

**STATEMENT:**

1. Proveda is committed to best practice complaint handling to ensure that issues and concerns are dealt with efficiently and effectively and to enhance both internal and external relationships.
2. All complaints and feedback received will be managed objectively, with integrity and impartiality, and in line with Proveda's Code of Conduct policies, which in turn require adherence to the Aged Care and NDIS Codes of Conduct.
3. 'Notifiable complaints' will be identified and reported within mandatory timeframes.
4. Records of complaints will be retained in a 'Complaints Register'.
5. Complaints and feedback are valued for the role they have in producing insights and informing continuous quality improvement.

**Purpose:**

1. To ensure that information about our complaints process is available and accessible and that making a complaint or providing feedback is easy.
2. To encourage a positive approach to complaints handling that is resolution focused.
3. To have a structured system and supporting process in place for the handling of complaints and feedback by Proveda employees.
4. To ensure Proveda employees, students and volunteers are familiar and comply with the process for handling of complaints.
5. To meet legislative requirements to have a complaints resolution mechanism in place, as set out in:
  - s.56-4 and s.61-1(1)(f) of the *Aged Act 1997*
  - s.73W and s73X of the *National Disability Insurance Scheme Act 2013*
6. To ensure that 'notifiable complaints' are reported in accordance with Proveda's agreements with Sydney North Health Network.
7. To ensure that learnings from our complaint handling process addresses individual concerns as well as systemic problems, informs improvements to quality of customer care, and translates to increased customer and stakeholder satisfaction and a positive relationship with Proveda.

**Our commitments to handling complaints and feedback are:**

- Our process will be visible, easy to use and support equal access.
- We will promote a positive and blame-free complaints culture.
- Complaints and feedback are welcome from any person and may be given without fear of reprisal, retaliation, victimisation or disadvantage.
- Anonymous or in-confidence complaints and feedback are welcome.
- All complainants will be treated with empathy, courtesy and respect.
- Complaints will be handled promptly, fairly and confidentially.
- We will communicate openly and regularly about progress and the resolution of complaints, appropriately involving relevant persons in the process.
- We aim to address issues and fix problems before they escalate.

- We will treat complaints and feedback as opportunities to improve service delivery and quality of care to our customers, and with the objective of fostering a healthy workplace culture and an organisation that upholds our values.

**Scope:**

- Applicable to all Provida workers including employees, students, and volunteers receiving and/or managing complaints and feedback.
- Relates to internal and external complaints and feedback of any kind, made by any person, organisation or agency.

**Definitions:**

- **Apology** means in NSW “an expression of sympathy or regret, or a general sense of benevolence or compassion, in connection with any matter whether or not the apology admits or implies an admission of fault in connection with the matter” (s.68 *Civil Liability Act 2002* (NSW))
- **Provida Worker** includes employees, students and volunteers.
- **Complaint** means any expression of dissatisfaction, written or verbal, made by, or on behalf of; a customer, carer or other party external to Provida (e.g., another service provider, supplier, agency, organisation or member of the public).
- **Complainant** means a person making a complaint and can be any person, including but not limited to customers, carers, nominated representatives, family, a concerned 3<sup>rd</sup> party (such as a customer’s neighbour or friend), a Provida Worker, and external stake holders (such as service providers, health providers etc)
- **Notifiable complaint** is a term that relates to The Way Back service and GP Social Work service and means “*an expression of dissatisfaction made related to the service or operation, or the complaints handling itself where a response or resolution is explicitly or implicitly expected*”.
- **Open Disclosure** means a transparent discussion with a complainant when something goes wrong that has harmed or had the potential to cause harm
- **Representative complainant:** means a person who makes a complaint on behalf of another person
- **Restorative justice** means a practice that focuses on harm caused by wrongdoing and re-establishing trust
- **Wufoo ‘Complaint Form’** means the Provida online form used to internally report a complaint and is the same form which is used to report incidents and compliments.

**Responsibilities:**Chief Executive Officer (CEO)

- Authorising this policy.
- Oversight of the Provida complaints management process (with the day-to-day oversight function delegated to the Manager, Service Planning and Risk)
- Addressing any serious complaints escalated by a manager of the Leadership Team.
- Acting as the first point of contact for external agencies, e.g., NSW Ombudsman.
- Providing quarterly reports to the Board on complaints data.

Leadership Team

- Responding to individual complaints that have been escalated or where there is an expectation for a response from a manager, as relevant to their position.
- Ensuring that complaints are managed as per this policy and associated procedure, including reporting of 'notifiable complaints'
- Reviewing complaint data and developing actions to address trends at meetings.
- Providing training to all employees on Provided complaint management processes and related policies as required.
- Ensuring that material for external distribution is current, including information about alternative complaint pathways.
- Keeping abreast of relevant legislation and external requirements in relation to complaints handling.

#### Practice Managers

In addition to the responsibilities of 'All Provided Workers':

- Responding to individual complaints that cannot be handled by Provided employees or where there is an expectation for a response from a manager, as relevant to their position.
- Working with the Leadership Team to ensure that escalated 'complaints' are investigated and resolved.
- Ensuring actions are taken to address specific issues arising from the complaint
- Providing information, guidance and training to teams on the complaints process
- Reporting 'notifiable complaints'
- Keeping abreast of relevant legislation and external requirements in relation to complaints handling.

#### All Provided Workers

- Encouraging and supporting the giving of complaints and feedback
- Complying with the requirements of this policy and associated policies, including reporting complaints and feedback internally via the 'Wufoo Complaints Form'.

### **1. Overview:**

1.1 We are committed to the requirements of the **Aged Care Quality Standards** and its provisions relating to feedback and complaints management, as well as the **Charter of Aged Care Rights** which sets out legislated entitlements of our aged care customers. This includes the right to be listened to and understood, to complain free from reprisal, and to have any complaint dealt with fairly and promptly.

1.2 We are also committed to the requirements of the **NDIS (Complaints Management and Resolution) Rules 2018**, as well as the required outcomes of the **NDIS Practice Standards** in relation to complaints management and resolution, which includes ensuring that complaints about the supports and services Provided provides to NDIS customers can be made easily, and that all complaints are dealt with fairly and quickly.

1.3 Under our contractual arrangements with Sydney North Health Network in relation to mental health and GP social work services, we adhere to SNHN's ['Feedback and Complaints Policy'](#). Provided employees working in those programs must be acquainted with that policy.

1.4 Complaints and feedback are welcome and encouraged from anyone, including persons other than Proveda customers. This includes but is not limited to Proveda workers (including employees, students and volunteers), service providers and suppliers, carers, family members and nominated representatives, external authorities/agencies, and members of the public.

## **2. Managing Complaints:**

### Accessible information about Proveda's complaints process

2.1 Information about our complaints process and how to make a complaint will be both visible and made accessible in a number of ways including: a Feedback brochure; content in our Service Agreements; and a Feedback page on our website.

2.2 All customers are provided with information about Proveda's complaint handling process and how to make a complaint, prior to engaging Proveda's services. Reminders about our complaint handling process are also given periodically through customer and service provider newsletters and via social media posts.

2.3 Any person wishing to make a complaint or provide feedback will be supported as appropriate and will be provided with guidance and information they may need to help them to navigate the process. We aim for anyone making a complaint to have a positive experience with the handling of their concerns by Proveda, regardless of their dissatisfaction about an issue or issues.

### Equal access to making complaints

2.4 Information about our complaints process and how to make a complaint or provide feedback will be in plain English and we will use friendly and welcoming language.

2.5 Our website includes accessibility features to help visitors navigate the site and we ensure that overall design of our electronic platforms are user friendly.

2.6 A person wishing to make a complaint or provide feedback will be assisted to overcome any barriers they may face, including but not limited to cognitive, communication or language difficulties, concerns about cultural safety or vulnerability. Assistance may include the need to arrange an interpreter and/or advocacy services, adjusting communication style or method depending on individual preferences, avoiding jargon, and using safe language.

2.7 Where a person wishes to make a complaint in person or over the phone, instead of in writing, they should be assisted to report the details of their concerns verbally.

### Our commitment to a fair process

2.8 Investigation of a complaint or feedback will be fair and balanced and adhere to the principles of natural justice, that is, the subject of a complaint or negative feedback must be provided with a reasonable opportunity to be heard and to provide any comments from their perspective.

2.9 Procedural fairness will be afforded to give any other relevant parties an opportunity to put forward their views or their version of events. While a complaint may be justified, there may be other perspectives relevant to the complaint which must be taken into account.

2.10 All information provided in relation to a complaint or feedback must be handled impartially and without prejudice or bias. If there is actual bias or a conflict of interest, or any potential for a perception of bias or conflict of interest with a Proveda employee, that employee must be excluded from the handling of that particular complaint or feedback.

#### Complaint and feedback handling

2.11 Complaints and feedback may be provided verbally or in writing and may be communicated to Proveda in various ways, including via phone, in person, letter, email, text message, online form, or through periodic surveys.

2.12 The term 'complaint' does not need to be mentioned verbatim in order for it to be considered a complaint. Any expression of dissatisfaction, negative feedback or an implied complaint will be handled by Proveda to the extent possible, in accordance with this policy.

2.13 Complaints and/or feedback may be provided anonymously or in-confidence. Proveda will do its best to treat such matters in good faith, and in the same way as any other complaint or feedback, noting that there may be limitations to the handling of the information in a meaningful way when there are insufficient details, facts cannot be confirmed, and/or natural justice cannot be provided. Where possible, those limitations should be explained to assist the person to make an informed decision about how they wish to proceed. A person who does not wish to disclose their identity to either Proveda and/or the subject of the complaint, should not be required or pressured to do so.

2.14 Complaints or feedback may be provided to Proveda on behalf of a customer. In such circumstances, written appointment of a nominated contact person or authorised representative must be on the customer's file before any personal information is disclosed. If the person making the complaint is not a nominated contact person or authorised representative, they should be asked to provide written permission from the customer that they have the customer's consent to act on their behalf in relation to the complaint.

#### Response to complaints

2.15 A response to a complaint may be given informally in an email or through a conversation, in which case the details must be captured in a file note and/or by saving correspondence to the 'Incidents Complaints Compliments' folder in the customer's file.

2.16 For serious or complex matters, or where there are disputed issues, a formal written response by letter is more appropriate. Consideration should be given to talking to the complainant first and following up with a more detailed written letter of response.

#### Improving outcomes

2.17 Our restorative justice approach means that we seek to improve outcomes for our customers by being open and transparent and collaborating with them and other relevant parties to repair any harm so that loss of trust and/or confidence in Proveda can be rebuilt.

2.18 We will be sincere about making meaningful systemic or process changes and use our learnings from reflective practice in order to ensure that any problems that occur do not happen again.

2.19 We will adhere to the principles of open disclosure by actively listening to our customers and other complainants to understand their experience of what has happened and seek input where other parties are involved. When we are wrong, we will apologise (see QMS 10.3 'Open Disclosure' policy)

2.20 In New South Wales, an apology is not an express or implied admission of fault or liability (Part 10 of the Civil Liability Act 2002).

#### Responsibility for handling complaints

2.21 Complaints are recorded in a 'Complaints Register' and rated against a 'Complaint Severity Rating' (CSR). The responsibility for the handling of a complaint will depend on the individual circumstances of the case and should be escalated to a Senior Care Coordinator, Practice Manager or Leadership Team Manager as appropriate depending on the severity or complexity of the complaint.

2.22 Some complaints may require handling and response by another business area (for example Finance or Community Programs) in which case the relevant Leadership Team manager is responsible for handling the complaint when it cannot be investigated and resolved at a team level.

2.23 Where possible, we will minimise transferring a complaint internally to avoid exacerbating a complainant's concerns. When a complaint is escalated to a more senior person or there is a need to pass on responsibility for the complaint to another person, consultation must occur to ensure that accountability for handling of the complaint is transferred. This is particularly important where mandatory notification of the complaint to an external authority is required.

2.24 The CEO is to be notified by the relevant Leadership Team manager of all serious complaints, including complaints from other agencies such as the Aged Care Quality and Safety Commission and the NDIS Quality and Safeguards Commission.

2.25 In some circumstances, a response from the CEO may be necessary and is a matter to be determined by the CEO in consultation with the relevant Leadership Team Manager.

2.26 The Manager, Quality and Risk is ultimately responsible for accountability and oversight of complaints resolution.

#### Timeframe for handling complaints

2.27 Some complaints can be handled quickly and informally and resolved to the satisfaction of the complainant by providing clarification or further information. Other complaints may require investigation, consultation, and/or involve a natural justice process and will therefore take longer to resolve.

2.28 All complaints that cannot be finalised within 2 business days of receipt of the complaint must be acknowledged as received in that period by the person handling the complaint, either by phone or in writing (preferably email).

2.29 All other complaints should be resolved as expeditiously as possible, and where possible, no later than 28 calendar days after receipt unless a deadline is imposed by an external agency. When a complaint cannot be finalised within our internal 28-day timeframe, the complainant is to be provided with regular status updates, even when there is little to report, until such time the complaint is finalised.



### Privacy and Confidentiality

2.30 We respect and uphold people's right to privacy and to have their personal information protected under privacy law. All complaints and feedback will be handled in accordance with privacy legislation and QMS 7 'Privacy and Confidentiality Policy'.

### Internal review

2.31 When a complaint cannot be resolved satisfactorily at the team level and with the involvement of a Practice Manager, it must be raised with a Leadership Team manager for internal review. The Manager will determine if the complaint can be considered finalised or whether further steps are required.

### Alternative complaint pathways

2.32 Complaints should be resolved internally whenever possible. A person who wishes to make a complaint directly to an external authority, without first following Proveda's complaint resolution process is entitled to do so.

2.33 A complainant who is dissatisfied with the outcome or handling of a complaint by Proveda has a right to pursue their concerns further by making a complaint externally.

2.34 In either of the above circumstances, Proveda will proactively assist by offering information about alternative complaint pathways.

2.35 We will cooperate fully when approached by external authorities in relation to their complaint processes, with due regard to any privacy and confidentiality considerations.

## **3. Notifiable Complaints and external reporting:**

3.1 Certain 'notifiable' complaints relating to The Way Back service and the GP Social Work service must be notified to the Sydney North Health Network within 24 hours of the complaint being received. A 'notifiable complaint' means: *"an expression of dissatisfaction made related to the service or operation, or the complaints handling itself where a response or resolution is explicitly or implicitly expected"*.

3.2 When handling a complaint or feedback given to Proveda, consideration should be given to whether there is any information which may give rise to a need to report to an external authority including but not limited to: the police, the Aged Care Quality and Safety Commission, NDIS Quality and Safeguards Commission or the Department of Communities and Justice (NSW). What is a complaint at face value, may for example be an incident that also needs to be reported under the Serious Incident Response Scheme.

## **4. Records of Complaints and Feedback:**

4.1 Regardless of how communication is received by Proveda, all complaints and feedback given to Proveda, including complaints made to external authorities, must be reported internally via the Wufoo 'Complaints Form'. Relevant supporting documents available at the time the form is completed, should be attached to the form.

4.2 Details of complaints submitted through a Wufoo 'Complaints Form' are transferred to Proveda's centralised and electronic 'Complaints' Register and the information is only

accessible to persons with a business need. Oversight of the 'Complaints Register' is the responsibility of the Manager, Quality and Risk, with updates and maintenance of the Register undertaken by support staff.

#### Internal escalation

4.3 Documents relating to a complaint made by a customer or on behalf of a customer, or complaints about a customer or relating to their care, are saved on the customer's file, unless there is information of a sensitive or confidential matter in which case the documents are saved outside the customer's file and together with the 'Complaints Register'.

4.4 Records of complaints will be retained for 7 years after the date the complaint was received, in line with our incident management and prevention policy (QMS 5.1).

### **5. Continual quality improvement:**

5.1 Information and data collected and recorded as part of Proveda's complaints resolution mechanism will be reviewed and analysed to ensure effectiveness of our policy and processes, identify systemic issues and/or trends, inform service improvements and used to minimise, and where possible eliminate the risk of a future complaint of the same kind.

5.2 In addition to any specific actions to handle a complaint, the need for broader remedial action may be required. This may include:

- changes to organisational or clinical governance
- changes to operational procedures, business rules or processes
- refining or developing new policy and/or procedures
- educating customers or stakeholders
- individual or Proveda wide training

5.3 Specific complaints, trends and systemic issues are discussed regularly at management level, including at regular Service and Quality meetings.

5.4 Complaint analysis, particularly in relation to clinical concerns, is discussed at regular Clinical Governance Committee meetings.

5.5 The Manager, Quality and Risk reports on all complaints to the CEO on a quarterly basis, which is in turn reported to the Board.

#### **Related documents:**

##### Policies

HR 2.1A 'Code of Conduct'

HR 2.1B 'Code of Conduct: Directors'

HR 2.1C 'Code of Conduct: Committee Members'

HR 2.1D 'Code of Conduct: Volunteers'

HR 14 'Speak Up' (Whistleblower Protection)

QMS 5.1 'Incident Management and Prevention: Proveda Customers'

QMS 7 'Privacy and Confidentiality Policy'

QMS 10.3 'Open Disclosure'



**Procedures**

QMS 10.2 Complaints management procedure (Flow Chart)

QMS 5.1 Incident Management and Prevention Proveda Customers

**References:****Aged Care**

*Aged Care Act 1997*

Quality of Care Principles 2014 (Aged Care Quality Standards)

User Rights Principles 2014 (Charter of Aged Care Rights)

'Open disclosure - Framework and Guidance' (Aged Care Quality and Safety Commission)

**NDIS**

*National Disability Insurance Scheme Act 2013*

National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018

National Disability and Insurance Scheme (Provider Registration and Practice Standards)

Rules 2018 (NDIS Practice Standards)

National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018

**Mental Health**

Sydney North Health Network (SNHN) Services Agreement with Proveda

SNHN Commissioned Services Critical Incident, Incident and Complaint Reporting

**Other**

*Civil Liability Act 2002 (NSW)*

*Privacy Act 1988 (Cth)*