

Complaints Management Process

- Bloom Care's complaints management process can be simplified into five steps:
 - Receive;
 - Record;
 - Acknowledge;
 - Resolve; and
 - Communicate resolution.

1. Receive

- To lodge a complaint, individuals are encouraged to speak directly to a staff member first, in an attempt to resolve the matter without recourse to the complaints and grievances procedures.
- Staff will:
 - Listen – openly to the concerns being raised by the complainant.
 - Ask – the complainant what outcome they are seeking.
 - Inform – the complainant clearly of the complaint process, the time the process takes and set realistic expectations.
 - Be accountable – and empathic towards the affected person and action all commitments made.
 - Assess – situations that pose an immediate threat or danger, or require a specialised response.
- All complaints and grievances will be referred to the relevant supervisor (or Director) for resolution.
- The relevant supervisor will discuss minor complaints directly with the party involved as a first step towards resolution.
- If the complaint cannot be resolved promptly or within 24 hours, the Director will treat it as a grievance (advising the individual of their right to lodge a grievance if they have not already done so, with the assistance of a support person or advocate if they wish).
- A *Feedback and Complaints Form* will be made available to the individual to lodge their grievance; however, it is not mandatory that they use the form. The *Feedback and Complaints Form* can be used to make anonymous complaints.
- Grievances can be lodged:

- directly with a staff member, either verbally or by providing a completed *Feedback and Complaints Form*;
- by email to: bloomcare43@gmail.com
- by phone on 0408852771
- in writing to: Unit 12 10-16 Adamson Street Braybrook
- At any time, individuals can make a complaint directly to the National Disability Insurance Agency (NDIA) or the NDIS Commission.
- All clients making a complaint will be encouraged to use an advocate of their choice to act on their behalf if they wish. The advocate may be a family member or friend, or sourced (with the assistance of a staff member if required) through the National Disability Advocacy Program.
- If a complaint alleges actual or possible criminal activity or abuse or neglect, it will be referred to the Director immediately. The Director will follow the *Incident Management Policy and Procedure*, reporting the complaint and working with the relevant authority to investigate the allegation.
- Staff will take all reasonable steps to ensure a complainant is not adversely affected because a complaint has been made by them or on their behalf.

2. Record

- The Director will:
 - Record – all information that is relevant to the compliment or complaint, in its original and simplest form, in Bloom Care's *Complaints and Grievances Register*.
 - Store and protect – the *Complaints and Grievances Register* in a secure file, accessible only to the Management Team.

3. Acknowledge

- The Director will:
 - Acknowledge – receipt of the grievance within 2 working days to build a relationship of trust and confidence with the person who raised the complaint.
 - Provide anonymity – a person may request to remain anonymous in their lodgement and therefore contact may not be possible or expected.
 - Seek desired outcomes – provide realistic expectations and refer the matter to other organisations where identified as being more suitable to handle.
 - Avoid conflict of interest – by appointing a person unrelated to the matter as an investigator if necessary.
 - Provide timeframes and expectations – to the complainant where possible.

4. Resolve

- In resolving a complaint or grievance, the Director will:
 - Involve the complainant – keep them informed of the progress of the complaint and discuss any disparities identified in the information held;
 - Request additional information – when required but apply a timeframe that limits when it is to be provided by;
 - Consider extensions – only where necessary and always communicate any additional time requirements to the complainant with an explanation of the need;
 - Record all decisions or actions of the complaint investigation in Bloom Care's *Complaints Register*; and
 - Focus on the identified complaint matters only. A complaint is not an opportunity to review a whole case.
- Investigation of complaints will not be conducted by a person about whom a complaint has been made. If required, the Management Team will determine the appropriate person to undertake the investigation.

5. Communicate resolution

- Bloom Care will respond to all complaints and grievances as soon as possible and within 28 days from acknowledgement.
- If a complaint or grievance cannot be responded to in full within 28 days of acknowledgement, an update will be issued to the complainant. The update will provide the date by which a full response can be expected. The update should be provided verbally in the first instance then confirmed in writing.
- The Director (or delegate) will:
 - Discuss the outcome – where possible, verbally with the complainant before providing written advice and allowing them the opportunity to make further contact following receipt of the written advice.
 - Include information on recourse – further action available to the complainant at the conclusion of the complaint investigation. An action of recourse may be to escalate the matter further with an external agency or for a further review within the organisation.
 - Provide a further review – to enable the first investigation to be reviewed for soundness and allow additional information not available in the first complaint to be included.
 - Identify opportunities – relay complaint outcomes to the appropriate area within the organisation for action to improve service delivery.
 - Seek Feedback – from the complainant regarding their experience of the complaints process.
- Support will be provided to assist complainants understand correspondence regarding complaints and grievances where required (e.g. interpreters, referral to advocates, etc.).

- Options for actions responding to a complaint include but are not limited to:
 - explaining processes;
 - rectifying an issue;
 - providing an apology;
 - ongoing monitoring of issues; and
 - training or education of staff.
- Bloom Care's *Complaints and Grievances Register* will be used by Bloom Care's Director (or delegate) to record every complaint, track investigation progress and outcomes and how the outcomes have been communicated to stakeholders.

Procedural Fairness

- Procedural fairness:
 - is impartial;
 - requires a response proportionate to the complaint, accusation and likely remedial action;
 - ensures that a complainant or participant is not disadvantaged by the complaint or the process of resolving a complaint;
 - ensures that persons who are likely to be adversely affected by a complaint process are given the opportunity to present their views and have them heard.
- Procedural fairness must be afforded to a person if their rights or interests may be adversely or detrimentally affected in a direct and specific way. In those circumstances:
 - the person must be given notice of each prejudicial matter that may be considered against them;
 - the person must be given a reasonable opportunity to be heard on those matters before adverse action is taken, and to put forward information and submissions in support of an outcome that is favourable to their interests;
 - the decision to take adverse action should be soundly based on the facts and issues that were raised during that process, and this should be apparent in the record of the decision, and
 - the decision maker should be unbiased and maintain an unbiased appearance.
- The precise requirements of procedural fairness can vary from one situation to another. The required steps can vary according to:
 - the nature of the matter being dealt with;
 - the options for resolving it;
 - the time-frame for resolution;
 - whether facts in issue are in dispute;
 - the gravity of possible findings that may be reached; and
 - the sanctions that could be imposed based on those findings.

NDIS: Complaints Escalation and Dispute Resolution

- If a complainant remains dissatisfied with the outcome of their complaint or grievance, they will be provided with the details of other agencies they can use to assist them to achieve a resolution.
- Escalated complaints will be tracked in the *Complaints and Grievances Register* in the same manner as other complaints and the same communication processes as outlined above will be applied.
- Complaints to the NDIA can be lodged:
 - by email to feedback@ndis.gov.au
 - by post to: National Disability Insurance Agency,
GPO Box 700, Canberra ACT 2601
 - by phone on 1800 800 110
- Complaints to the NDIS Commission can be lodged via:
 - web: <https://www.ndiscommission.gov.au/>
 - email: feedback@ndis.gov.au
 - phone: 1800 035 544 (free call from landlines) or TTY 133 677.
Interpreters can be arranged.
- NDIS participants purchasing products and services also have rights and protections under the Australian Consumer Law (ACL), including provisions on client guarantees and unfair contract terms. Consumer Affairs Victoria provides information and advice and, in some cases, dispute resolution services for client disputes under the ACL. See <https://www.consumer.vic.gov.au>.