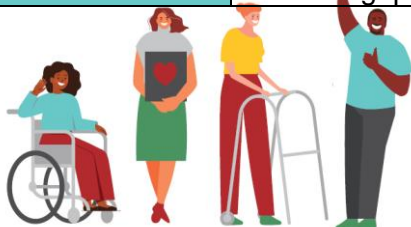


Complaints and Dispute Resolution PRO-OPS-013

Objective	<p>This procedure is to ensure that Windgap;</p> <ul style="list-style-type: none"> • Outlines the internal and external complaint process referencing informal and formal complaints including the steps taken to resolve a complaint put forward from stakeholders. • Outlines the responsibilities internal and external stakeholders have in the complaints process and the monitoring and review of complaints.
Scope	<p>This procedure applies to;</p> <ul style="list-style-type: none"> • Board of Directors; • Senior Management Team; • Service Managers; • Service Supervisors; • All frontline staff; • Participants • Other Stakeholders, external and internal.
Contents:	<ol style="list-style-type: none"> 1. General Information 2. Informal Complaints and Disputes Process 3. Formal Complaints and Disputes Process 4. Failure to Resolve a Complaint or Dispute 5. Monitoring and Review 6. Who to contact for further assistance
Definitions	<p>In this policy, the following terms have the meaning as set out below:</p> <p>CEO: Chief Executive Officer</p> <p>Complainant: A person who has made a complaint who is dissatisfied with the quality, delivery or style of a support, service or decision provided.</p> <p>Complaint: An expression of dissatisfaction, made by a person relating to the quality, delivery or style of a Windgap support, service or decision. Complaints can be made formally and/or informally, in writing or verbally.</p> <p>Compliance Delegate: The delegate chosen by Windgap to manage and handle the complaint(s).</p> <p>Dispute: A disagreement or argument between two or more persons.</p> <p>Formal: Done in accordance with convention or etiquette; suitable for or consulting an official or important occasion.</p> <p>Grievance: relating to unfair treatment.</p> <p>Informal: A relaxed, or unofficial style, manner or nature.</p> <p>Process: A series of actions or steps taken in order to achieve a particular end.</p>

1. General Information

Responsibility	Action
All Stakeholders	<ul style="list-style-type: none"> • Any stakeholder(s) dissatisfied with the quality, delivery or style of a Windgap support, service or decision or those who feel their rights have



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	<p>been violated or are in dispute with another person within Windgap can utilise Windgap's complaints and disputes resolution processes.</p> <ul style="list-style-type: none"> • Windgap staff should seek advice from their line manager or Human Resources team at 2humanresources@windgap.org.au on how to proceed if a grievance has been identified with another staff member or manager. Windgap's Grievance Procedure PRO-HR-032 outlines the process for a Grievance. • Participants, and their families, carers and guardians entering a Windgap service receive information regarding the complaints and disputes process. Participants should refer to their Service Agreement for guidelines pertaining to the scope of supports and services. • Details of advocacy services are sourced as required and in formats to suit the needs of each person. These services are detailed in the section titled '<i>Who to contact for further assistance</i>'. • Managers and supervisory staff ensure that investigations into a complaint are not conducted by a person about whom a complaint has been made or by any other person who may have a conflict of interest. Where deemed necessary to ensure the investigation is carried out by an independent party Windgap may engage an external party. • Participants have the right to have a representative of their choice in attendance at meetings relating to the complaints process. • Windgap, when requested by the stakeholder, can assist with accessing translation services. Instruction on how to access this service is outlined in the Translator and Interpreter Services Procedure PRO-SER-010. • While Windgap supports all stakeholders to implement the complaints and disputes process, stakeholders must be aware that they may be held liable for any false accusations and/or allegations in a civil court. Additionally, where it is found that a false accusation and/or allegation was deliberately made the complainant may face disciplinary procedures. • Windgap complaints are managed objectively and without bias. All complaints received through the listed avenues are initially reviewed by Windgap's Compliance Delegate who will identify the most appropriate person to investigate any complaint received. • If a Complaint outlines a potential or alleged unlawful, criminal or immoral activity, or the violation of rights, the Complaint may be shared with the legal guardian of a participant, law enforcement agencies and/or regulators/other appropriate agencies, and be considered to be a disclosure and fall under the Whistleblower Procedure PRO-OPS-028.
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2. Informal Complaints and Disputes Process

Responsibility	Action
Complainant	<ul style="list-style-type: none"> • Where a complainant would like support from Windgap to raise an issue with the other party or where these attempts have not been successful the



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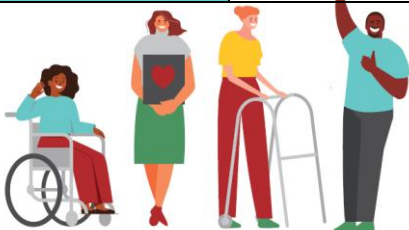
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	<p>stakeholder wishing to make an informal complaint can do so verbally, via email or in a letter and directed to their immediate supervisor or by:</p> <ul style="list-style-type: none"> ○ Email: complaints@windgap.org.au ○ Post: Windgap Foundation - Complaints, PO Box 756, Rosebery, NSW 1445. ○ Phone: 02 8337 3600 and ask to speak to the NDIS Compliance and Safety Manager. ○ Website: Visit our website for more information or to complete the complaints form. ○ In person: By completing the Complaints Form FM-HR-034A, staff can provide assistance to complete this form where necessary. <ul style="list-style-type: none"> • Access to these communications is restricted to the person who the complaint is addressed to and/or the Human Resources department. • A supervisor, or where the complaint is against the supervisor, another relevant party can offer mediation services to assist in the resolving of an informal internal complaint or dispute. If declined or unsuccessful and the Complainant wishes to pursue the matter further, they are directed to follow the steps outlined in Section '<i>Formal complaints process</i>'.
Immediate supervisor or most senior person at the site	<ul style="list-style-type: none"> • Record informal complaints or disputes as a file note and offer mediation services if appropriate and report all finding/outcomes to complaints@windgap.org.au. • Where possible, attempts should be made by the involved parties to resolve the issue amicably. • If an amicable solution cannot be found advise the complainant of their right to lodge a formal complaint, follow steps in section '<i>Formal complaints process</i>'. • Offer to provide the complainant with a copy of the Complaints and Disputes Resolution Procedure PRO-OPS-013 and/or the Complaints and Feedback Policy POL-OPS-021 and inform the complainant of the processes involved.

3. Formal Complaints and Disputes Process

Responsibility	Action
Complainant	<p>A complaint can be made in a number of ways;</p> <ul style="list-style-type: none"> • By completing FM-HR-034A Complaints Form (staff can provide assistance to complete this form where necessary) • FM-HR-034A can be found; <ul style="list-style-type: none"> ○ On Windgap's Intranet in documents. ○ On Windgap's Website. ○ By asking a staff member of Windgap to provide one.



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	<ul style="list-style-type: none"> By mail to complaints@windgap.org.au or By phone on 02 8337 3600 and ask to speak to the NDIS Compliance and Safety Manager In person by completing the Complaints Form FM-HR-034A, staff can provide assistance to complete this form where necessary. Via letter addressed to Windgap Foundation – Complaints, PO Box 756, Rosebery, NSW 1445. Contacting the NDIS Commission Feedback and Complaints Team using the following contact details: <ul style="list-style-type: none"> email: contactcentre@ndiscommission.gov.au phone: 1800 035 544 post: NDIS Commission Feedback, PO Box 210, Penrith NSW 2750
Site Supervisor	<ul style="list-style-type: none"> Forward all documentation, including file notes and any other supporting documentation, to complaints@windgap.org.au and monitor for further actions required in relation to the complaint submitted. Only consult with relevant parties to ensure confidentiality is upheld whilst the Complaint is investigated and a resolution is found.
Compliance Delegate	<ul style="list-style-type: none"> Ensure all complaints whether formal or informal are entered into the QMS <i>Complaints Register</i>. Send acknowledgement receipt of the complaint to the complainant in writing up to and within five working days. Manage/investigate the complaint in consultation with all relevant parties, in order to find a resolution. Advise the CEO of any complaints which involve any alleged criminal activity, violation of rights or put Windgap's reputation at risk as soon as practical. Provide the CEO with a de-identified summary of all complaints on a regular basis. Establish an agreed timeframe no longer than 28 days unless otherwise agreed to by the complainant for resolving the complaint and communicate this timeframe in writing to the complainant. Communicate to the complainant reasons why when there may be necessary extensions to this timeframe. With the consent of all parties, and upholding confidentiality, the issues may be discussed in other appropriate forums in order to reach a resolution. To ensure transparency, avoid conflicts of interest and ensure fairness in the event the complaint is regarding the CEO, the Compliance Delegate may escalate the Complaint to Windgap's Board of Directors or refer the investigation to an external authority or mediation service (following the Complainant's consent). Keep the Complainant informed of the progress towards achieving a resolution.



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	<ul style="list-style-type: none"> Where the Complaint is lodged by a supported employee or worker under section 7 of the WHS Act 2011, they will be advised of Windgap's <i>Access Employee Assistance Program</i> and of their right to utilise this service. Once the Complaint has been resolved, agree, in conjunction with the Complainant, on a review date to determine if the action taken was effective. If resolution is deemed satisfactory, arrange for the Complaint to be closed off by both parties, either by signing on FM-HR-034A Complaints Form, via email receipt or other methods as deemed appropriate. Keep a copy of the closed off FM-HR-034A Complaints Form on record and in a secured HR file. Ensure that the process completed is in line with the Privacy Policy POL-OPS-043 and Complaints and Feedback Policy POL-OPS-021.
CEO	<ul style="list-style-type: none"> Delegate referral of the matter to law enforcement agencies and/or regulators/other appropriate agencies where necessary. In cases of Complaints regarding abuse, it is Windgap's contractual obligation to report these matters to the funding body and also to the legal guardian of a participant. This will be done with the full knowledge of the Complainant. Provide regular updates to the Board with de-identified summaries of all Complaints and their status.

4. Failure to resolve a Complaint or Dispute

Responsibility	Action
Complainant	<ul style="list-style-type: none"> If a Complaint or Dispute cannot be resolved at service level, the Complainant has the right to have their Complaint reviewed by the CEO and/or the Board. If the Complaint or Dispute cannot be resolved at organisational level and/or following escalation to the Board, the Complainant can also raise the issue with the authority nominated by the relevant funding body as found in Section 6 - '<i>Who to contact for further assistance</i>'. Alternatively, if the Complaint is about a government department, the Complainant may contact the <i>NDIS Commissioner</i>. The Complainant has the right to refer the Complaint to an appropriate Complaints resolution service, e.g. <i>NDIS Commissioner or Complaints Resolution Referral Service (CRRS)</i>, and the <i>National Disability Abuse & Neglect Hot Line</i> can be contacted on 1800 880 052, at any time during the Complaints resolution process. Refer to Section 6 - '<i>Who to contact for further assistance</i>'.

5. Monitoring and Review

Responsibility	Action
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Compliance Delegate	<ul style="list-style-type: none"> Subject to privacy and confidentiality issues, participant representatives should be involved in the general review process of Complaints and Disputes at all levels, in line with Windgap's Privacy Policy POL-OPS-043. The Compliance Delegate collates all Complaints and Disputes statistics. Monthly reports are generated and forwarded to the CEO and Board of Directors for review and discussion. All documentation relating to formal and documented informal Complaints and Disputes will be stored securely in Windgap's Information Management System with appropriate permissions in place for confidentiality provisions. All emails received by complaints@windgap.org.au will be stored with restricted access. Quarterly, the Senior Management Team conduct an analysis of the complaints (and reportable incidents), noting any trends, opportunities for improvement and the status of outstanding issues.
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6. Who to contact for further assistance

Responsibility	Action
Complainant	<p>NDIS Commissioner 1800 035 544</p> <p>National Disability Abuse & Neglect Hot Line 1800 880 052</p> <p>NSW Ombudsman 1800 451 524</p>

Responsibilities	<p>The Board will be informed critical incident resulting in reportable incidents to external authorities through the monthly reporting systems in relation to Complaints and Disputes.</p> <p>The CEO is responsible for ensuring compliance and organisational adherence to the relevant legislation through internal mechanisms such as policies and procedures are in place.</p> <p>The Senior Management Team are responsible for the development and implementation of systems for implementing outcomes from complaints and reviewing this procedure.</p> <p>Service Managers and Supervisors are responsible for ensuring that correct practice and reporting processes are followed. All staff have a duty of care and are legally obliged to ensure participants safety and reporting the participants' complaints.</p> <p>Direct Service Staff are responsible for the identification and notification of informal and formal Complaints. Direct Service staff are also responsible for the implementation of controls identified through incident reporting.</p>
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	Appendix 1 is a RACI Matrix. This indicates which role or group are Responsible, Accountable, Consulted, and Informed for various parts of the Complaint process.	
References	<div><input type="checkbox"/> POL-OPS-021 Complaints and Feedback Policy</div> <div><input type="checkbox"/> POL-OPS-043 Privacy Policy</div> <div><input type="checkbox"/> PRO-HR-032 Grievance Procedure</div> <div><input type="checkbox"/> PRO-OPS-028 Whistleblower Procedure</div> <div><input type="checkbox"/> PRO-SER-010 Translator and Interpreter Services Procedure</div> <div><input type="checkbox"/> FM-HR-034A Complaints Form</div> <div><input type="checkbox"/> QMS – Complaints Register</div> <div><input type="checkbox"/> QMS – Continuous Improvements Register</div> <div><input type="checkbox"/> Work Health and Safety Act 2011 (no.10)</div>	
Administration	Responsibility	Action
	Compliance Delegate	<div><div>• Logging the Complaint onto the QMS - Complaint Register</div><div>• Logging any potential Continuous Improvement on the QMS - Continuous Improvement Register.</div></div>
About this release		
Title	Complaints and Dispute Resolution Procedure	
Reviewed by	NDIS Compliance and Safety Manager	
Next review date	August 2023	
Document number	PRO-OPS-013	
Changes in this issue	Update to new template and rearrangement to new format, minor rewording and updating of current roles for responsibilities. Addition of references to relevant existing Windgap policies and procedures.	
Authorisation		
Chief Executive Officer	<div><div></div><div>26/8/22</div></div>	



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Appendix 1 – RACI Matrix

Actions	Board	CEO	Compliance Delegate	Employees	Complainant
Development and implementation of systems relating to complaints and disputes.	A	R	R	C	I
Taking all steps possible to ensure the <i>Complaints and Feedback Policy</i> is followed across all Windgap services	I	A	R	R	I
Ensuring that any complaint or dispute is dealt with fairly, objectively, openly and as quickly as possible		A	R		C
Ensuring that reporting mechanisms are in place to inform Windgap's Board of critical incidents.	C	A	R		I
Investigating any complaints and disputes which involve, criminal activity, violation of rights or put Windgap's reputation at risk (and is obligated to report relevant matters to the funding body and legal guardians)	I	A	R	R	C
Managing and maintaining confidential records of complaints and providing reports of critical incidents to the CEO.		A	R		C
Managing complaints and disputes in their respective services;		A	R	R	
Providing updates and feedback to complainants		A	R		I/C
Providing status reports to the CEO		A	R	C	C
Conducting trends analyses, the outcomes of which are used to inform systems of continuous improvement in services	I	A	R		
Documenting any verbal complaints, where necessary, and implementing this procedure.	I	A	R	R	C
To assist if advised by a participant with their complaint.		A	I	R	C
Report immediately to their service managers, incidents relating to violation of rights.	I	A	I	R	C
Report violations to the CEO and where instructed by the CEO, investigate any such incidents.	I	A	R	R	C



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