

COMPLAINTS AND APPEALS

1.0 PURPOSE / OBJECTIVE

- 1.1 The purpose of this procedure is to provide a mechanism for clients and their families or advocates, members of Spinal Life Australia (SLA) and other relevant stakeholders to raise any complaint or dispute, or appeal a decision, and have these dealt with in a fair, timely, transparent, equitable and accountable manner.
- 1.2 The organisation considers all complaints as a source of valuable feedback and recognises these as opportunities for continuous improvement under the quality management system framework, which strives for a fair and reasonable outcome for all parties. The organisation adopts guiding principles for handling complaints based on Australian and International Standards.
- 1.3 The organisation will strive to reach a fair and reasonable outcome within 30 days from the initial lodgement of a complaint; but may take longer where external authorities and parties are involved.

2.0 RISK PLAN

2.1 Issues / Requirements for Performance

Policy / Process Link	Feedback, Satisfaction, Grievance, Complaints and Appeals policy (102213); Privacy and Confidentiality policy (100148); Code of Conduct policy (100207); Code of Ethics policy (100294); Quality Management System policy (101291); Monitoring and Measuring Employee and Customer Satisfaction procedure (100314); Critical Incident Reporting procedure (100229); Abuse Neglect Exploitation and Reporting procedure (100988); Workplace Bullying and Harassment procedure (100058); Employee Grievance procedure (101620).
Knowledge / Competency	Understanding policies and procedures listed above; following Complaints Management work instruction (101768); and Complaints Management Guidelines (102244).
Resources / Infrastructure	Qudos - Quality, Compliance and Risk Management System; Website Feedback facility; CMS Carelink; Email system.
Monitoring / Measuring Results	Internal audit review; non-identifying trend data is provided in quality reports to senior and executive management team and CEO. CEO provides periodic reports to Board.
Legal / Regulatory / Compliance	Aged Care Act 1997; Australian Consumer Law and the Australian Consumer Guarantee; Corporations Act 2001; Disability Services Act and Regulation 1996

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	(Qld); Disability Services Act 1986 (C'th); NDIS Act 2013 (C'th); Anti-Discrimination Act 1991 (Qld) and related C'th legislation; Work Health and Safety Act 2011 (C'th); Privacy Act 1988 (C'th); Whistleblower Protection Act 1994 and other Public Interest Disclosure legislation.
Documentation / Information Controls	Website feedback record; Complaint Acknowledgement Letter (101543) or email; Complaint Close-Out Letter (101463); Carelink CMS Client file – Note Type – Client Issues Mgt and Note Type – Client Issues Closed; Qudos Complaints Register Action number recorded in CMS Note Type to safeguard privacy in CMS. Complaint records affixed to the Qudos Action. Privacy and security features enabled.
External Providers / Relationships	External complaint resolution agencies, listed in Appendix A.
Traceability / Authorisations	CMS Client Record; Qudos Action number; escalated, assigned management representative.
Corrective Actions	Corrective actions attended by the authorised manager. Linked Qudos Action may be raised.

3.0 SCOPE

3.1 Functional area, personnel, location

- 3.1.1 This procedure relates to complaints, disputes or appeals raised by clients and their families or advocates, members of the organisation or other relevant stakeholders regarding any of SLA's policies and processes, SLA workers, quality of services, programs or products provided across all locations of the organisation.
- 3.1.2 Employee grievances raised by SLA workers are not covered by this procedure - refer to Employee Grievance procedure.

3.2 Process owner

- 3.2.1 Governance
- 3.2.2 Manager – Quality, Risk and Compliance

4.0 DEFINITIONS

4.1 Issue:

- 4.1.1 An issue is an expression of dissatisfaction relating to any of the organisation's policies and processes, SLA workers, quality of services, programs or products, alleged breach of privacy that may be raised by a client, family member or advocate of a client, member of the organisation or other relevant stakeholders. An issue (e.g. client issue) generally refers to

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the more day-to-day commonplace matters that are dealt with and resolved on an operational or frontline level.

- 4.1.2 Where an issue is unresolved on an operational level or relates to any of the below incidents, the issue will be escalated to management and recorded as a formal complaint.

4.2 Formal Complaint:

- 4.2.1 A formal complaint is an expression of dissatisfaction relating to any of the organisation's policies and processes, SLA workers, quality of services, programs or products, or alleged breach of privacy that may be raised by a client, family member or advocate of a client, member of the organisation or other relevant stakeholders. It can be made either verbally or in writing, and is handled through the formal complaints handling process where further assessment and/or investigation will be required.

- 4.2.2 A formal complaint may also relate to incidents of sexual harassment, abuse, neglect, bullying or harassment, discrimination, assault, or other allegations of criminal activity. These incidents will be assessed and, if required, managed according to the Critical Incident Reporting procedure.

- 4.3 **Complainant:** The person raising the complaint.

5.0 ACTIVITIES TO BE PERFORMED

- 5.1 A complainant may raise an issue or lodge a formal complaint to a representative of the organisation without fear of retribution. The representative will support the complainant to overcome any barriers in making the complaint, and assess whether the matter is an *issue, normally handled at the frontline*, or a *formal complaint* (see Definitions). The representative should refer to this document in conjunction with the Complaints Management Work Instruction and Complaints Management Guideline for further instructions and guidance on the organisation's complaints handling process.
- 5.2 All complaints will be handled with respect and dignity, fairly and equitably. Guiding principles ensure that services shall not be discontinued or reduced or take any retaliatory action in relation to a person who has made a complaint about any of the services or who has had a complaint made on their behalf. *Note:* this does not preclude the service from taking action as necessary to ensure the safety and prevent harm to service users and others that may come to the notice of the service through lodgement of the complaint.
- 5.3 Confidentiality of information will be maintained and the sharing of information will be confined only to parties involved in the resolution of the complaint. Representatives of the organisation are bound by the Privacy Act 1988 and the organisation's Privacy and Confidentiality Policy which is available on the website and from the organisation.
- 5.4 The complainant will be provided with information on the organisation's complaints handling process; and if required, assistance on how to raise the complaint can be provided by a representative of the organisation.
- 5.5 A complainant has the right to engage an independent person or advocate to raise a complaint and/or to act on their behalf throughout the process.

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- 5.6 The organisation will take a risk management approach in resolving a client's complaint, with priority given to assessing the client's needs and ensuring there is minimal risk to health and safety. Strategies for resolving complaints may include discussion, problem solving activities, investigation and/or mediation. Service support plans may be updated with remedial or preventive action following a substantiated complaint, where applicable.
- 5.7 Feedback about the way a complaint was handled at conclusion of the process is encouraged.
- 5.8 If a complainant is dissatisfied with the outcome, they may appeal the decision to higher management within the organisation who will review the matter – refer to APPEALS section below. The complainant may choose to raise the matter with their funding body or an external resolutions agency to assist with the resolution process – refer to Appendix A – List of External Complaints Resolution Agencies.

6.0 STEPS TO RAISING A COMPLAINT

- 6.1 A complainant who wishes to raise a matter may do so in the following ways:
- 6.1.1 In the first instance, the complainant should discuss the matter with the person(s) directly involved in order to resolve the problem at the frontline and achieve a satisfactory outcome.
- 6.1.2 If the matter is not resolved, or if the complainant feels uncomfortable with raising the matter with the person(s) involved, they should bring the matter to the attention of the person's supervisor or department manager for resolution. The complainant may choose to lodge a formal complaint at this point.
- 6.1.3 Raise a formal complaint in writing or verbally, e.g., via telephone, email, letter, or through the organisation's website. The complaint will be documented to ensure details are accurately recorded.
- a. **Telephone** - Toll Free (cost – local call) 1300 SPINAL (1300 774 625)
 - b. **Website feedback facility:** <http://www.spinal.com.au/>
 - c. **Head Office - Brisbane and regional offices**
109 Logan Road, WOOLLOONGABBA QLD 4102
PO Box 5651 WEST END QLD 4101
 - d. **Townsville Office**
488 Ross River Road
CRANBROOK QLD 4814
PO Box 618
AITKENVALE BC QLD 4814
 - e. **Cairns office**
Unit 1, 325-327 Sheridan St
NORTH CAIRNS QLD 4870
PO Box 452
NORTH CAIRNS QLD 4870
 - f. **Manager – Quality Risk and Compliance** - qmscoordinator@spinal.com.au
- 6.1.4 A complainant may choose to raise a complaint anonymously, however depending on the matter, it may be difficult to resolve the matter without exploring further information.

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6.2 If the complainant has raised a formal complaint, an acknowledgement receipt will be issued by a representative of the organisation within two working days of the complaint being received, and contact with the complainant will be made to initiate the complaints resolution process.

6.3 Complainants who are dissatisfied with the outcome of the complaint process may appeal the decision, refer to APPEALS section below.

7.0 APPEALS

7.1 All applications for appeals must be made in writing within 14 days of being notified of the outcome of the original complaint. The application should provide reasons for the appeal, feedback or additional evidence to support the appeal.

7.2 In the first instance, the relevant General Manager will consider the application and review the outcome and investigative process under which the outcome was reached. If required, the complaint may be re-opened and any further supporting evidence provided will be considered.

7.3 In the second instance, the Chief Executive Officer (CEO) will consider the appeal and make a final decision. The CEO at their discretion may refer the matter to an agreed external agency to assist with the resolution of the complaint.

8.0 RECORDS / PRIVACY / REVIEW**8.1 Record and data control**

8.1.1 Records shall be maintained securely and are subject to requirements detailed within department filing procedures, business information systems, the Documentation, Data and Records Control procedure, and Archiving procedure. Complaints registered are stored confidentially in the Qudos Actions – Complaint register.

8.2 Privacy

8.2.1 Privacy will be managed in accordance with the organisation's Privacy and Confidentiality policy, the Privacy Act and Australian Privacy Principles.

8.3 Review and continual improvement

8.3.1 The organisation shall review, amend and/or update this procedure from time to time. Document reviews and process audits are conducted in accordance with the Quality Management System policy, Continual Improvement procedure, Internal and External Audits procedure, and the Documentation, Data and Records Control procedure.

9.0 REFERENCES

Feedback, Satisfaction, Grievance, Complaints and Appeals policy (102213)
Code of Conduct policy (100207)
Code of Ethics policy (100294)
Human Resource Management policy (100117)
Privacy and Confidentiality Policy (100148)

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Quality Management System policy (101291)
Records Management policy (102503)
Workplace Health and Safety Management policy (100113)

Abuse Neglect Exploitation and Reporting procedure (100988)
Complaints Management work instruction (101768)
Complaints Management Guidelines (102244)
Continual Improvement procedure (100310)
Critical Incident Reporting procedure (100229)
Complaint Acknowledgement Letter (101543)
Complaint Close-Out Letter (101463)
Documentation, Data and Records Control procedure (102453)
Employee Grievance procedure (101620)
Internal and External Audits procedure (100219)
Quality and Risk Management Committee (102588)
Monitoring and Measuring Employee and Customer Satisfaction procedure (100314)
Workplace Bullying and Harassment procedure (100058)

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APPENDIX A – LIST OF EXTERNAL COMPLAINTS RESOLUTION AGENCIES

<p>Department of Communities, Child Safety and Disability Services – Complaints Unit</p> <p>For complaints about services funded by DS and about NDIS specialist disability service providers.</p>	<p>Telephone: 1800 080 464 (free call) TIS: 131 450 NRS: 1300 555 727 Email: feedback@disabilitycommunities.qld.gov.au Online: www.qld.gov.au/contact-us/complaints Post: Governance and Complaints, GPO Box 806, Brisbane Qld 4001 For more information or to receive a brochure about the Disability Services Complaints Service go to their website https://www.communities.qld.gov.au/gateway/about-us/compliments-and-complaints-feedback</p>
<p>Feedback Management Team Department of Veterans’ Affairs (DVA)</p> <p>For complaints about services funded by the Department of Veteran Affairs (VHC – Veteran Home Care)</p>	<p>Telephone: 1800 555 254 Veterans’ Services & Complaints Management Team (Level 1) GPO Box 9998 SYDNEY NSW 2001 Email: feedback@dva.gov.au For more information go to the DVA website feedback page https://www.dva.gov.au/contact/feedback</p>
<p>Department of Health Aged Care Complaints Commissioner</p> <p>For complaints about services funded by the Australian Government – Aged Care Services)</p>	<p>Aged care complaints scheme: Phone 1800 550 552 (free call from fixed lines; calls from mobiles maybe charged) Online - online complaint form. https://www.agedcarecomplaints.gov.au/</p>
<p>Older Persons Advocacy Network (OPAN) free, confidential and independent advocacy support to older people, their families and representatives across Australia</p>	<p>National Aged Care Advocacy Line on 1800 700 600 http://www.opan.com.au/</p>
<p>Department of Social Services DSS–funded service providers</p>	<p>http://www.dss.gov.au/ Tel 1800 634 035 (freecall) Fax: 02 6133 8442 Email: complaints@dss.gov.au Post: DSS Feedback, GPO Box 9820, Canberra ACT, 2601 https://www.dss.gov.au/contact/feedback-compliments-complaints-and-enquiries</p>
<p>Legal Aid Queensland</p>	<p>1300 651 188</p>
<p>Job Access</p> <p>Complaints Resolution and Referral Service (for services funded by the Australian Government – Disability Employment Services - DES provider)</p> <p>National Disability Service Abuse and Neglect Hotline</p> <p>Employment Services National Customer Service Line</p>	<p>CRRS Telephone: 1800 880 052 (toll-free within Australia) ESNCSL: 1800 805 260 TTY: 1800 301 130 (toll-free within Australia) National Relay Service: 1800 555 677 (toll-free within Australia) Telephone Interpreter Service: 131 450 (cost of a local call) Email: crrs@workfocus.com Email: hotline@workfocus.com Email: nationalcustomerserviceline@employment.gov.au</p>
<p>Office of the Adult Guardian</p>	<p>(07) 3234 0870 or 1300 653 187</p>
<p>Office of the Australian Information Commissioner – Privacy related complaints</p>	<p>www.oaic.gov.au Tel 1300 363 992 Email: enquiries@oaic.gov.au</p>
<p>Public Trustee (Brisbane)</p>	<p>(07) 3213 9288</p>

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Queensland Police (Headquarters Brisbane)	(07) 3364 6464
Queensland Anti-Discrimination Commission	Level 20, 53 Albert Street BRISBANE QLD Tel 1300 130 670 TTY: 1300 130 680 https://www.adcq.qld.gov.au/
Queensland Victims Counselling & Support Line	1300 139 703 http://www.vcss.org.au/
Dispute Resolution Centres	https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/dispute-resolution-centres https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/settling-disputes-out-of-court/dispute-resolution-centres
Sexual Assault Services – DV Connect	Statewide Sexual Assault Help Line (24 hrs day): Tel 1800 010 120 (free call)
Safe Work Australia For information about laws in each State and Territory	https://www.safeworkaustralia.gov.au/law-and-regulation
Workplace Health and Safety (Qld) – Department of Workplace Health and Safety, Electrical Safety Office, Workers' Compensation Regulator	https://www.worksafe.qld.gov.au/ Tel 1300 362 128
Workplace Disputes – Fair Work Australia Wages, Awards and Employment – Fair Work Ombudsman	See relevant Award for dispute resolution procedure Fair Work Ombudsman http://www.fairwork.gov.au Tel 13 13 94
Bullying and harassment Fair Work Commission	https://www.fwc.gov.au Tel 1300 799 675