
B.5.3. COMPLAINTS MEMBER WITH DISABILITY

1. OVERVIEW

ELS is committed to ensuring that members with disability and their guardians using ELS services or affected by its operations has the right to lodge a complaint or to appeal a decision of the organisation and to have their concerns addressed in ways that ensure access and equity, fairness, accountability and transparency.

2.0 ELS will provide a complaints and appeals management procedure that:

- Is simple and easy to use
- Is effectively communicated and promoted to all members with a disability and or their guardians and stakeholders
- Ensures complaints or appeals are fairly assessed and responded to promptly
- Is procedurally fair and follows principles of natural justice
- Complies with legislative requirements

3.0 ELS will:

- Consider all complaints it receives
- Treat all complainants with respect, recognising that the issue of complaint is important to the complainant
- Maintain confidentiality of members with disability and or their guardians, keeping any information private to those directly involved in the complaint and its resolution
- Ensure advocacy is available to members with a disability and or their guardians who make a complaint and require support
- Resolve complaints, where possible, to the satisfaction of the member with a disability and or their guardian
- Deal with all complaints in a timely manner
- Keep members with a disability and or their guardians informed of progress of the complaint
- Ensure that Chairperson, community members, assistant/employee and volunteers are given information about the complaints procedure as part of their induction and are aware of procedures for managing members with a disability and or their guardians complaints
- Ensure all members with a disability and or their guardians, are aware of the complaints policy and procedures
- Ensure that members with a disability and or their guardians is not penalised in any way or prevented from use of services during the progress of an issue
- Ensure that each complainant, and each person with disability affected by an issue raised in a complaint, is advised how that complaint or issue may be raised with the NSW Commissioner;

4.0. It is the responsibility of the ELS to ensure that all members with a disability assistants and employees are provided with training in relation to the use of, and compliance with, the complaints management system.

5.0 Information for members with a disability and or their guardians and stakeholders

ELS complaints and appeals procedure will be documented for members with a disability and or their guardians and stakeholders is made available and easily accessible.

All members with a disability and or their guardians will be informed of their rights and responsibilities with regards to complaints and appeals at the earliest possible stage of their involvement with the organisation.

6.0 The Members with a disability and or their guardians' complaint policy will contain information on the following:

- How to make a complaint or lodge an appeal?
- Contact person for lodging a complaint or appeal
- How the organisation will deal with the complaint or appeal, the steps involved and the timelines
- The rights of the complainant to an advocate, support person or interpreter
- How the person will be informed about the outcome of their complaint or appeal
- How to make a complaint to an external body including contact details?

The information will also be made available to members with a disability and or their guardians in methods deemed appropriate and accessible to the core member

7. Making a complaint

7.1. A member with a disability or their guardian wishing to make a complaint may do so in writing or verbally to:

- The assistant/employee they were dealing with at the time
- The guardian
- The Coordinator
- The Manager
- Reference person
- The Chief Executive Office

7.2. If the complaint is about:

- An assistant/employee, the complaint will normally be dealt with by Senior Assistant/employee and or House Coordinator
- A Senior Assistant/employee, the complaint will normally be dealt with by House Coordinator
- A House Coordinator the complaint will normally be dealt with by Homes Coordinator
- A Homes Coordinator, the complaint will normally be dealt with by the Chairperson

7.3. Written complaints may be sent to contact@elsaustralia.org. The Chairperson will be responsible for receiving this correspondence and directing it to the appropriate person.

8.0 Lodging an appeal

8.1. Members with a disability and or their guardians or their advocates may lodge an appeal if they disagree with a decision made by the organisation, or by Assistant/employees.

8.2. An appeal should be made in writing via email and submitted to the Chairperson at contact@elsaustralia.org.

9.0. Procedure for complaints and appeals management

9.1. Processing the complaint or appeal:

- the complaint or appeal must be registered
- the members with a disability and or their guardians that their complaint has been received
- Members with a disability and or their guardians must be provided with information about the process and time frame

9.2 Investigating the complaint or appeal:

- Examining the complaint within ten working days of the complaint being received
- Investigating the complaint and deciding how to respond
- Informing the complainant by letter within ten working days of the complaint being received of what is being done to investigate and resolve it, and the expected time frame for resolution.

9.3. As far as possible, complaints or appeals will be investigated and resolved within thirty working days 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.

9. Resolving the complaint:

- Making a decision or referring to the appropriate people for a decision within thirty working days of the complaint being received
- Informing the complainant of the outcome:
 - Upheld (and if so what will be done to resolve it)
 - 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

10. Reviewing the complaint:

10.1. If the members with a disability and or their guardians is not satisfied with the investigation and proposed resolution of their complaint or appeal they can seek a further review of the matter by the Chairperson within 30 working days.

11. Referral to external procedure:

11.1 A formal external complaints procedure may follow the appeal process if the members with a disability and or their guardians is still not satisfied with the outcome.

12. Record keeping

12.1. A register of complaints and appeals must be kept. The register will be maintained by Office and will record the following for each complaint or appeal:

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- 12.2. Details of the members with a disability and or their guardians and the nature of the complaint, Date lodged, Action taken, Date of resolution and reason for decision, Indication of complainant being notified of outcome, Members with a disability and or their guardians response and any further action.
 - 12.3. Copies of all correspondence will be kept. The complaints register and files will be confidential and access is restricted to The Community Leader and the Administration Manager
 - 12.4. Results from this report will be reviewed by The Chairperson 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 assistant/employee and management meeting agendas.

Related Policies

Complaints and Resolutions
Complaints member with a disability
Complaints with employees
External Complaints Resolution
Feedback
Feedback with members with a disability

Legislation

Privacy Act 1988