



Mental Illness Fellowship of WA (Inc)

Policy Title: Complaints Handling Policy

Policy Number: M21

Document Control

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Review

Reviewed By	Date
Staff Member/s	16/02/2023
Consumer	04/03/2021
Carer	07/04/2021

Record of Issue

Date	Reason and Comment
01/04/2019	Reviewed
01/04/2021	Standards updated; minor text changes to include carers
25/01/2022	All sections of the policy now include information about contacting the NDIS Quality and Safeguards Commission (if the matter relates to a NDIS service).
29/03/2022	Complaints form separated from policy to assist with version control – can be accessed via MIFWA website
25/01/2023	The website link for NDIS Advocacy has been updated in the section on Making a Complaint.
10/02/2023	Definition of advocacy and consumer added to Definitions section. Support for advocacy added to Policy Statement and Making a Complaint sections

Contact for enquiries and proposed changes

All queries and changes regarding this document should be directed to:	
Name	Monique Williamson
Position	CEO

1. PURPOSE AND SCOPE

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our services, staff and complaint handling.

This policy provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system.

2. RESPONSIBILITY FOR IMPLEMENTATION

Board, Chief Executive Officer (CEO), General Manager, Relevant Program

Managers/Coordinators/Service Team Leaders, Employees, Volunteers, Students. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
BOARD & CEO MIFWA	Promote a culture that values complaints and their effective resolution	Report publicly on MIFWA's complaint handling. Provide adequate support and direction to key staff responsible for handling complaints. Regularly review reports about complaint trends and issues arising from complaints. Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. Encourage staff to make recommendations for system improvements. Recognise and reward good complaint handling by staff. Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data. Recruit, train and empower staff to resolve complaints promptly and in accordance with MIFWA's policies and procedures.
All staff, volunteers and students	Understand and comply with MIFWA's complaint handling practices.	Treat all people with respect, including people who make complaints. Be aware of MIFWA's complaint handling policies and procedures. Provide consumers with information on how to provide feedback or make a complaint, including avenues external to MIFWA Assist people who wish to make complaints access MIFWA's complaints process Support consumers in their right to access an advocate, including providing information on advocacy and local contact details, if required Be alert to complaints and assist staff handling complaints to resolve matters promptly. Provide feedback to management on issues arising from complaints.

3. REFERENCES

National Standards for Mental Health Services 2010 Service Standards 1, 2, 5, 7, 8 & 10
National Standards for Disability Services 2014, Service Standards 1, 2, 5 & 6
NDIS Practice Standards and Quality Indicators, November 2021, Version 4, Core Module 2.
Provider Governance and Operational Management
Privacy Act 1998

4. DEFINITIONS

Advocacy is a process that supports a consumer's voice, including but not limited to:

- Promoting and protecting legal and human rights;
- Empowering disadvantaged individuals and groups;
- Increasing an individual or group's control over goods and services;
- Being responsive to, and emphasising, an individual or group's needs and wishes;
- Challenging stereotypes and stigma;
- Overcoming barriers that restrict opportunities;
- Supporting an appropriate societal and service delivery response to individuals or groups; and
- Supporting a better quality of life for a person or group.

An **advocate** or **support person** is a person nominated by the consumer to promote the rights of the consumer and communicate their views and preferences. An advocate may attend meetings with the consumer and help them to raise issues or complaints with a service provider. The advocate or support person takes direction from the consumer and does not override their choices or decisions.

Complaint: is an expression of dissatisfaction made to or about an organisation regarding its staff, services or products that warrants response or resolution.

Complainant: is an employee, consumer, carer, advocate, entity or member of the public who expresses their dissatisfaction about an organisation to either the organisation itself or an external body.

Consumer: For the purposes of this document, consumer is defined as all people accessing MIFWA services, including consumers of non-NDIS programs, NDIS participants and carers.

Escalation: is the process of reporting complaints to HaDSCO or NDIS Quality and Safeguards Commission if the complainant is not satisfied with the outcome of their complaint.

5. POLICY STATEMENT

MIFWA expects staff at all levels to be committed to fair, effective and efficient complaint handling. Anonymous complaints will be investigated as far as possible and issues that can be addressed will be.

Principles

MIFWA will:

- ensure that all consumers, and their families and advocates are encouraged and supported to raise any concerns they have about the service, staff or organisation
- consider all complaints it receives regardless of whether or not the complainant is a consumer receiving support from MIFWA

- treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- keep accurate and up-to-date records of all complaints
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution. Information will only be disclosed if required by law, or if otherwise necessary
- resolve complaints, where possible, to the satisfaction of the complainant
- ensure consumers, families and advocates have access to the organisation's complaints management policy
- deal with all complaints in a timely manner, and aim to provide a formal response to the complainant within three weeks of the complaint being received
- keep parties to the complaint appropriately involved and informed of progress of the complaint, including after the complaint has been resolved and any actions/improvements that have been implemented
- ensure that MIFWA Board members, staff, volunteers and students are given information about the complaints procedure as part of their induction and are aware of procedures for managing consumer feedback and complaints
- ensure all consumers, stakeholders and members are aware of the complaints policy and procedures
- ensure all consumers, families, and stakeholders are informed and supported to understand and have access to independent advocacy, particularly where allegations of violence, abuse, neglect, exploitation or discrimination have been made
- ensure that all complainants are aware of and understand how to escalate their complaint to Health and Disability Services Complaints Office (HaDSCO) and or the NDIS Quality and Safeguards Commission
- ensure that a complainant is not penalised in any way or prevented from use of services during the progress of an issue
- take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.
- accept anonymous complaints and carry out an investigation of the issues raised, where there is enough information provided
- review all complaints for opportunities to make quality improvements, develop action plans and resolve accordingly.

Our staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

6. PROCEDURE

Information for consumers and stakeholders

The MIFWA complaints and appeals procedure is documented for consumers and stakeholders in a service welcome pack and/or choosing MIFWA as a service provider. The policy is available on the MIFWA website in the feedback section.

MIFWA will adapt the information to the communication needs of each participant by using interpreters and developing alternative formats as requested.

All consumers will be informed of their rights and responsibilities with regards to complaints and appeals at the earliest possible stage of their involvement with MIFWA, as well as their right to engage an advocate, if required.

Training procedures

Staff will be trained on the complaint's management procedures during their induction, and as part of ongoing refresher training within team meetings.

Managers and relevant staff will undergo training for complaints management and resolution to support consumers throughout the complaint process and appropriately respond to complaints in an empathetic manner. This will include open communication strategies such as acknowledging the grievance without being defensive and making apologies while accepting responsibility for what occurred.

Making a complaint

A person wishing to make a complaint may do so in writing or verbally to:

- the staff member they were dealing with at the time
- the manager of that staff member
- the CEO
- the MIFWA Board, or
- Health and Disability Services Complaints Office (HaDSCO)
- NDIS Quality and Safeguards Commission (in relation to NDIS services only)

Feedback and complaints can be made in the following ways:

- Submitting a completed form into the Suggestion Box located at Lorikeet Centre or MIFWA office in Midland. The Compliments, Complaints and Suggestions form is available in hard copy at these locations.
- Sending written complaints to PO Box 1947 Midland Delivery Centre 6936 and/or info@mifwa.org.au. The CEO will be responsible for receiving this correspondence and directing it to the appropriate person.
- Calling us on (08) 9237 8900
- Making an anonymous complaint using the feedback form on the MIFWA website: <https://www.mifwa.org.au/contact/feedback-complaint-form>.

MIFWA provides information and support to consumers to access independent advocacy to assist in exercising choice and control, and to have their voice heard in matters that affect them. Access to an advocate will be facilitated where allegations of violence, abuse, neglect, exploitation or discrimination are made. Please refer to the information sheet on [Advocacy for the People We Support](#), available on the MIFWA website.

Making a complaint about NDIS services and supports

If you have a concern about your current NDIS supports or services, it is important that you talk about it. Complaints are important—they can help providers understand what is important to people with disability and improve the quality of services they provide, so your complaint can help other people too.

If you feel comfortable, you are encouraged to raise your concern or complaint with us first, as this is often the best way to have your issue resolved quickly. If you find we are unable to resolve your concern or complaint, then you should seek further support from the NDIS Quality and Safeguards Commission by:

- phoning 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.

- [National Relay Service](#) and ask for 1800 035 544.
- completing an online [complaint contact form](#).

You may seek support from family, a friend or an independent advocate in making a complaint <https://www.ndiscommission.gov.au/participants/how-advocate-can-help-you>

Making a complaint via HaDSCO

The Health and Disability Services Complaints Office (HaDSCO) deals with complaints about health, disability and mental health services in Western Australia and the Indian Ocean Territories. Usually talking to us directly will resolve your complaint. If it does not, you can raise a complaint with HaDSCO.

You can make a complaint direct to (HaDSCO) by:

- Calling (08) 6551 7600 or 1800 813 583 (free from Landlines)
- Emailing mail@hadsco.wa.gov.au
- Downloading a form or completing an online complaint form from <https://www.hadsco.wa.gov.au/Complaints/Complaint-Form>

If you require assistance in making your complaint, here are some useful contacts:

- Interpreter: tisonational.gov.au - 131 450
- Accessible: [National Relay Service](#) - 1800 555 660

If the complaint is about:

- a staff member, volunteer or student, the complaint will normally be dealt with by a Manager.
- a Manager, the complaint will normally be dealt with by CEO or Board Chairperson.
- The CEO, the complaint will normally be dealt with by the Board Chair or Executive.
- a Board Member, the complaint will be dealt with by the Chair or if about Chairperson the Treasurer or Vice President.

Lodging an appeal

Consumers, or their advocates, may lodge an appeal if they disagree with a decision made by the organisation, or by a staff member, related to their services or support. An appeal should be made in writing and submitted to the CEO (or where the complaint involves the CEO, Board Chairperson).

Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner. We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker. For further information about how MIFWA manages conflicts of interest, see our Conflict of Interest Policy (M38).

Manage the parties to a complaint

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

Complaints and appeals process

1. *Receiving the complaint:*

Any employee, volunteer or student may be a recipient of a complaint, and is responsible for:

- listening to the complainant, acknowledging the concern raised, and explaining the next steps to the complainant
- depending on the type and severity of the complaint, either discussing with the complainant an agreed upon resolution (for smaller matters), or referring the complaint on to a Manager or the CEO for further investigation and action.
- If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative. With the complainant's consent, anyone may represent them in making a complaint (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).
- Where possible, complaints will be resolved at first contact with MIFWA. In these situations, send a summary of the complaint and its resolution to Executive Assistant.

2. *Processing the complaint or appeal:*

The person managing the complaint will be responsible for:

- registering the complaint or appeal with the Executive Officer (who will add to the database)
- informing the complainant that their complaint has been received and providing them with information about the process and timeframe
- assessing and prioritising complaints in accordance with the urgency and/or seriousness of the issues raised.
- Initial Assessment
 - After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.
 - When determining how a complaint will be managed, we will consider:
 - i. How serious, complicated or urgent the complaint is
 - ii. Whether the complaint raises concerns about people's health and safety
 - iii. How the person making the complaint is being affected
 - iv. The risks involved if resolution of the complaint is delayed, and
 - v. Whether a resolution requires the involvement of other organisations or external complaints bodies, such as HADSCO, the Ombudsman, and the NDIS Quality and Safeguards Commission).

Note: If a matter concerns an immediate risk to safety or security the response will be immediate and the matter escalated to the CEO immediately.

- To manage a complaint, we may:
 - Give the person making a complaint information or an explanation
 - Gather information from the service, person or area that the complaint is about, or
 - Investigate the claims made in the complaint.
 - We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.
 - Where this is not possible, we may decide to escalate the complaint to a more senior officer within MIFWA. This second level of complaint handling will provide for the following internal mechanisms:
 - i. assessment and possible investigation of the complaint and decision/s already made, and/or
 - ii. facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

3. Investigating the complaint or appeal:

The person managing the complaint will be responsible for:

- examining the complaint within two (2) business days of the complaint being received;
- investigating the complaint and deciding how to respond;
- informing the complainant by letter or email within five (5) days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution; and

- as far as possible, complaints or appeals will be investigated and resolved within three weeks of being received. If this time frame cannot be met, the complainant will be informed of the reasons why and of the alternative time frame for resolution.

4. Responding to and resolving the complaint:

The person managing the complaint will be responsible for:

- making a decision or referring to the appropriate people for a decision within 10 business days of the complaint being received
- informing the complainant of the outcome and the reasons for any decisions made
 - i. upheld (and if so what will be done to resolve it)
 - ii. resolved (and how this has been achieved); or
- if no further action can be taken, the reasons for this
- informing the complainant of any options for further action if required
- if an apology is in order, ensuring that the appropriate person makes the apology and informs the complainant what the organisation intends to do to avoid further grievance

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the Privacy Act 1998 and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

We will keep comprehensive records about:

- how we managed the complaint;
- the outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

5. Reviewing the complaint:

If the complainant is not satisfied with the investigation and proposed resolution of their complaint, they can seek a further review of the matter by writing to the CEO (or where the complaint involves CEO, the Board Chairperson) within 10 business days from receiving the outcome.

6. Referral to external procedure:

A formal external complaints procedure may follow Step 5 if the complainant is still not satisfied with the outcome. The complainant will be referred to HaDSCO and/or the NDIS Quality and Safeguards Commission (if the complaint relates to an NDIS service), and provided information and support to make the complaint externally if necessary.

Complaints involving specific staff members, students or volunteers

The Program Manager has delegated responsibility for resolving complaints or disputes involving staff members, student or volunteers.

Internal complaints, where a staff member, student or volunteer makes a complaint concerning another staff member, student or volunteer, will be dealt with in accordance with the grievance policy.

External complaints by consumers or stakeholders made against a staff member, student or volunteer will be managed by the Program Manager who will:

- notify the staff member, student or volunteer of the complaint and its nature
- investigate the complaint and provide the staff member, student or volunteer with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party
- take any other action necessary to resolve the issue

Any disciplinary action against a staff member, student or volunteer arising from a complaint will be taken in accordance with the procedures contained in MIFWA's Performance Development Policy (M73).

Complaints involving the CEO will be managed by the Board Chairperson.

Complaints involving organisation members or Board members

Complaints made against a member or Board member will be referred to the Board Chair.

The Chair, or their delegate, will:

- notify the person about whom a complaint is being made of the complaint and its nature
- investigate the complaint and provide the member with an opportunity to respond to any issues raised
- attempt to mediate the dispute (if appropriate) and/or attempt to resolve the matter to the satisfaction of the outside party

Where the Chair is the subject of a complaint, the complaint should be referred to the Treasurer or Vice President.

If the matter remains unresolved, the Chair will raise the matter at the next Board meeting.

Depending on the seriousness of the complaint, the Board may:

- deal with the matter at its meeting, or
- refer the matter to the disputes process outlined in the constitution.

Cooperation in external investigations

If any person makes a complaint about MIFWA to an external body (including police, HaDSCO, Ombudsman, the NDIS Quality and Safeguards Commission), the CEO or their delegate will be responsible for liaising with the body responsible for investigating the issue. MIFWA will fully cooperate in any investigation which may take place. This includes participating in early resolution, conciliation, and/or reporting to the body about resolution and corrective actions if required.

Record keeping

A register of complaints and appeals will be kept by the Executive Officer for a minimum of seven years after the complaint has been made. The register will be maintained by the Executive Officer and will record the following for each complaint or appeal:

- Details of the complainant and the nature of the complaint
- Date lodged
- Action taken
- Date of resolution and reason for decision
- Indication of complainant being notified of outcome
- Complainant response and any further action

Copies of all correspondence will be recorded in MIFWA's SharePoint system. The complaints register and files will be confidential, and access is restricted to the CEO and delegated staff.

A statistical summary of complaints and appeals will also be kept in Board of Management folder and maintained by the Executive Officer. The CEO will be responsible for preparing a report on complaints. This will be provided to Board quarterly at their meeting.

Results from this report will be reviewed by the MIFWA Quality and Practice Management Committee every six months and used to:

- inform service planning by including a review of complaints and appeals in all service planning, monitoring and evaluation activities
- inform decision making by including a report on complaints and appeals as a standard item on staff and management meeting agendas

Continuous improvement of the complaints management system

The complaints management system will be reviewed and evaluated annually. This will include:

- review of all complaint and feedback policies and procedures
- consumer and staff feedback about the accessibility and effectiveness of the complaints management system
- implementation of a continuous improvement plan based on the review and feedback received.

7. STANDARDS MONITORING

MIFWA monitors its standards in relation to its policy and will review it, with consumer input, at regular intervals.

8. REVIEW OF POLICY

This policy will be routinely reviewed every two years, or in the interim if needed.

9. RELATED DOCUMENTS

- M26 Privacy Policy
- M24 Confidentiality Policy
- M27 Consumer and Carer Rights and Responsibilities Policy
- M76 Advocacy and Support Policy