

		Managing Complaints	Policy & Procedure
Document name	Managing Complaints	CEO approved	
Category	Organisational Governance		
Version	7	Approval date	May 2023
Implementation date	24 May 2023	Review date	May 2026

### Purpose

The purpose of this Policy and Procedure is to provide a transparent and easy to follow process for everyone to provide feedback and/or lodge a complaint with Identitywa.

### Who is the Policy and Procedure for?

It is for all workers, participants, their support network, advocates, and the wider community.

### Policy Statement

Identitywa is committed to ensuring workers, participants, their families and/or carers, advocates, and members of the wider community, are free to discuss their concerns and lodge a complaint without prejudice. Identitywa strives to be open and honest. Therefore, complaints and other feedback made by all parties are welcomed, acknowledged, respected, and issues managed timely and appropriately. Outcome findings guide service improvements, adjustments of policies and procedures and worker training where required. Identitywa considers complaints as an opportunity for continuous improvement of its services to participants.

The general principles guiding the NDIS Act, include that:

- People with disability have the same right as other members of Australian society, to pursue any grievance.
- People with disability are respected for their worth and dignity and to live free from abuse, neglect, and exploitation.
- People with disability are able to determine their own best interests including the right to exercise choice and control and to engage as equal partners in decisions that will affect their lives to the full extent of their capacity.
- Have their privacy and dignity respected.
- Have the role of families, carers and other significant persons in their lives acknowledged and respected.
- Innovation, quality, continuous improvement, contemporary best practice, and effectiveness in the provision of supports to people with disability are to be promoted.

These principles are adhered to by Identitywa. The NDIS Code of Conduct underpins the service's response to complaints.

At any stage, a complainant can address their grievance directly with the NDIS Commission. Records relating to complaints are provided to the NDIS Commissioner when requested.

The complaints process is undertaken with consideration of procedural fairness and addresses any conflict of interest prior to the process commencing.

## Procedure

### Who can make a complaint?

Any person including participants, their families and carers, contractors or members of the public who feels aggrieved or dissatisfied about an Identitywa service, contact or situation.

### Anonymous complaints

If a complainant does not wish to provide their name, Identitywa will still investigate their complaint. The complainant will be asked how they would like to be advised of the outcome of the investigation.

### Vexatious complaints and unreasonable complainants

A vexatious complaint is one which is raised, regardless of its merits, to harass, annoy or subdue. Fair consideration must be given to the complaint.

### How to make a complaint

A complaint can be raised in a variety of ways, including:

- Telephone: 08 9474 3303 (interpreter services can be arranged if required)
- Email: [feedback@identitywa.com.au](mailto:feedback@identitywa.com.au)
- Writing: PO Box 278, Leederville, WA, 6902
- Identitywa Website <https://www.identitywa.com.au/get-involved/we-value-your-views/>

**Note:** [We Value Your Views](#) and [Let's Have a Chat](#) feedback forms

Although it is ideal to have the details of who is making the complaint, complaints can be lodged anonymously.

### Complaints Investigation and Resolution Process

- When a complaint is received, it is allocated to the Office of the CEO.
- The complaint is lodged in the Complaints Register and the CEO is advised.
- A letter acknowledging the complaint is sent to the complainant within two (2) business days. The letter provides the following
  - Outlines the expected duration for the completion of the complaint, which is usually fourteen (14) days.
  - information about the complaints process
  - Advocacy Policy
  - Complaints Policy
  - A list of advocacy services - Identitywa acknowledges the important role that advocates make in assisting with issues such as complaints. Therefore, it encourages complainants to seek an advocate if required.
  - Information provided to the complainant is made in an appropriate format, including Easy Read format, if preferred.
- The complainant is supported to identify and access an advocate, if needed. Identitywa works with all decision makers identified for the participant. The Advocacy Policy & Procedure provides further information.
- Any potential conflicts of interest are identified prior to the complaint's investigation commencing.
- Once the complaint is lodged, an investigation is conducted by an appointed internal or external investigator.
- Complaints are handled with the highest of confidentiality, and only those directly involved in the resolution of the complaint, have access to records, unless disclosure is required by law.

- The investigation may include interviews and document reviews and is conducted as per Investigation Policy & Procedure.
- Any correspondence, meeting minutes and verbal discussion notes including telephone discussions with persons involved are documented.
- A Complaint Investigation and Resolution Report is drafted with possible recommendations if appropriate and discussed with the CEO and/or Executive team.
- The CEO or relevant Executive Manager discusses resolution options with the participant/complainant/family.

### **Feedback on outcome**

Once the complaint investigation has been completed and an outcome received, the complainant is contacted and presented with the outcome. If the complainant is satisfied with the outcome, the complaint is closed, and a formal letter sent to the complainant.

The complainant is invited to attend a meeting, where they can provide feedback about the complaints process and their level of satisfaction with the outcome. Participants who have complained are supported to provide feedback. Once feedback has been obtained and the outcome resolved, the complaint is closed in the Complaints Register.

### **Options for further escalation by complainant**

If the complainant is not satisfied with the outcome and/or the complaints process, an appeal can be lodged and escalated to the CEO. If no satisfactory outcome can be agreed on and the complaint remains unresolved, the matter can be escalated to the Identitywa Board. If a complainant is still dissatisfied, they will be advised of external agencies who can help further with the resolution of the complaint.

The complainant can proceed externally to the following:

- Archbishop of Perth – 08 6104 3650.
- **Complaints to the NDIS Commissioner**  
Complaints can be raised directly with the NDIS Commissioner.
  - **Phone:** 1800 035 544 (free call from landlines) or TTY 133 677.
  - Interpreters can be arranged.
  - National Relay Service and ask for 1800 035 544.
  - Complete a complaint contact form available online:  
<https://www.ndiscommission.gov.au/about/complaints>

Should a person want to lodge a complaint about the CEO, the complaint will be sent to the Chairperson of the Board.

### **Reportable Incidents**

The following are reportable incidents:

- The death of a person with disability.
- Serious injury to a person with disability.
- Abuse or neglect of a person with disability.
- Unlawful sexual or physical contact with, or assault of, a person with disability.
- Sexual misconduct committed against, or in the presence of, a person with disability, including grooming of the person for sexual activity.
- Use of a restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation (however described) of a state or territory in relation to the person, or if it is used according to that authorisation but not in accordance with a Behaviour Support Plan for the person with disability.

If a complaint is identified as a reportable incident, the complaint will be handled as per the Reportable Incident (NDIS) Policy & Procedure, Investigation Policy & Procedure, and the Accident and Incident Policy & Procedure.

Any complaint identifying illegal activities will be reported to the authorities e.g., WA Police.

The Managing Complaints Policy & Procedure is available on the Identitywa website, including in Easy Read. The complaints process is not discriminatory and is accessible to people from a diverse range of backgrounds.

### **How do we know we are getting it right?**

Participants and their support network are aware of and have access to Identitywa's complaints management and resolution system. Their feedback and/or complaint is logged, investigated, and responded to in a timely manner. Options for improvements are addressed wherever possible, including a review of relevant Policies & Procedures. Feedback on the outcome is provided to the complainant as appropriate.

This document is reviewed within the framework of Identitywa's quality assurance and continuous improvement process, in consultation with key stakeholders. Process performance and effectiveness are measured against Identitywa's standards, objectives, and practices as part of a scheduled review of this and other related documents based on the level of risk to participants and the organisation.

All Identitywa policies and procedures are measured against the NDIS Practice Standards and other applicable standards, such as the National Catholic Safeguarding Standards.

### **Definitions**

#### **Complainant**

The person who is raising a complaint.

#### **Participant**

A person supported by Identitywa, such as a client, resident, or other recipient of services.

#### **Support Network**

Family, friends, carers, guardian, advocate, and other people who have a supportive relationship with a participant.

#### **Worker**

A person who carries out work in any capacity for a person conducting a business, including work as:

- An employee
- A contractor or sub-contractor/sole trader
- An employee of a contractor or sub-contractor or sole trader
- A student, trainee, apprentice, volunteer, or host.

### **The legal and regulatory requirements we have to follow**

[Guardianship and Administration Act 1990](#)

[National Catholic Safeguarding Standards](#)

[National Disability Insurance Scheme \(NDIS\) Act 2013](#)

[NDIS Code of Conduct](#)

[NDIS \(Complaints Management and Resolution\) Rules 2018](#)

[NDIS \(Incident Management and Reportable Incidents\) Rules 2018](#)

[NDIS Practice Standards and Quality Indicators November 2021 Version 4](#)

[NDIS \(Provider Registration and Practice Standards\) Rules 2018](#)

[NDIS \(Quality Indicators\) Guidelines 2018](#)

[NDIS \(Restrictive Practices and Behaviour Support\) Rules 2018](#)

[Privacy Act 1988](#)

### **Other related documents**

Accident & Incident Policy & Procedure

Advocacy Policy – Easy Read

Advocacy Policy & Procedure

Complaints Procedure – Easy Read

Conflict of Interest Policy – Easy Read

Getting help from an advocate – Easy Read

[Health and Disability Services Complaints Office \(HaDSCO\) Information Sheet ‘Helpful tips for handling a complaint’](#)

Investigation Policy & Procedure

Let's Have a Chat feedback form - Easy English

[NDIS Complaints fact sheet](#)

[NDIS Handling complaints and fixing problems – Easy Read](#)

Participation in Service Improvement Policy & Procedure

Privacy Policy – Easy Read

Privacy Policy and Procedure

Protection of Participants Policy & Procedure

Reportable Incident (NDIS) Policy & Procedure

Rights Policy

Worker Grievance Policy and Procedure

We Value Your Views - feedback form

Your Rights Policy – Easy Read

### **Do you need to know more?**

If you have any questions regarding policies, procedures, and reviews or if you would like to be involved in our policy development program, please contact the Quality and Compliance Team: Contact - Telephone: (08) 9474 3303.