Developing a culture of complaints: Complaints handling in the disability sector

Workbook and resources
NDS WA acknowledges the invaluable contributions of the various disability service organisations that had input into the development of this training and resources.

For further information about this training and/or workbook please contact Merissa Van Der Linden (Senior Projects Officer, NDS WA) on 08 9208 9812 or merissa.vanderlinden@nds.org.au.
# Table of contents

1. Background ........................................................................... 2

2. Complaint handling requirements ............................................. 4

3. What is a complaint? ................................................................. 9
   Activity .................................................................................. 12

4. Complaint handling process .................................................... 18

5. Supporting the complainant .................................................. 29

6. When a complaint cannot be resolved ................................. 35

Notes page .............................................................................. 40

Appendix A ............................................................................ 41

Activity – Complaint, feedback, other – Answers

References ................................................................................ 46

A - Z Complaints guide .......................................................... 49
1. Background

Complaints are an important way disability service organisations can monitor the quality of the services provided to people with disability. Through regularly gathering and analysing customer feedback and complaints, organisations show commitment to their consumers and to the delivery of services that effectively meet individual needs and outcomes. Customer feedback and complaints can assist organisations in identifying areas of service strength and areas that require improvements at the individual, service and organisational levels.

The ‘Developing a culture of complaints’ training and resources have been developed in partnership with the Disability Services Commission (the Commission) and with the contributions of many Western Australian disability service organisations.

This body of work expands upon the training and resources developed through the ‘WA Quality System Training Program’, which was delivered in 2014-15. Through the delivery of that training, it was identified that there is often inconsistent understanding across the disability sector about how to respond to complaints made by people with disability, their families and carers. This project works towards increasing awareness and understanding in this area, and has been designed to provide information, and stimulate thought across the Western Australian disability sector, on how best to:

- Develop positive complaints cultures.
- Empower people with disability, families and carers to understand how to provide feedback and complaints.
- Ensure staff in disability service organisations understand how best to support people with disability, their families and carers in providing feedback or making complaints, and how to respond to people with disability, families and carers when issues and incidents are raised or have occurred.
- Broaden sector understanding of complaints processes – both processes internal and external of organisations.
- Build sector understanding and capacity to respond and report both serious incidents and complaints.
- Ensure staff in disability service organisations understand their role in raising concerns, or provide feedback and complaints about issues or incidents that affect the people with disability they support.
Underpinning principles

This work is based on a number of principles, foremost of which is the understanding that all members of the community have the right to raise concerns, provide feedback and make complaints, and to have their complaints taken seriously and addressed. People with disability are no different. They share the same rights to complain about any aspect of a service they are provided – be that a mainstream, disability specific, or government provided service.

Other guiding principles include:

- the assumption that all people with disability have the capacity to shape and guide their supports and services, and participate in decision-making processes, and
- that people with disability have the rights to:
  - live free of fear, threat or violence,
  - be treated with respect and dignity,
  - have access knowledge and information (in meaningful formats) to support informed decision-making,
  - have access to support, advice or practical help (when required and relevant) about personal safety, risk and protecting themselves from abuse,
  - have their money, goods and possessions treated with respect,
  - be supported to raise and formalise complaints (for example to access independent advocacy support),
  - access assistance when abuse or harm occurs,
  - in instances when abuse occurs, to have alleged, suspected or confirmed cases of abuse investigated, and receive post-trauma support, counselling and/or education.

These principles are founded on the articles of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which is enshrined in local and national legislation.
2. Complaint handling requirements

Organisations have a contractual obligation to demonstrate compliance with the National Standards for Disability Services and to establish and operate systems and processes to ensure the delivery of quality disability services. Each of the National Standards promotes and supports individual rights, as outlined in the Convention on the Rights of Persons with Disabilities (CRPD).

**Figure 1** The National Standards for Disability Services

The right to complain and provide feedback is best covered in the fourth standard, Feedback and complaints. Standard Four outlines that each person has the right to provide feedback about the quality or delivery of a service and have the opportunity to participate fully in the process of complaint resolution. The standard four indicators of practice provide disability service organisations with some direction on complaints management and handling. The indicators of practice are outlined in Figure 2.
**Figure 2** National Standards for Disability Services, Standard Four Elements

**Rights for people**
I have the right and freedom to give positive and negative feedback about all aspects of my supports and services and expect to see improvements as a result. I also have the right to independent advice and support to provide feedback or make a complaint when I need it.

**Outcome for people**
I have a range of ways to speak up about my supports and services and play an active role in working out how things will improve. I know how to access independent support and advice when providing feedback or making a complaint.

**Standard for service**
Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.

Department of Social Services (DSS) (2013)

**Figure 3** National Standards for Disability Services, Standard Four Indicators of Practice

**Standard Four**

4:1 Individuals, families, friends, carers and advocates are actively supported to provide feedback, make a complaint or resolve a dispute without fear of adverse consequences.

4:2 Feedback mechanisms including complaints resolution, and how to access independent support, advice & representation are clearly communicated to individuals, families, friends, carers and advocates.

4:3 Complaints are resolved together with the individual, family, friends, carer or advocate in a proactive and timely manner.

4:4 The service seeks and, in conjunction with individuals, families, friends, carers and advocates, reviews feedback on service provision and supports on a regular basis as part of continuous improvement.

4:5 The service develops a culture of continuous improvement using compliments, feedback and complaints to plan, deliver and review services for individuals and the community.

4:6 The service effectively manages disputes.

DSS (2013)
In meeting standard four, government funded disability service organisations are required to have embedded complaints policies, procedures and practices. People who access their services should have the opportunity to raise complaints through a number of pathways, for example:

- informal feedback provided through day-to-day transactions,
- formal review processes and consultations,
- regular satisfaction surveys,
- consumer led committees,
- online complaints processes, or
- systems to raise complaints by writing or by phone.

Feedback and complaints processes should be sensitive to the specific needs of service users, and take into account their capacity, experiences and cultural needs.

**The benefits of a positive complaints culture – more than just a matter of compliance**

It is important for all people to feel safe and listened to when raising concerns and complaints. An open approach to complaints promotes transparency and honesty, and encourages staff to consider the views and needs of people with disability and treat service users with dignity, respect and compassion.

There are also good business reasons for listening to service users and staff that raise concerns and complaints. Organisations that are open to, or welcome feedback and complaints have the opportunity to resolve issues at an early stage, or address poor practice before it becomes normalised. By having a positive culture of complaints, organisations can build service user confidence in the organisation, and nurture staff capacity to ‘do the right thing’ and reflect on their practice.

**What do people need to know?**

Service users and staff working in organisations should be made aware of complaints processes upon first joining the organisation. They should also be reminded at regular intervals of both their rights to raise concerns and complaints, and the pathways through which concerns and complaints can be raised.
Remember
Services users have the right to make complaints, provide feedback and raise concerns. To support this right, organisations must ensure the following:

- Information about how to make a complaint, provide feedback or raise concerns is easily available and easy to understand.
- Complaints, feedback and concerns can be raised in different ways, and in different formats.
- The person has access to independent advocacy support (if needed) to make a complaint.
- Any formal and informal complaints are acknowledged and recorded.
- Complaints are resolved quickly and fairly, and in a confidential manner.
- The complainant is treated with dignity and respect at all times. They are assured that there will be no retribution for making a complaint.
- The complainant is kept informed of the progress of their complaint.

Figure 4 National Standards for Disability Services, Standard Four Easy Read

Standard 4: Feedback and Complaints

- You can tell people what you think about the services you receive.
- You have the right to tell people what you think about the services you receive.
- Your feedback can be good or bad.
- You can tell someone if there is a problem, and you can get support to do this.
- You have the right to seek advice from someone like a support person, lawyer or an advocate.
- Your problem should be fixed, and you should not be made to feel bad because you said that something is wrong with the service you use.

Your service should:

- Offer different ways for people to have a say
- Listen to the things that people tell them
- Be prepared to change the way they work if there is a problem
- Work with your family, carer, support person or advocate if that's right for you
- Always work hard to make sure their services are good.

DSS (2013).
Further information

Additional information about the National Standards for Disability Services is available at [https://www.dss.gov.au/](https://www.dss.gov.au/).

3. What is a complaint?

Within the disability services sector there can be quite diverse understandings of what constitutes a complaint. While a complaint is defined as, “...an expression of dissatisfaction made to an organisation, related to its products, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected.\(^1\)”, there are different terms that relate to complaints handling which are worth further exploring.

This section of the resource will outline relevant complaints terminology as a means of deepening understanding of considerations when supporting, and responding to, service user feedback and complaints. There is also an A-Z complaints guide at the end of this workbook, which provides additional terminology around complaints handling and processes in the disability services sector.

**Complaints terminology - definitions**

**Complaint**
A complaint is an expression of dissatisfaction made to an organisation, about its services, staff and processes, where a response or resolution is explicitly or implicitly expected\(^1\).

**Concerns**
When service users, their families and carers are unsure about the quality of services received or about decisions that have been made, they may raise concerns with the organisation or staff. Concerns differ in some ways to complaints as the person is still uncertain about the situation and how to, or whether to, seek remedy.

For staff in disability service organisations raising concerns can be an effective early warning of wrongdoing, malpractice or risks.

**Feedback**
Opinions, comments and information offered through informal processes by customers about services can be considered feedback. Feedback can be positive or negative.

---

Footnote 1 AS ISO 10002-2006 as cited by the Ombudsman WA
**Grievance**
A grievance is a real or imagined cause for complaint, especially unfair treatment.

**Investigation**
The purpose of investigating a complaint is to explore the facts surrounding a complaint, to reach a fair and independent view on the issues raised by a complainant, and to identify an appropriate remedy.

The three principles of fair investigation are:

1. **Impartiality.**
   Each complaint should be approached with an open mind, and the facts and contentions in support of a complaint should be weighed objectively.

2. **Confidentiality.**
   A complaint should be investigated in private, and care should be taken when disclosing to others any identifying details of a complaint.

3. **Transparency.**
   A complainant should be told about the steps in the complaint process and be given an opportunity to comment on adverse information before a complaint is dismissed.

A useful resource to support complaints investigation and resolution is the Ombudsman Western Australia (2016) ‘Guidelines on complaint handling’ p. 8.

**Serious complaint**
It is important to note that across the WA disability services sector organisations define the seriousness of complaints in different ways. In some organisations, serious complaints are defined in line with serious incidents, while other organisations measure seriousness in other ways. It is important to check how your organisation defines serious complaints.

One organisation used the following explanation to assist staff in understanding the links between serious complaints and serious incidents.

“A serious complaint will always result in serious incident reporting, but a serious incident will not always be identified through direct complaints.”

That is, serious complaints may encompass some issue of abuse, neglect, violence, exploitation of the person with disability. Complaints of this nature will always result

---

in the need to report a serious incident to the Commission. However, an incident of abuse, neglect, violence, exploitation perpetrated against a person with disability might not be identified or raised through direct complaints.

**Serious Incident**
A serious incident is defined by the Commission as one or more of the following:

- Death of a person with disability.
- Serious physical injury or psychological harm suffered by a person with disability.
- Abuse (including physical, emotional, sexual, psychological, financial, neglect) of a person with disability.
- The person is judged as posing a serious risk to the health, safety or welfare of themselves or others.
- Exploitation or unjustified restrictive practices used with a person with disability.
- An assault on staff or visitors to the service by a person with disability who is current service user.

The Serious Incident Report (SIR) form should be completed within seven days of a serious incident occurring. With the completed form forwarded to the Commission’s Consumer Liaison Officer once it has been reviewed and approved by the CEO, or, in the case of Commission-provided services, the Executive Director of the relevant directorate\(^3\).

**Suggestion**
A suggestion is an enquiry or general discussion about the service that could result in an improvement.

---

Activity

Complaint, feedback, other
Read the scenarios that follow and determine whether they are best described as complaints, feedback, or other. Explain your answer.

N.B.: Answers are located in Appendix A.

Scenario 1
An individual who accesses your services tells their Service Coordinator that their Support Worker is always on the phone or Facebook when they are meant to be providing support.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 2
An individual tells you that a Support Worker made inappropriate, sexualised comments about their body and they were very uncomfortable with being supported by them.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
Scenario 3
A Teacher calls the office to speak to a Service Coordinator about the dishevelled appearance of their student who is a client of your organisation

☐ Complaint  ☐ Feedback  ☐ Other

Explain your reasoning

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

Scenario 4
A Carer calls to say they have not been paid.

☐ Complaint  ☐ Feedback  ☐ Other

Explain your reasoning

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

Scenario 5
A community member calls the office to say she is concerned about the behaviour, which she considers inappropriate, of an individual in your organisation’s care while in community.

☐ Complaint  ☐ Feedback  ☐ Other

Explain your reasoning

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________
Scenario 6
A family member questions why your organisation’s Support Worker is paying for their own lunch with the service user’s (their family member’s) money.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 7
A Support Worker tells you that the Program Manager has ignored their phone calls and never replies to emails.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 8
A client tells you, the Program Manager, that they do not like a Support Worker and they have told their Service Coordinator several times, but the Support Worker continues to be rostered on shift.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
**Scenario 9**
A client tells you they are upset with a Support Worker, and would like to read what they have been writing about them in their Progress Notes.

☐ Complaint  ☐ Feedback  ☐ Other

Explain your reasoning
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

**Scenario 10**
A family member tells you they felt intimidated by a Service Coordinator at a recent Plan Review meeting.

☐ Complaint  ☐ Feedback  ☐ Other

Explain your reasoning
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

**Scenario 11**
After a serious incident with a client, a Carer called to thank the team for the way in which they responded.

☐ Complaint  ☐ Feedback  ☐ Other

Explain your reasoning
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
Scenario 12
A neighbour calls the office to say overnight Support Workers are continually parking on their verge.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 13
The office alarm has been going off all night and neighbours come into the office to inform the Receptionist.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 14
A Support Worker reports to a Service Coordinator that an individual with disability is demonstrating sexualised behaviour.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
Scenario 15
A family member calls to discuss why they are no longer receiving monthly reports on the use of their family member's funding.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 16
An individual you support has bruising on their arms. They confide in you to say that their Dad has hit them but ask you not to tell anyone.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

Scenario 17
An individual in supported accommodation has continuously asked to have their shower curtain replaced. After several requests, he rips it down and does severe damage to the bathroom whilst doing so.

☐ Complaint ☐ Feedback ☐ Other

Explain your reasoning

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

___________________________________________________________________
4. The complaint handling process

This section will provide information about the processes disability service organisations could follow when handling complaints. There is no one size fits all approach to complaints handling – instead processes should be fit for purpose. That is, complaints systems should be varied to suit the needs of the organisation and its service users. As such, this section presents a process that can be considered, adapted or adopted within your organisation.

Steps to an effective complaint handling system

The Ombudsman WA (2016, p. 3) has described the steps to effective complaints handling. These three steps are outlined below, and are illustrated in Figure 5.

Step 1. Enabling complaints.
Arrangements for enabling people to make complaints are customer focused, visible, accessible, and valued and supported by management.

Step 2 Responding to complaints.
Complaints are responded to promptly and handled objectively, fairly and confidentially. Remedies are provided where complaints are upheld and there is a system for review.

Step 3 Accountability and learning.
There are clear accountabilities for complaint handling and complaints are used to stimulate organisational improvements.
It is worthwhile reviewing, and testing, your existing complaints policies, procedures and processes to ensure these steps are appropriately considered and incorporated. Various tools are available to assist in evaluating or auditing your complaints systems. The following checklists have been identified as particularly easy to refer to and use.

The complaints handling process in detail

While the Ombudsman WA steps provide a sound foundation upon which complaints systems can be structured, disability service organisations may need to acknowledge and take into account additional steps and requirements. In particular, managing and reporting serious incidents and serious complaints may need further attention, as do actions to take once the complaints process has been resolved (or not resolved).

To explain these additional steps and requirements, the ‘Complaints handling process in detail’ has been developed (refer to Figure 6 and the printed poster provided). This detailed diagram builds upon critical work developed by the Ombudsman WA, the Disability Services Commission, the Health and Disability Services Complaints Office (HaDSCO), and takes into account the findings of:

- The Royal Commission into Institutional Responses to Child Sexual Abuse.
- The Victorian Ombudsman’s Investigation into disability abuse reporting.
- National consultations on the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework.
- The Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings.
- The WA Disability Abuse Inquiry, a discrete inquiry undertaken by People With Disabilities (WA) Inc. and Developmental Disability WA.
Figure 6 Complaints handling process in detail
Explaining the process

To begin this process assumes the organisation has robust, clearly defined and tested complaints management and resolution processes.

1. Concern or complaint raised
Anyone has the right to make a complaint or raise a concern. A complaint may be lodged by the person receiving the service, a relative, representative or carer, or a recognised advocate of the person who received the service.

2. Acknowledge the concern/complaint
When a concern or complaint is raised it is essential for the complainant to be acknowledged and the concern or complaint be recognised as legitimate. Outline to the complainant the complaints process and provide them with the name of the person within the organisation that they can keep in contact with, including their contact details.

Also provide the complainant with:
- a complaint identification number that they can refer to when discussing the complaint,
- details on how long it may take to resolve the complaint,
- when they will next be contacted by the organisation, and
- information about independent advocacy services which they can access to assist them through the complaints process.

Keep the complainant well informed, by providing written acknowledgement of receipt of the concern/complaint.

3. Establish context and seriousness
Once the complaint has been received, establish the context and seriousness of the complaint. To do this ask questions, including the basics, of who, when, what, where, how, and why.

If the concern or complaint is serious
Concerns or complaints of a serious or legal nature must be reported to the Commission via the Serious Incident Reporting System. If the concern or complaint describes a breach of a person's legal and human rights, the organisation is also required to report the incident to the Police.
4. **Report or record the concern or complaint.**

It is important to ensure the complaint is recorded, and/or logged within the organisation. Be mindful that processes differ across the disability services sector so check the processes in place in your organisation.

**Reporting serious concerns, complaints and incidents**

As mentioned previously, if concerns or complaints are of a serious or legal nature, they must also be reported to the Commission via the Serious Incident Reporting System.

The Serious Incident Report (SIR) online form should be completed within seven days of a serious incident occurring, with the completed form forwarded to the Commission’s Consumer Liaison Officer (CLO) once it has been reviewed and approved by the CEO. In the case of Commission-provided services, the Executive Director of the relevant directorate will provide approval before lodging.

It is important to remember that lodging a SIR does not transfer responsibility to the Commission to investigate or take over management of the incident. It is the disability service organisation’s responsibility to respond to, and manage the incident. This could include investigating the complaint, evaluating practices, providing support to the complaint, and/or referring the complaint, or the complainant to other parties (e.g., the police if the matter is a breach of the complainant’s legal rights).

5. **Investigate concern or complaint**

The next stage of the process involves undertaking a more detailed investigation of the complaint.

The investigation approach may differ depending on the complainant and the severity of the concern or complaint. It should include consideration of the following:

- an assessment, or clarification of, the concern or complaint,
- the outcome the complainant is seeking and if resolution can be quickly reached
- if the complaint can be addressed by the organisation, or if a referral should be made to another party (e.g., the Commission, or independent advocacy), and
- if evidence is required, how it will be gathered.

An important part of this stage is to ask the complainant how they would like to see their complaint resolved. That is, the outcome they are seeking. In some cases, the outcome the complainant is seeking will be straightforward, and resolution can be

---

easily met (e.g., an apology). However, in other cases complaints resolution may require additional steps and actions. It is important to discuss and explore desired outcomes with the complainant, as this will identify their expectation of the process.

During this stage, and across all stages of the complaints process, remember to provide clear explanations to the complainant of the actions that will be taken, and have been taken so far, to resolve the complaint. Explanations should be provided in formats and languages that can be understood by the complainant.

Through the investigation process there will be a need to report to management and board the outcomes of the investigation. This report would outline details of the complaint, how the investigation was conducted, relevant facts, conclusions, findings and recommendations. Recommendations would include remedies for the complainant, actions to improve service delivery, and, if relevant, actions to address inappropriate conduct by an officer.

**Serious concerns, complaints and incidents**
If, through the process of investigating a complaint, it becomes known that the complaint is of a more serious nature than originally understood, the organisation would at this point be expected to report the matter to the Commission via the Serious Incident Reporting System. If the concern or complaint describes a breach of a person’s legal and human rights, the organisation is also required to report the incident to the Police.

**6. Plan response**
Following the investigation, a plan of action for remedying the concern or complaint is developed in partnership with the complainant.

The documented plan of action will identify:

- the actions that will be taken to resolve the complaint,
- responsible parties for actions,
- timelines, and
- any special considerations that apply to the complaint.

Remember to provide clear explanations to the complainant of the actions that will be taken and have been taken to resolve the complaint.
Serious concerns, complaints and incidents
If concerns, complaints or incidents have been reported to the Commission through the Serious Incident Reporting System organisations may be required to provide officers of the Commission with information about the plan of action that has been developed.

7. Implement actions
This phase sees the organisation and its staff implementing the specific actions defined in the plan.

8. Monitor and review progress
The process of monitoring and reviewing progress is a critical stage of the complaints handling process. In many organisations monitoring progress occurs at all stages of the process, this allows staff to identify issues or limitations and correct the response or course of actions in an intuitive way.

In all cases, it is important to review progress near the end of the process to ensure actions have been undertaken, as defined in the plan.

Serious concerns, complaints and incidents
If concerns, complaints or incidents have been reported to the Commission through the Serious Incident Reporting System organisations may be required to provide officers of the Commission with information how progress in taking action and supporting the individual.

9. Outcome
Hopefully, through undertaking this process, the complaint is resolved to a positive outcome for the complainant. In some cases, however, the issue will remain unresolved. In either circumstance, the process does not end at this point.

10. Formal communication regarding the outcome
Upon completion of the complaints handling process the complainant (and any staff involved in the complaint) should be provided formal communication advising the outcome of the complaints process.

Communication should include:
- reasons for any decision made,
- any changes or action that have resulted from the complaint, and
• information on where to seek independent advocacy support or how to seek external review of the decision.

If the complaint is resolved to the complainant’s satisfaction

A positive resolution of the concern or complaint is not the last step in effective complaint handling. Complaints provide the organisation with opportunities to identify areas for service and process improvements. This might include (but are not limited to):

• improvements in recording and recordkeeping,
• identifying areas for specific training for staff,
• strategies for improving communication between staff, and
• reviewing and updating policies, procedures and practices.

Post complaints processes

In the period following the completion of a complaints process, it is important to determine the complainant’s satisfaction with the process and outcomes. Ensure outcomes and feedback is recorded. Analyse the feedback and complaints data to identify recurring themes that may highlight systemic issues, service, process and information shortfalls, and opportunities for improvement.

If the complaint is not resolved to the complainant’s satisfaction

If a complainant is dissatisfied with the findings or decision, an independent member of the organisation can undertake a review of complaint, investigation process and actions taken to remedy the complaint. To review the complaints process and decision the complainant should be asked to specify why they disagree with the outcomes and what aspect(s) of the process they would like reviewed.

Some complainants may be uncomfortable with this approach and prefer an external review, mediation, or conciliation facilitated by an independent external party. In the disability service sector the Health and Disability Services Complaints Office (HaDSCO) is an independent statutory authority that provides an impartial resolution service for complaints relating to health, disability or mental health services provided in WA.5, 6

Footnote 5 Refer to the HaDSCO website for further information https://www.hadsco.wa.gov.au/home/
Footnote 6 Before engaging HaDSCO’s support to resolve a complaint with a disability service provider, complainant’s are encouraged to first raise the complaint with the organisation.
The HaDSCO complaints resolution service is free, impartial and confidential. To discuss a complaint and the options for resolution:

- contact the HaDSCO Assessment Team on 08 6551 7600 or 1800 813 583, or
- complete the online or PDF complaint forms, which are available on https://www.hadsco.wa.gov.au/complaints/disability.cfm.

It is important to note that all complaints must be confirmed in writing by the complainant. Once completed forms are received, HaDSCO will determine how best to respond to the complaint.

**Remember**

The complainant has the right to engage independent advocacy during all steps of the process.

If a complaint is serious in nature, you are required to report the matter to the Commission via the SIR System.

If the concern or complaint describes a breach of a person’s legal and human rights, the organisation is also required to report the incident to the Police.

At all stages of the complaints management and resolution process, it is critical to ensure you maintain clear communication with the complainant and other key stakeholders.

Ensure that the complainant’s personal information related to the complaint is kept confidential.

Remember to take direction from the complainant and follow the three ‘C’s’

- Communicate
- Collaborate
- Consult
Further information


The HaDSCO website provides information about the complaint resolution process and how HaDSCO can assist people with disability with their complaints [https://www.hadsco.wa.gov.au/complaints/index.cfm](https://www.hadsco.wa.gov.au/complaints/index.cfm)
5. Supporting the complainant

It is important to remember that the needs of complainants will vary depending on their circumstances, previous experiences and capacity. In some cases, complainants may have a clear understanding of complaints processes and the outcomes they desire, while others may require assistance in making the complaint and exploring their options.

To manage service user expectations, the recipient of the complaint should:

- Explain the complaint handling process to the complainant, and what they may be asked to do through this process.
- If the matter is to be referred elsewhere, explain why and to whom.
- Confirm with them that their complaint has been fully understood and ask them what outcome they are seeking.
- Support the complainant to access independent advocacy if required.
- Outline the possible outcomes, including whether or not the outcome being sought is reasonable.
- Provide realistic timeframes for dealing with the matter.
- Ensure that any promises made are followed through.

Sometimes complainants may need very practical support to assist them lodge a complaint. Many people find making a complaint a difficult experience, therefore it is important to support the complainant as much as possible. Organisations can assist complainants by encouraging them to articulate, or explore:

- the circumstances of their complaint, including what happened, where it happened (including time and date), who was involved, and when it happened.
- the impact the issue/situation has had on them,
- how it made them feel, and
- the outcome they are seeking.

A complainant may need assistance to record their concern/concern. Write everything down so copies can be referred to later if necessary and make sure dates are on everything. If appropriate, ask them to provide medical evidence, photographs or documents that may be relevant.
In order to make a complaint, the person with disability, their family and carer may need to access advocacy support. Advocates are there to support people to speak up about what they want, working alongside them to ensure they can access their rights and the services they need. A list of advocates are available in the ‘Advocates’ section at the end of this workbook.

**Further information**


**What are your responsibilities?**

Disability service organisations have legal, contractual and ethical requirements to take appropriate action when complaints are raised. All staff, at all levels within disability service organisations must understand their organisation’s complaints policies, procedures and practices, and their own responsibilities regarding the management and resolution of complaints.

Roles and responsibilities for staff working at different levels, is outlined as follows⁷:

**Direct support staff**

**Commitment:**
- Know about and be responsive to complaints.
- Have a positive attitude towards complaints.

**Responsibilities:**

Be aware of your organisation’s complaint handling policies, process and procedures. If you need more information, ask your supervisor.

Acknowledge complaints raised by people with disability, their families and carers. If needed, help the complainant(s) gain access to information about:
- The organisation’s complaints processes – including how to make a formal complaint, and who in the organisation is responsible for complaints handling.

---

**Footnote 7** Adapted from the Commonwealth Ombudsman ‘Better Practice Guide to Complaint handling’ (April 2009).
• Their rights to make a complaint.
• Where they can access independent advocacy support.

Report complaints to your direct manager and then document these using the relevant organisational processes.

If an investigation occurs, provide information to assist this process, this could include:
• Information about the complainant(s) and their needs.
• Information about the complaint – particularly if you were involved in some way.

**Coordinators, Team Leaders, Managers**

**Commitment:**
• Understand and explain the complaints process.
• Include complaints in supervision and team meetings.
• Be responsive to complaints.

**Responsibilities:**
Be aware of your organisation’s complaint handling policies, process and procedures. If you need more information, ask your supervisor.

Acknowledge complaints raised by people with disability, their families and carers.

If needed, help the complainant(s) gain access to information about:
• The organisation’s complaints processes – e.g., how to make a formal complaint, Their rights to make a complaint.
• Where they can access independent advocacy support.

Support the person make a complaint.

Provide training and support to direct workers to understand complaints handling practice. (e.g., ensure complaints are a regular topic in staff supervision).

Check the details of the complaint.

Report complaints to your direct manager (depending on the size of the organisation this could be the CEO directly) and follow the relevant organisational processes.

Make every effort to resolve the complaint promptly.

If an investigation occurs, provide information to assist this process.
Complaint handling staff

Commitment:
- Manage complaints effectively.
- Monitor and analyse complaints.

Responsibilities:
Have a deep understanding of your organisation’s complaint handling policies, process and procedures.
Behave professionally when dealing with the complainant.
Keep informed about the organisation’s services and the professional development needs of staff at all levels.
Provide direct staff with training and support on complaints handling.
Maintain interest in best practice in complaint handling.
Communicate, collaborate and consult with the complainant(s), provide feedback to the complainant on the steps to be taken and the outcome.
Provide feedback to the relevant staff on the steps to be taken and the outcome.
Monitor and maintain a Complaints Register. (i.e., ensure complaints raised by individuals are documented in such a way that they can be easily referred to, not just within individual case notes or files).
Monitor and analyse trends in complaints.
Make recommendations to Senior Management on areas for service improvement, based on individual complaints and trends in complaints.

Senior Management or Executives

Commitment:
- Establish and manage an effective, professional complaint handling system.

Responsibilities:
Provide comprehensive complaints handling training to all staff working at all levels.
Properly manage and support complaint handling staff, Coordinators, Team Leaders, and Managers.
Promote strong internal networks to enable complaint handling staff to work with, and support, other staff.
Report complaints to executive/CEO or Board and/or externally as required.
Provide regular reports to other areas of the organisation on issues arising from complaint handling work. This includes recommendations for service improvement – based on trends analysis and evaluation of complaints outcomes.

**CEOs and Board Members**

**Commitment:**
- Make complaint handling a priority.

**Responsibilities:**
Include complaint handling standards in the organisation’s service charter, business plans and service standards.

Report publicly on complaint handling in annual reports and other high-level corporate documents.

Receive regular internal reports on the quality and timeliness of complaint handling.

Use complaint handling information in program reviews and service improvement strategies.

Have complaints as a standing agenda item in Management and Board Meeting.

Monitor and maintain the Complaints Register and report complaints information externally as required.

**Supporting people when they are upset**

The complainant may also be quite emotional. Recognise this as a legitimate emotion that needs to be acknowledged and managed.

Dealing with upset, angry, confused, or challenging people can be an extremely difficult task, even for experienced complaint handlers. There can be different reasons why people become upset and angry. Whatever the reason, an organisation should not assume that a ‘difficult’ person does not have a valid complaint. Wherever possible, organisations should apply the same standards of communication to all people – whether they are asking calmly expressing a concern or are in a heightened emotional state.

When dealing with an upset person, it is important to remember to treat their complaint seriously, and focus on the issue at hand, rather than their emotions, responses or behaviour. In some cases, all that people need is to be heard, to have someone actively listening to their concerns and assisting them to explore their options.
Tips to follow:

- Remain calm.
  Demonstrate open body language, and use neutral tone and pitch.

- Meet on neutral ground.

- Ask open-ended questions.
  Make it clear that questions are being asked out of a desire to assist. Ask questions without making the person feel like they are being interrogated.

- Paraphrase the complainant’s responses to clarify that you have correctly understood their concerns.

- Remain flexible in your response and approach,

- Listen actively, openness and without interrupting.
  You may not think the complaint is very important, but the complainant does.

- Communicate with honesty.
  Tell them what can and cannot be achieved, providing reasons as to why.

- Be confident in your ability to help but know your limits.
  If you know the concern or complaint needs to be escalated, be willing to get assistance from someone with more knowledge, time or authority.

- Avoid making empty promises.
  It is better to be realistic and honest about any limitations or expected time delays.

- Be safe
  If a complainant becomes aggressive look after your safety and the safety of others.
6. When a complaint cannot be resolved

Other complaint avenues are available if the complainant does not feel listened to, heard or feels the complaint has not been appropriately resolved. The avenues are different depending on the service received, the funding source for services, and the seriousness of a complaint.

Complaints Resolution and Referral Services (CRRS)
The CRRS is an independent service that helps with complaints about services funded under the Commonwealth Disability Services Act. CRRS assists with unresolved issues concerning a Disability Employment Service, Advocacy Service or Australian Disability Enterprise. They provide a nationally accessible complaints resolution and referral service for people accessing employment and advocacy.

For further information, refer to http://www.crrs.net.au/.

Department of Social Services (DSS)
DSS helps to support people with disability through programs and services, benefits and payments, and the National Disability Insurance Scheme (NDIS). They also provide support through grants and funding for organisations to deliver services for people with disability.

The complaint management process that DSS has in place is in regards to services or decisions made by DSS or a DSS funded service. They provide advice on lodging complaints; outline what complaints maybe about, how to contact the DSS complaints line and what you can do if you are not satisfied with the department’s response.


Disability Services Commission
While the Commission has authority to investigate serious complaints and incidents of abuse, neglect, harm and exploitation perpetrated against people with disability, it will not investigate routine complaints. Routine complaints are best dealt with by the disability services organisations in collaboration with the complainant, or if a complaint cannot be resolved, or the complainant is not satisfied with the outcomes they receive, HaDSCO can be engaged.

The Commission’s Consumer Liaison Service provides impartial and confidential support in addressing complaints about services provided by the Commission.

Health and Disability Services Complaints Office (HaDSCO)
HaDSCO manages complaints from people with disability, their families or carers about any organisation that delivers disability services in Western Australia, including the Disability Services Commission.

They are an independent statutory authority that provides a free complaints resolution service for complaints that relate to health, disability or mental health services provided in Western Australia. HaDSCO acts impartially and in confidence, reviewing and reporting on the causes of complaints, undertakes investigations, suggests service improvements and advises service providers about effective complaint resolution.


National Disability Abuse and Neglect Hotline
National Disability Abuse and Neglect Hotline is a phone service for reporting cases of neglect and abuse of people with disability. It is a free, confidential, Australia-wide support service. The hotline works with callers to find appropriate ways for dealing with reports on abuse and neglect, including physical, sexual, emotional, financial, legal and systemic abuse, constraints and restrictive practices, physical, emotional and passive neglect, and deprivation. If a caller reports abuse or neglect in a government-funded disability organisation, the hotline will refer the report to the government body that funds the service for investigation.

If a caller reports abuse or neglect in another situation, the hotline will refer the report to an agency able to investigate or address the report such as the police, a complaints handling body or ombudsman. The hotline also refers callers to services and organisations for advocacy, legal aid or counselling services that can further assist and support a person who has experienced abuse or neglect.

For further information, refer to http://www.disabilityhotline.net.au/.

The Ombudsman WA
One of the principal functions of the ombudsman is to receive, investigate and resolve complaints about Western Australian public authorities including State Government departments, agencies and boards; government services such as hospitals, prisons, schools and technical colleges; public universities and; local governments. Their services are free and available to everyone however they will only assist if the complainant has tried to resolve the issue with the public authority concerned before contacting them, the complainant is personally affected by the issue, and the complaint is about the administrative practices of a WA public authority.

Advocates

Advocates are there to support people to speak up about what they want, working alongside them to ensure they can access their rights and the services they need. Below is a list of advocacy services that are available in Western Australia

**Advocacy South West**
99 Victoria St
Bunbury WA 6230
Ph: 08 9721 6444

**Advocare**
The Perron Centre
61 Kitchener Ave
Victoria Park WA 6100
Ph: 08 9479 7566

**Helping minds**
182 Lord St
Perth WA 6000
Ph: 1800 811 747

**Blind Citizens WA**
3/61 Kitchener Ave
Victoria Park WA 6100
Ph: 08 9355 5113

**Citizen Advocacy Perth West**
2a/28 Guthrie St
Osborne Park WA 6017
Ph: 08 9445 1118
Developmental Disability WA
2 Delhi St
West Perth WA 6005
Ph: 08 9420 7203
http://ddc.org.au/

Disability Discrimination Unit
Sussex St Community Law Services Inc.
29 Sussex St
East Victoria Park WA 6101
Ph: 08 6253 9500
http://www.sscls.asn.au/Programs-Services/Disability-Discrimination

Domestic Violence Advocacy Service (DVAS)
Women's Health and Family Services
227 Newcastle St
Northbridge WA 6003
Ph: 08 6330 5400
http://whfs.org.au/services/fdvs/dvas

Ethnic Disability Advocacy Centre (EDAC)
320 Rokeby Rd
Subiaco WA 6008
Ph: 08 9388 7455

Explorability Inc
645 Canning Highway
Alfred Cove WA 6154
Ph: 08 9330 6370

Headwest Brain Injury Association of WA Inc
645 Canning Highway
Alfred Cove WA 6154
Ph: 08 9330 6370
http://www.headwest.asn.au/

Kalparrin Children and families
Level 4 Hay St Building
Princess Margaret Hospital
Subiaco WA 6008
Ph: 08 9340 8094
IDAS Individual Disability Advocacy Service
Sussex St Community Law Services Inc.
29 Sussex St
East Victoria Park WA 6101
Ph: 08 6253 9500
http://www.sscls.asn.au/Programs-Services/Individual-Disability-Advocacy-Service-(IDAS)

MIDLAS Midland Information Debt & Legal Advocacy Service
23 Old Great Northern Highway
Midland WA 6056
Ph: 08 9250 2123

Northern Suburbs Community Legal Centre
10 Cobbler Pl
Mirrabooka WA 6061
Ph: 08 9440 1663
http://nsclegal.org.au/

People With disabilities (WA)
1/37 Hampden Rd
Nedlands WA 6009
Ph: 08 9485 8900
http://pwdwa.org/

WA Deaf Society
Piccadilly Square
46/5 Aberdeen St
East Perth WA 6004
Ph: 08 9441 2677
http://www.wadeaf.org.au/wa-deaf-society/about/

WRAS Welfare Rights and Advocacy Service
98 Edward St
Perth WA 6000
Ph: 08 9328 1751
http://www.wraswa.org.au/
Activity: Complaint, feedback, other – Answers

Scenario 1
An individual who accesses your services tells their Service Coordinator that their Support Worker is always on the phone or Facebook when they are meant to be providing support.

This is a complaint.

Reasoning:
The Support Worker is not focusing on the client or providing services they are being paid for. Recreational activities during work hours.

Scenario 2
An individual tells you that a Support Worker made inappropriate, sexualised comments about their body and they were very uncomfortable with being supported by them.

This is a complaint.

Reasoning:
The individual is uncomfortable with inappropriate behaviour.

Scenario 3
A Teacher calls the office to speak to a Service Coordinator about the dishevelled appearance of their student who is a client of your organisation

This is feedback.

Reasoning:
The teacher is providing feedback based on his/her observations and is expressing concern.

Scenario 4
A Carer calls to say they have not been paid.

This is neither a complaint, nor feedback – other.
Reasoning:
This is information and a request for follow up

**Scenario 5**
A community member calls the office to say she is concerned about the behaviour, which she considers inappropriate, of an individual in your organisation’s care while in community.

This is feedback.

Reasoning:
This is based on a community member’s perspective and warrants investigation and follow-up but she is not complaining, rather making a statement.

**Scenario 6**
A family member questions why your organisation’s Support Worker is paying for their own lunch with the service user’s (their family member’s) money.

This is a complaint.

Reasoning:
This is an illegal action and the family members have legitimate concerns that their family member’s money is being spent inappropriately.

**Scenario 7**
A Support Worker tells you that the Program Manager has ignored their phone calls and never replies to emails.

This is a complaint.

Reasoning:
The Support Worker is tired of not hearing back from the Program Manager and is escalating the complaint to you.

**Scenario 8**
A client tells you, the Program Manager, that they do not like a Support Worker and they have told their Service Coordinator several times, but the Support Worker continues to be rostered on shift.

This is a complaint.

Reasoning:
The client has not been heard and is frustrated by this. This has therefore turned into a complaint against, not only the original issue (the Support Worker), but also the Service Coordinator.
Scenario 9
A client tells you they are upset with a Support Worker, and would like to read what they have been writing about them in their Progress Notes.

This is a complaint.

Reasoning:
The client is complaining about the Support Worker’s treatment of them and is concerned about what is being written in their notes about them.

Scenario 10
A family member tells you they felt intimidated by a Service Coordinator at a recent Plan Review meeting.

This is a complaint.

Reasoning:
Intimidation warrants a complaint.

Scenario 11
After a serious incident with a client, a Carer called to thank the team for the way in which they responded.

This is feedback.

Reasoning:
This is positive feedback and needs to be recorded.

Scenario 12
A neighbour calls the office to say overnight Support Workers are continually parking on their verge.

This is a complaint.

Reasoning:
This is a complaint made by an external member of the community but still needs addressing.
**Scenario 13**
The office alarm has been going off all night and neighbours come into the office to inform the Receptionist.
This is feedback.
Reasoning:
Informing is not complaining but does require addressing and follow up.

**Scenario 14**
A Support Worker reports to a Service Coordinator that an individual with disability is demonstrating sexualised behaviour.
This is neither a complaint, nor feedback – other.
Reasoning:
This is not a complaint but is a concern and requires immediate attention and follow up action.

**Scenario 15**
A family member calls to discuss why they are no longer receiving monthly reports on the use of their family member's funding.
This is feedback.
Reasoning:
This is not a complaint but is a concern and needs following up. If it is not addressed it could turn into a complaint.

**Scenario 16**
An individual you support has bruising on their arms. They confide in you to say that their Dad has hit them but they ask you not to tell anyone.
This is neither a complaint, nor feedback – other.
Reasoning:
This is not a complaint but is a concern and requires immediate attention and follow up action.
**Scenario 17**
An individual in supported accommodation has continuously asked to have their shower curtain replaced. After several requests, he rips it down and does severe damage to the bathroom whilst doing so.

This is a complaint.

**Reasoning:**
The individual has not been heard or acknowledged in his request. Perhaps the only way he knows how to get the attention of the organisation is.
References and useful resources


Abuse
Abuse is defined as “…any act, or failure to act, which results in a breach of a vulnerable person’s human rights, civil liberties, physical and mental integrity, dignity or general well-being, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative. Abuse may take a variety of forms.” (Health Information and Quality Authority, 2013, as cited by Health Services Executive (HSE), 2014, pp.8).

Abuse can occur at any time, in any setting, and anyone who is in contact with a person who is vulnerable may be abusive. Abuse may be perpetrated by people who have influence over the lives of others, whether they are formal or informal carers or family members or others (family, professionals, peers and strangers).

**Emotional Abuse**
Emotional abuse refers to non-physical behaviours such as threats and insults. It can include constant monitoring, contact or “checking in,” excessive texting, humiliation, intimidation, isolation, ‘withholding’ behaviours or stalking. (Serious Incident Reporting Guidelines Final)

**Financial Abuse**
Financial abuse refers to illegal or improper exploitation or use of funds or other resources of the person. This can include controlling what a person with disability can or cannot buy or requiring that they share control of their bank accounts. (Serious Incident Reporting Guidelines Final)

**Legal or civil abuse**
Legal or civil abuse is the denial of access to justice or legal systems that are available to other people.

**Neglect**
Neglect is a passive form of abuse in which a perpetrator is responsible to provide care for a person who is unable to care for him or herself, but fails to provide adequate care. Neglect may include the failure to provide sufficient supervision, nourishment, or medical care, or the failure to fulfill other needs for which the person cannot provide themselves.
Physical Abuse
Physical abuse refers to the infliction of injury or other physical impact by another person and applies to both children and adults. The injuries can be inflicted by punching, kicking, biting, burning, beating, or use of a weapon. (Serious Incident Reporting Guidelines Final)

Psychological Abuse
Psychological abuse refers to behaviour that intimidates a person, resulting in them living in a state of fear, anxiety or apprehension. It includes threatening the person with violence, harassing them (e.g., at school or work), denying the person access to others (e.g., refusing to allow the person to see friends, preventing use of the telephone), confining the person to home, or destroying the person’s property. (Serious Incident Reporting Guidelines Final)

Sexual Abuse
Sexual abuse refers to any act of a sexual nature performed that a person has not consented to, or that are performed in a criminal manner, as with a child or with a non-consenting adult. This includes rape, incest, oral copulation, and penetration of genital or anal opening with a foreign object. The term also includes any sexual act that could be expected to trouble or offend another person when done by someone motivated by sexual interest, including indecent exposure and acts related to sexual exploitation, such as those related to pornography, prostitution involving minors, or coercion of minors to perform obscene acts. (SiR Guidelines Final)

Systemic abuse
Systemic abuse is the failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to the person’s age, gender, cultural needs or preferences.

Acknowledge
When a concern or complaint is raised it is essential for the complainant to be acknowledged and the concern or complaint be recognised as legitimate. Outline to the complainant the complaints process and provide them with the name of the person within the organisation that they can keep in contact with, including their contact details.

Action
Remember to provide clear explanations to the complainant of the actions that will be taken and have been taken to resolve the complaint. Across all stages of the complaints process, remember to provide clear explanations to the complainant of the actions that will be taken, and have been taken, to resolve
the complaint. Explanations should be provided in formats and languages that can be understood by the complainant.

**Action Plan**
The documented plan of action will identify:

- the actions that will be taken to resolve the complaint,
- responsible parties for actions,
- timelines, and
- any special considerations that apply to the complaint.

**Advocates**
Advocates are there to support people to speak up about what they want, working alongside them to ensure they can access their rights and the services they need.

**Apology**
An apology is an expression of sorrow, regret or sympathy towards another person.

**Code of Conduct**
A code of conduct is developed, or adopted, to guide staff on appropriate behaviours when managing complaints, underpinned by principles of professionalism, courtesy, honesty, respect and fairness pursuant to a person-centred approach.

**Communicate, collaborate and consult**
At all stages of the complaints management and resolution process, it is critical to ensure you maintain clear communication with the complainant and other key stakeholders. Ensuring you communicate the process at all times to the complainant, collaborate with them in regards to the outcome they wish to achieve, and consult with them when making agreed upon decisions.

**Complainant**
A complainant is a person who lodges or makes a complaint. In this instance, a complainant can be a person with disability or someone assisting the person with disability to make a complaint.
Complaint
A complaint is an expression of dissatisfaction made to an organisation, about its services, staff and processes, where a response or resolution is expected.

Serious complaint
In some organisations, serious complaints are defined in line with serious incidents, while other organisations measure seriousness in other ways. It is important to check how your organisation defines serious complaints.

One organisation used the following explanation to assist staff in understanding the links between serious complaints and serious incidents.

“A serious complaint will always result in serious incident reporting, but a serious incident will not always be identified through direct complaints.”

That is, serious complaints will encompass some issue of abuse, neglect, violence, exploitation of the person with disability, including that of a physical, emotional, sexual, psychological, financial, neglect nature. These complaints will always result in the need to report a serious incident to the Commission. However, an incident of abuse, neglect, violence, exploitation perpetrated against a person with disability might not be identified or raised through direct complaints.

Complaints handling principles
The Australian Standards: Customer Satisfaction – Guidelines for complaints handling in organisations outlines nine complaints handling principles:

1. Visibility – making information available about how and where to complain
2. Accessibility – ensuring flexibility in the methods of making complaints, providing support for complainants with special needs, making information about the complaint handling process easy to understand and use
3. Responsiveness – acknowledging each complaint immediately and addressing it promptly, treating complainants courteously and keeping them informed of the progress of their complaint
4. Objectivity – addressing each complaint in an equitable, objective and unbiased manner
5. Cost – making access to the complaint handling process free
6. Confidentiality – ensuring personal information concerning the complainant is protected from disclosure without the consent of the complainant and is used only for the purposes of addressing the complaint within the organisation
7. Customer/person-centred-focused approach – adopting a Person-centred customer focused approach to complaint handling, being open to feedback and committed to resolving complaints

8. Accountability – establishing a clear accountability for the actions and decisions of the organisation about complaint handling

9. Continual improvement – ensuring that continual improvement of the complaint handling process is a permanent objective of the organisation

Concerns
When service users, their families and carers are unsure about the quality of services received or about decisions that have been made, they may raise concerns with the organisation or staff. Concerns differ in some ways to complaints as the person is still uncertain about the situation and how to, or whether to seek remedy.

For staff in disability service organisations raising concerns can be an effective early warning of wrongdoing, malpractice or risks. Where possible, opportunities to raise concerns should be embedded into staff discussions on service delivery.

Consumer Liaison Officer
The Consumer Liaison Officer is the officer within the Commission that helps people with disability, their families and/or advocates, to address the concerns that they may have about services provided by the Commission. They are also available to support disability sector organisations with the development of their complaints policy, and develop and implement awareness training for disability sector organisations (internal and external to the Commission).

Context
Once a complaint has been received, it is important to understand the circumstances surrounding the complaint, and the seriousness of the complaint. To do this ask questions, including the basics – such as who, when, what, where, how, and why.

Continuous improvement
The term ‘continuous improvement’ describes the ongoing effort of an organisation to improve services, systems, processes or products to maximise benefits for its clients. The process of continuous improvement relies on evidence-based information to support the organisation’s success in achieving its goals and outcomes. This also means adapting to changing needs of the community or people using services.
Dignity of risk

The term ‘dignity of risk’ promotes each person’s autonomy and self-determination to make their own choices, including the choice to take some risks in life.

**Disability Service Act 1993**

The *Disability Service Act 1993* (DSA 1993) is the main legislation that guides the funding and delivery of services to people with disability in WA. The *DSA 1993* also includes information about:

- the principles of how services should be provided to people with disability,
- the rights of people with disability when accessing services,
- complaints processes,
- what needs to be reported,
- monitoring or eliminating restrictive practice,
- the powers of the state to investigate and prosecute incidents of abuse, neglect and exploitation against people with disability.

Government-funded organisations and state-government providers must comply with the *DSA 1993*.

According to the *DSA 1993*, disability services providers must:

- respect the rights of people with disability,
- provide quality services,
- support people with disability to make choices,
- support people with disability to be independent,
- support people with disability to get support if they need it,
- support people with disability to be valued members in their community. And
- act when there are concerns about the welfare or safety of a person with disability.
Disability Services Commission (the Commission)
The Commission works in partnership with service providers and other government
departments to provide information, supports and services to people with disability,
their families and carers.

Duty of care
Duty of care requires people to take reasonable care to ensure their actions, or
inactions, do not cause injury or harm others. For disability service organisation this
includes ensuring the safety and wellbeing of individuals to whom they provide
funding or services. Duty of care requires understanding of both the risk to the
individual and the potential exposure of other people to risk. The greater an
individual’s vulnerability and risk, the greater the consideration that needs to be
given to duty of care (DSC, 2014, pp.4).

Emotion
Many people find making a complaint a very difficult experience and may become
quite emotional. It is therefore important for the person receiving the complaint to
recognise these emotions as legitimate support the complainant as much as
possible, assisting them to outline what they would like to see happen. Try to focus
on the issue at hand rather than their emotions, responses or behaviour. In some
cases, all that people need is to be heard, to have someone actively listening to their
concerns and assisting them to explore their options.

Feedback
Opinions, comments and information offered through informal processes by
customers about services are considered feedback. Feedback can be positive or
negative.
Grievance
A grievance is a real or imagined cause for complaint, especially unfair treatment.

Health and Disability Services Complaints Office (HaDSCO)
In the disability service sector the Health and Disability Services Complaints Office (HaDSCO) is the independent statutory authority that has can provide impartial resolution service for complaints relating to health or disability services provided in WA. The HaDSCO complaints resolution service is free, impartial and confidential. The HaDSCO Assessment Team can be contacted on 08 6551 7600 or 1800 813 583, or an online or PDF complaint form is available at https://www.hadsco.wa.gov.au/complaints/disability.cfm.

Human rights principles
Australia has agreed to uphold human rights set out in a number of international treaties and declarations, including the Convention on the Rights of Persons with Disabilities. The National Standards draw on these and in particular the principles within the United Nations Convention on Rights of Persons with Disabilities.

The Human Rights principles are:
- respect for the inherent dignity, independence of persons and individual autonomy, including the freedom to make one's own choices;
- non-discrimination;
- full and effective participation and inclusion in society;
- respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- equality of opportunity;
- accessibility;
- equality between men and women;
- respect for the evolving capacities of children with disability and respect for the right of children with disability to preserve their identities; and
- active partnerships between services and people with disability, and where appropriate, their families, friends, carers and/or advocates.

**Individual**

The term ‘individual’ is used to describe the person who uses a service or support. This is primarily people with disability who use a service or support. The word ‘individual’ may also mean a family member or carer, for example, in the case of people using respite services. ‘Individual’ is used instead of words such as ‘consumer’, ‘client’ or ‘service user’.

**Investigation**

The purpose of investigating a complaint is to explore the facts surrounding a complaint, to reach a fair and independent view on the issues raised by a complainant, and to identify an appropriate remedy.

The three principles of fair investigation are:

1. Impartiality.
   Each complaint should be approached with an open mind, and the facts and contentions in support of a complaint should be weighed objectively.

2. Confidentiality.
   A complaint should be investigated in private, and care should be taken when disclosing to others any identifying details of a complaint.

3. Transparency.
   A complainant should be told about the steps in the complaint process and be given an opportunity to comment on adverse information before a complaint is dismissed.

A useful resource to support complaints investigation and resolution is the Ombudsman Western Australia (2016) ‘Guidelines on complaint handling’ p. 8.

---

Jargon
There is a significant amount of acronyms and jargon used in the disability sector. When speaking with people with disability and those outside of the sector, it is important to remember that not everyone understands acronyms and jargon usage. Keep jargon to a minimum and ensure you explain words and statements in full.

Monitoring progress
The process of monitoring and reviewing progress is a critical stage of the process of resolving a complaint. Monitoring progress occurs at all stages of the complaints handling process. Monitoring progress allows staff to identify issues or limitations and correct the response or course of actions in an intuitive way. In all cases, it is important to review progress near the end of the process to ensure the actions, as defined in the action plan, have been undertaken.

National Standards for disability services (National Standards)
The National Standards help promote and maintain a nationally consistent approach to improve the quality of services that focus on rights and outcomes for people with disability.

There are six National Standards that apply to disability service providers.

1. Rights: The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.
2. Participation and Inclusion: The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.

3. Individual Outcomes: Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.

4. Feedback and Complaints: Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.

5. Service Access: The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.

6. Service Management: The service has effective and accountable service management and leadership to maximise outcomes for individuals.

Ombudsman WA
The Ombudsman investigates complaints about Western Australian public authorities including State government agencies, statutory authorities, local governments and public universities. http://www.ombudsman.wa.gov.au/

Outcomes
The term ‘outcome’ describes the impact or result of a service or support, or action.

Person-centred
The term ‘person-centred’ describes service and supports that are centred on an individual and their strengths, needs, interests and goals. Person-centred service delivery ensures that people with disability lead and direct the services and supports they use.
Procedural fairness
Procedural fairness allows a person whose interests may be affected by a decision the opportunity to respond, and participate in all aspects of the resolution process.

Quality management
The term ‘quality management’ describes the systems and processes an organisation has in place to monitor, review, plan, control and ensure quality of services, supports or products.

Reflection
The term ‘reflection’ refers to activities that individuals, teams and organisations undertake to learn from practice and action. This can be undertaken formally or informally as part of professional development or quality management.

Responsive
When dealing with a complaint, it is important to react in a timely manner and with a positive, interested response.

Routine complaint
Non-critical complaint regarding service delivery

Safeguarding
Safeguarding means protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. Safeguarding individuals is
fundamental to high-quality care and support, and all people, regardless of their
disability or capacity should have their rights safeguarded.

When people with disability are vulnerable or at risk of experiencing compromised
human rights, quality of life, or outcomes, safeguards can act as a response to
minimise vulnerability and risk. Individual safeguards can be precautionary,
preventative or reactionary — implemented to protect an individual from vulnerability
and/or risk, harm, or reduce vulnerability and risk.

**Serious Incident reporting**
The Commission defines a serious incident as one or more of the following:

- Death of a person with disability.
- Serious physical injury or psychological harm suffered by a person with disability.
- Abuse including (physical, emotional, sexual, psychological, financial, neglect) of
  a person with disability.
- The person is judged as posing a serious risk to the health, safety or welfare of
  themselves or others.
- Exploitation or unjustified restrictive practices used with a person with disability.
- An assault on staff or visitors to the service by a person with disability who is
  current service user.

The Serious Incident Report (SIR) form should be completed within seven days of a
serious incident occurring, with the completed form forwarded to the Commission’s
Consumer Liaison Officer after it has been reviewed and approved by the CEO. In
the case of Commission-provided services, the Executive Director of the relevant
directorate will review and approve the SIR\(^9\).

**Service and supports**
The term 'service and supports' describes the distinction between 'services' (such as
specialist and mainstream service delivery) and 'supports' (which are other
measures that a person may use to live a full life such as brokering and mentoring).
For simplicity, the National Standards refer to disability organisations, organisations
and agencies as 'service providers'. An individual may use more than one service
provider.

**Strategy**
A strategy is the approach you take to achieve a goal.

---

\(^{9}\) Refer to the Disability Services Commission Serious Incident Reporting system on the
service-providers/contracts2/serious-incident-reporting/]
Suggestion
A suggestion is an enquiry or general discussion about the service that could result in an improvement, yet it is not a complaint.

Timeframes
When developing a plan of action with the complainant, it is important to outline timelines and timeframes of when certain actions and outcomes should occur. Make sure this is prepared in partnership with the complainant and liaise with any other stakeholders that may be involved or impacted.

Understanding the person’s needs
All individuals have a unique set of requirements and needs. When dealing with a complainant it is imperative to ask open-ended questions to gauge the person’s needs and the outcomes they would like to see happen, as a result of their complaint being managed.

Vulnerability
Vulnerability can describe or refer to the possibility of being physically or psychologically harmed, being exposed to potential risk or harm, and anticipating, withstanding, managing potential risk or harm and recovering from events that cause risk and harm.

All people experience vulnerability at some point in their life.
WA Quality System
This is the State’s quality assurance system. Through the WA Quality System organisations are required to complete annual self-assessments, regular quality evaluations, and ad hoc quality evaluations. Organisations are required to rectify any gaps in meeting the standards and if significant breaches are not rectified the Commission has the power to cease funding to the organisation and support individuals to transition to other services.

Zero Tolerance
This national initiative aims to provide an evidence-based, nationally consistent and contemporary approach to preventing and responding to abuse. The Zero Tolerance framework is used to shape and influence all disability services sector work, which relates to continuous service improvement, complaints and vigilance about the prevention of abuse, neglect and harm of people with disability.