that is focussed on strengthening the relationship with the complainant, and supports their full participation in the process. The complainant’s perspective is the starting point, and interactions are focussed on ‘putting matters right’ and building better relationships.

Complaints are resolved in a timely and fair manner, with the complainant and impacted parties treated with respect, dignity, and generosity.

The complaint resolution process is led by the RPU. The RPU will take all reasonable and fair steps to enable the complainant to participate in the resolution process, as this increases the likelihood of the complainant being satisfied with the outcome. The complainant’s needs, preferences and desired outcomes are sought and responded to throughout the resolution process.

## Scope

This procedure is written for RPU staff to use when resolving complaints about RPU services. It helps people with disability, their family and NDIS service providers to know what to expect when a complaint is raised.

#### Definition

‘A complaint is an expression of dissatisfaction made to or about an agency, related to its products, services, employees or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.’ [[1]](#footnote-1)

#### Exclusions

Reviewable decisions made under Part 6A of the *Disability Inclusion Act* 2018 follow the appeal process. Reviewable decisions are:

* restrictive practice authorisation decisions
* decisions about who can be an authorised program officer.

Complaints about supports and services provided by NDIS providers are managed by the relevant NDIS provider or the NDIS Quality and Safeguards Commission.

Allegations of misconduct and harm of a person with a disability are to be referred to relevant internal and external agencies.

RPU provides a ‘no wrong door’ response to complainants. Clear and appropriate referral pathways are provided when issues are not within the scope of this procedure.

Process

## 1. Identify and log

Identify the matter as a complaint about Restrictive Practices Unit (RPU) services. Be alert to problems and issues that might constitute a complaint even when the word ‘complaint’ is not used.

RPU staff will gather information about the:

* person (complainant)
* issue/s
* outcomes sought.

Begin to log the complaint.

### Address barriers

Address barriers that impact on a person’s ability and/or willingness to make a complaint and engage in the complaint resolution process. RPU staff will:

* seek the complainant’s communication and engagement preference and needs. This includes venues for meetings, the people to be present (including cultural support), methods of communication.
* encourage the complainant to engage in the process to the degree which they feel comfortable and able.

### Manage expectations

RPU staff will help the complainant to identify the outcomes and options that can be achieved within the complaint resolution process.

### Refer on

RPU staff will offer alternative pathways where the complaint is outside the procedure’s scope. Staff will demonstrate the principle of ‘no wrong door’ and provide supported referrals that reduce the need for complainants to repeat themselves.

## 2. Acknowledge

Acknowledge receipt of the complaint verbally and in writing. Written communication must be accessible to the complainant.

Immediate responses include:

* ‘thank you for making contact and raising the issue’
* ‘complaints help us to improve our service’
* ‘raising a complaint does not affect services received or our relationship’.

Explain the complaint process as outlined in this procedure.

## 3. Assess and triage

RPU staff will:

* assess information received
* triage the complaint
  + simple
  + complex/sensitive
* determine next steps
* establish timeframes.

Check with the complainant to see if they agree with the triage assessment and adjust if required.

### Response timeframes

In most instances, a simple complaint will be resolved at the first point of contact.

For complex and/or sensitive matters, the RPU will aim to resolve the complaint:

* within 5 working days, or
* as negotiated with the complainant.

Complex and sensitive matters may require additional time to:

* support the complainant to communicate and contribute to the resolution process in a meaningful way
* make enquiries and seek contributions from affected parties.

### Continuity of service

The complaint should be resolved by the initial responder to ensure continuity of service. This may not be possible where the complaint is complex or sensitive, or when an actual or perceived conflict of interest arises.

Ensure the complainant has the name of the person who will be working with them to resolve their complaint.

### Complaints about RPU staff

Complaints about the conduct of RPU staff are responded to by the Senior Authorising Officer (SAO). Complaints about the SAO are referred to the executive director responsible for the RPU in the [Department of Human Services](https://dhs.sa.gov.au/__data/assets/pdf_file/0010/136279/DHS-Org-Chart.pdf) (DHS).

Complaints about RPU staff conduct are managed in a way that is consistent with DHS staff conduct processes.

## 4. Resolve early or make enquiries

### Resolve early

RPU staff may resolve a simple complaint at the first point of contact.

Resolving early requires RPU staff to:

* have a clear understanding of key issues and outcomes sought
* have sufficient information and delegation to make a sound decision
* provide a prompt, fair and reasonable response to the complainant.

### Enquiries

The nature and scope of those enquiries are dependent on the circumstances of each matter.

RPU staff will:

* speak with the complainant and impacted parties
* gather information
* consult with senior or specialist professionals
* form and test tentative conclusions with the complainant
* finalise the conclusion and communicate this to the complainant
* resolve the complaint based on agreed actions.

### Provide updates

RPU staff will provide progress updates to the complainant if the resolution process takes longer than 5 working days.

## 5. Communicate outcome

RPU staff will communicate the outcome to the complainant. This includes providing an explanation of the process undertaken and considerations made to reach the outcome.

RPU staff will provide the following information to the complainant:

* an explanation of the process and outcome
* reasons for decisions made
* any changes made as a result of the complaint
* an acknowledgment thanking the complainant for raising the complaint and participating in the process
* expression of complainant’s right to escalate the complaint and available options.

Verbal communication of the outcome is to be followed by written communication. Written communication must be accessible to the complainant.

## 6. Redress – ‘putting things right’

When a mistake has occurred, and/or when someone has been harmed or disadvantaged, RPU staff will take steps to ‘put things right’. This means RPU staff will take fair and reasonable steps to ensure the situation is corrected and the complainant is restored to their original position.

An offer to ‘put things right’ occurs at the final stages of the resolution process and occurs with the complainant. Redress may involve:

* listening
* understanding
* acknowledging mistakes
* explanation
* sincere apology is offered
* reconsidering conduct
* restitution
* amending documentation
* changing policy or practice to prevent reoccurrence.

Redress is very important for people who have experienced a loss or injustice, especially if they have had previous life experiences of injustices, exclusion and marginalisation.

RPU staff will consider forms of redress that directly affect the complainant (for example, mistakes acknowledged), as well as other responses that may be indirect but improve systems for others (for example, change in practice).

## 7. Finalise and/or escalate

RPU staff will seek the views of the complainant on the outcome. If satisfied, RPU staff will finalise the complaint resolution process.

If dissatisfied, RPU will:

* acknowledge dissatisfaction and clarify the complainant’s perspective
* explore and consider further actions which should be taken by the RPU
* provide escalation pathways.

RPU staff will finalise the complaint verbally and in writing. Written communication must be accessible to the complainant.

### Administration

Documents about the complaint resolution process are to be completed and saved on Objective.

A record of the complaint is recorded on DHS Gov SAfety hazard and incident reporting system.

## 8. Feedback systemic issues

Record systemic issues on relevant log and save on Objective.

The personal information of complainants and people who are the subject of a complaint are to be kept confidential. They are only used for the purposes of addressing the complaint and any follow up actions.

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1. Department of the Premier and Cabinet, 2018, Premier and Cabinet Circular: PC 039 – Complaint management in the South Australian Public Sector, Government of South Australia, accessed 20 September 2022. [↑](#footnote-ref-1)