

# **REPORT on the FEEDBACK and COMPLAINTS HANDLING**

## **PRINCIPLES and GUIDELINES**

**PREPARED for the NSW DEPARTMENT OF AGEING,  
DISABILITY, and HOME CARE (D08/5757)**

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## **CONTENTS**

1. Executive Summary
2. Summary of Recommendations
3. Physical Disability Council of NSW (PDCN)
4. Terms of Reference
5. Feedback

### **1. EXECUTIVE SUMMARY**

The Physical Disability Council of NSW (PDCN) would like to thank the NSW Department of Ageing and Disability, and Home Care for providing the opportunity to provide valuable feedback as part of the two yearly review.

The PDCN submission includes thirteen recommendations in response to implementation of this policy and the introduction of new administrative procedures. A complaints' handling system needs to provide an agency with the necessary processes and procedures required to respond to, record and use complaints to improve services to its customers. PDCN supports a review of the existing policy, so that it focuses on the complainant rather than the operational requirements of DADHC staff.

### **2. SUMMARY OF RECOMMENDATIONS PROPOSED BY PDCN**

**Recommendation 1:** PDCN recommends that this policy is reviewed so that it is easily accessible for complainants, rather than an operational focus primarily prepared for departmental staff.

**Recommendation 2:** PDCN recommends that the term 'Program specific appeals' needs greater clarification than that used in the existing policy.

**Recommendation 3:** PDCN recommends that Information Sheet 1 include comment on what complaints are not considered as part of this policy, noting program specific appeals.

**Recommendation 4:** PDCN recommends that a statement regarding the importance of protecting the privacy and confidentiality of complainants, needs be included as part of the DADHC Position Statement of this policy.

**Recommendation 5:** That DADHC Action Plan needs to document in what circumstances legal consent was obtained from either the complainant or the legal guardian.

**Recommendation 6:** That a statement regarding natural justice be included in the DADHC Position Statement.

**Recommendation 7:** To provide accessibility, PDCN recommends that this policy be rewritten into two separate policies, or as 2 sections within the same policy including:

1. Information relevant to the complainant, family member or advocate, and
2. Policy and procedures for DADHC staff when effectively handling and managing complaints.

**Recommendation 8:** For DADHC to promote the availability of providing feedback, information or making complaints, provide information all DADHC brochures promoting the different DADHC programs.

**Recommendation 9:** For the Policy and Information Sheets to be available in a number of formats.

**Recommendation 10:** It is recommended that DADHC implements a uniform method of reporting and assessment of issues identified by complaints.

**Recommendation 11:** As required by the NSW Ombudsman, it is recommended that DADHC continue responding to strategic issues.

**Recommendation 12:** To ensure accountability it is recommended that DADHC reports qualitative and quantitative data regarding complaints in Annual Reports, and continue round-table discussions with the NSW Ombudsman.

**Recommendation 13:** It is recommended that non- governmental agencies be added to the section titled 'What if I'm not happy with the outcome of the complaint process?' on the Complaint Process – Information Sheet 2.

### **3. THE PHYSICAL DISABILITY COUNCIL OF NSW (PDCN)**

PDCN is the peak body representing people with physical disabilities across New South Wales, representing approximately 900, 000 residents. PDCN focuses on issues relevant to people with limited mobility, such as access to the built environment, transport and access to aids and equipment.

An inclusive society is achieved when people with limited mobility are involved in every aspect of political, social, economic and cultural life. Access to all modes of public transport is essential to facilitate community inclusion in all aspects of daily living.

PDCN is able to represent the needs and interests of people with limited mobility. Membership of PDCN includes people with a range of mobility issues, from young children and their carers, to aged people, living across NSW in either Greater Sydney Metropolitan area or rural NSW all from a wide range of socio-economic circumstances. PDCN has the background, knowledge and skills to advocate on all levels of Government regarding the needs of people with limited mobility.

PDCN encourages people with limited mobility to become involved in the decision making process, so that Government and non-Government bodies become familiar with relevant issues.

PDCN effectively networks with other advocacy organisations on common goals and issues. Subsequently PDCN strives to bring about significant, permanent and positive changes to the circumstances of people with limited mobility. The goal is to secure equal civil and human rights for our constituency.

Promotional activities assist to educate and inform all members of the community, most frequently through the media. Publications such as 'Words Matter' produced by PDCN facilitate this educative process.

PDCN is funded by the NSW Department of Ageing, Disability and Home Care, employing four staff members, and based in Glebe.

#### **4. TERMS OF REFERENCE**

**Section 1 - What is a complaint? Information is clear and concise for:**

- **Complaint definition**
- **Types of Complaints**
- **Other feedback**
- **What is not a complaint?**

**Section 2 – Making a complaint. Information is clear and concise for:**

- **How a complaint can be made**
- **When a complaint can be made**
- **Who are the parties to a complaint?**

**Section 3: The principles outlined in “Good practice in complaint handling” are clear and provide for good customer service for the following sections:**

- **Privacy and Confidentiality**
- **Natural Justice**
- **Accessibility**
- **Record Keeping and Monitoring**
- **Outcome Driven**
- **Local Resolution**
- **Timeliness**

**Section 4 – Information Sheets and Complaint Form**

## 5. FEEDBACK ON POLICY AND INFORMATION SHEETS

**Recommendation 1:** PDCN recommends that this policy is reviewed so that it is easily accessible for complainants, rather than an operational focus primarily prepared for departmental staff.

**Recommendation 2:** PDCN recommends that the term 'Program specific appeals' needs greater clarification than that used in the existing policy.

**Recommendation 3:** PDCN recommends that Information Sheet 1 include comment on what complaints are not considered as part of this policy, noting program specific appeals.

### Section 1 - What is a complaint? Information is clear and concise for:

- **Complaint definition**
- **Types of Complaints**
- **Other feedback**
- **What is not a complaint?**

The definitions provided in both the full document and Information Sheet 1 clearly define a complaint in broad terms, as being about any aspect of its business, including:

- Direct services (eg group homes, respite, case management, Home Care);
- Access to services;
- Policies; or
- Staff conduct.

Both the Policy and Information Sheet 1 make comment regarding DADHC funded services and DADHC licensed services, with examples of how the different aspects of its business apply to different business units.

The section titled 'What is not a complaint for this policy?' lists a number of administrative responsibilities where specific legal processes apply. The definition provided in the 'Appeals' section is not clear, and needs further clarification. It is not clear whether of 'Program specific appeals' refers to a client not being able to access a service, which may warrant a complaint, or is about an unsuccessful tender applicant. The policy refers the complainant to the DADHC website for further clarification. PDCN sought further clarification from the DADHC website, but a definition could not be found. As a consequence PDCN recommends that DADHC needs to

clearly distinguish whether 'Program specific appeals' refers to a potential user not being able to access a program or service, or whether it refers to contractual arrangements with a service provider.

Information Sheet 1 does not reference complaints that are not included in this policy. If the term 'Program specific appeals' refers to an inability to access a service, this needs to be clearly included within Information Sheet 1 as a priority.

## **Section 2 – Making a complaint. Information is clear and concise for:**

- **How a complaint can be made**
- **When a complaint can be made**
- **Who are the parties to a complaint?**

The components identified above are requirements by the NSW Ombudsman, and have been defined in the DADHC Feedback and Complaint Handling - Principles and Guidelines Policy. Feedback regarding these components include the following:

- Indicates that complaints can be received from service users in receipt of services from DADHC, or any other member of the community;
- Encouraged to lodge complaints at a local level;
- Accepts complaints in a variety of formats;
- Information Sheets available in 11 languages and complainants encouraged to use interpreters and/ or advocates when required;
- A statement identifying the staff member responsible for handling complaint;
- Procedures for conciliating and investigating complaints depending on their seriousness and complexity;
- A system for keeping the complainant informed of what is happening;
- Procedures for protecting the confidentiality and natural justice of complainants; and
- Complainants are provided with the option of completing a Complaint Form.

## **Section 3: The principles outlined in “Good practice in complaint handling” are clear and provide for good customer service for the following sections:**

- a. Privacy and Confidentiality**
- b. Natural Justice**
- c. Accessibility**
- d. Record Keeping and Monitoring**
- e. Outcome Driven**
- f. Local Resolution**
- g. Timeliness**

## a. Privacy and Confidentiality

**Recommendation 4:** PDCN recommends that a statement regarding the importance of protecting the privacy and confidentiality of complainants, needs be included as part of the DADHC Position Statement of this policy.

**Recommendation 5:** That DADHC Action Plan needs to document in what circumstances legal consent was obtained from either the complainant or legal guardian.

Currently the DADHC Position Statement includes a broad commitment to complying with relevant legislation, standards and guidelines. Although it is understood that relevant legislation would include a requirement to protect the privacy and confidentiality of complainants, it needs to be included as part of the DADHC Position Statement, as identified in the existing Information Sheet 1: Making a Complaint.

The paragraph titled 'Privacy and Confidentiality' mentions that DADHC staff may need to seek consent from the complainant, if a third party needs to be involved, or for any further investigation. Though there is no mention of whether this is written or verbal consent, or whether this needs to be sought from a legal guardian or whether the complainant has the capacity to give consent themselves. Therefore it is recommended that the DADHC Action Plan include questions relevant to obtaining legal consent.

## b. Natural Justice

**Recommendation 6:** That a statement regarding natural justice be included in the DADHC Position Statement.

Similarly to recommendation 4, it is recommended that a plain English statement regarding natural justice be included in the DADHC Position Statement, to ensure that DADHC staff are familiar with relevant legal requirements.

## c. Accessibility

**Recommendation 7:** To provide accessibility, PDCN recommends that this policy be rewritten into two separate policies, or as 2 sections within the same policy including:

- Information relevant to the complainant, family member or advocate, and
- Policy and procedures for DADHC staff when effectively handling and managing complaints.

**Recommendation 8:** For DADHC to promote the availability of providing feedback, information or making complaints, provide information all DADHC brochures promoting the different DADHC programs.

**Recommendation 9:** For the Policy and Information Sheets need to be available in a number of formats.

### **Feedback and Complaint Handling- Principles and Guidelines - Hard copy**

The existing DADHC policy is 27 (twenty seven) pages in length and provides the following information:

- Position Statement;
- Purpose;
- Legislation, Standards and Guidelines;
- What is a Complaint?
- Making a Complaint;
- Good Practice in Complaint Handling;
- References; and
- Appendices including the following:
  - a. Appendix A – Examples of Complaint Types;
  - b. Appendix B – Information Sheet 1- Making a Complaint;
  - c. Appendix C - Feedback and Complaints Form;
  - d. Appendix D – Home Care Complaints Handling;
  - e. Appendix E – Complaint Handling Process Map;
  - f. Appendix F – Information Sheet 2- Complaint Process;
  - g. Appendix G – Action Plan;
  - h. Appendix H – External Review Contacts; and
  - i. Appendix I – Reporting and Monitoring Business Rules.

This is consistent with requirements outlined by NSW Ombudsman, though PDCN considers the existing policy as an operational policy prepared for DADHC staff, and hence not appropriate or accessible to many complainants. The most relevant information to complainants has only been included as attachments to this policy.

This policy is too long to be easily accessed by the majority of service users. In the *Community Services (Complaints, Review and Monitoring) Act* the NSW Ombudsman identifies that a complaints policy needs to be driven by the following principles:

- Customer focus – customers are valuable and at the heart of our business;
- Complaints are an opportunity, not a nuisance;
- Customers will be helped and supported to make complaints; and

- Redress will be provided for justified complaints.<sup>1</sup>

Promotion of the ability to provide information, feedback or make complaints appears to be limited to the DADHC Home Care Service brochure, DADHC website and NSW Ombudsman brochure. Consequently it is recommended that this option to provide information, feedback or to make complaints, needs to be promoted and in a number of formats.

### **Feedback and Complaint Handling- Principles and Guidelines - Electronic version**

The format provided electronically on the DADHC home page, is a lot more accessible to the complainant than the hard copy version, assuming that the complainant has access to a computer. Information about making a complaint can easily be accessed from the DADHC home page, using the link – ‘Information, Feedback and Complaints’. Relevant information is easily accessed using the following eight links:

- Our commitment
- Our complaints policy
- Who can make a complaint?
- Who do I make a complaint to?
- How do I make a complaint? (see Feedback and complaints handling fact sheet 1)
- What happens once I make a complaint? (see Feedback and complaints handling fact sheet 2)
- What if I am not happy with the outcome of the complaint?
- Complaints about the Home Care Service of NSW

#### **d. Record Keeping and Monitoring**

**Recommendation 10:** It is recommended that DADHC implements a uniform method of reporting and monitoring of issues identified by complaints.

**Recommendation 11:** As required by the NSW Ombudsman, it is recommended that DADHC continue responding to strategic issues.

**Recommendation 12:** To ensure accountability it is recommended that DADHC reports qualitative and quantitative data regarding complaints in Annual Reports, and continue round-table discussions with the NSW Ombudsman.

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<sup>1</sup> NSW Ombudsman (2007). Complaint Handling Systems Survey Report, Department and Authorities.

The 2004/ 05 DADHC Annual Report indicates that as of 2005 a new Client Information System was to be implemented, for the Public Accountability Branch to keep record and monitor complaints. Following the implementation of this new system statistical data could not be found in that years' Annual Report, but reported issues included the following; advocacy reform, post school options, attendant care and high need pool program, Home Care Service and supported accommodation.

In the following year a table in the 2005/ 06 Annual Report provides details regarding nature of complaints for each service unit and DADHC region, with more than 66% of complaints being in regard to the Home Care Service. This table illustrates possible discrepancies per DADHC region when reporting the incidence of complaints relevant to Home Care policy, such as illustrated below:

- Western Region - 285 complaints;
- Northern Region - 1 complaint; and
- Metro South Region - 7 complaints.

From the 2005/ 06 Annual Report, the department indicates that the primary issues raised from complaints were in relation to service delivery in Department- operated group homes, access to Home Care services, respite services and supported accommodation. 'Issues raised relating to supported accommodation policy led to the development of an *Accommodation and Support Paper* that articulated the NSW Government's intention to significantly improve services and begin planning a more responsive and workable disability system, which in turn informed the development of *Stronger Together*.'<sup>2</sup>

The following DADHC Annual Report for 2006/ 07 provides minimal qualitative data on the issues raised, but indicates a substantial increase in the total number of complaints received by the department. The issues identified in the report related to the Community Participation tender, service access and delivery to Home Care, accommodation and respite services. To address issues raised in the previous year, the department continued to deliver services outlined in *Stronger Together*.

Additionally an independent survey was conducted in 2006 to determine levels of satisfaction for people receiving the Home Care Service. Although this survey gave favourable results and appears representative for the three target groups using this service, the small amount of younger people with disabilities receiving Personal Care Services, may have distorted the survey results.

#### e. Outcome Driven

**Recommendation 13:** It is recommended that non- governmental agencies be added to the section titled 'What if I'm not happy with the outcome of the complaint process?' on the Complaint Process – Information Sheet 2.

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<sup>2</sup> Department of Ageing and Disability, and Home Care. (2006). *2005/ 06 Annual Report*, Page 94

The policy clearly articulates that ongoing communication with the complainant is essential throughout the complaint process and that it is advised where contentious or complex for staff to confirm outcomes in writing.

To provide greater choice to the complainant, PDCN would recommend that the Information Sheet 2 include contact details for agencies with a background in disability and legal knowledge, including the following agencies:

- Disability Discrimination Legal Centre
- National Disability Abuse and Neglect Hotline
- Public Interest Advocacy Council

#### **f. Local Resolution**

The policy provides satisfactory guidance to staff that a person directly involved in the complaint should not be involved in the complaint process, to ensure the complainants privacy and confidentiality. In both the policy and information sheet the complainant is advised that resolution at the local level is the preferred option, but a complainant may choose to seek advice from an external agency at any time throughout the complaint process. Contact details for the external agencies and advocacy services are provided in appendices to this policy.

#### **g. Timeliness**

Guidelines are provided so that the complainant is kept informed throughout the complaint process. Depending on the complexity of the complaint, staff are expected to acknowledge the complaint within one week, and if not easily resolved a further two weeks to investigate the complaint. The policy advises staff that between 4- 8 weeks maybe required to try to reach a resolution. As further assistance this information is illustrated diagrammatically in Complaint Handling Process Map – Appendix E.

### **Section 4 – Information Sheets and Complaint Form**

Feedback on the Information Sheets 1 and 2, and the Complaint Form have been included with comments concerning the policy, but we would recommend that an additional ‘Consent Form’ be attached as an appendix.

To ensure access to the complaint, PDCN like to stress the importance of Recommendations 1 and 7.