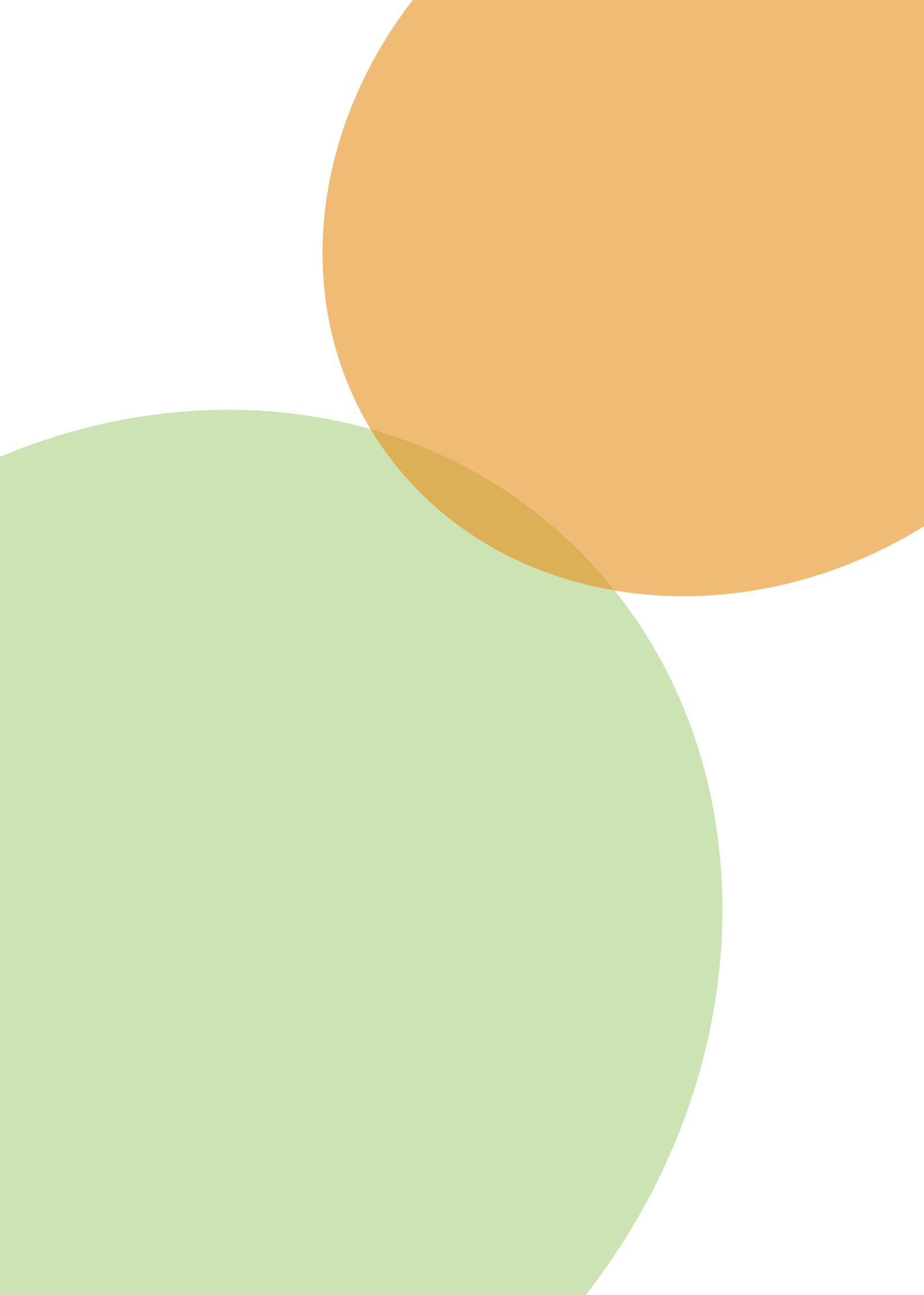


Good practice guide and self audit tool

Developing an effective person
centred complaints management
culture and system



Good practice guide and
self audit tool: *Developing
an effective person centred
complaints management
culture and system*

Acknowledgements

The Disability Services Commissioner would like to acknowledge the contributions of individuals and organisations to the development of the guide and self audit tool and in particular:

Philippa Angley, National Disability Services
Irene Craig, New South Wales Ombudsman
Disability Services Division, Department of Human Services
Ruth Grant, Ombudsman Victoria
Deb Pietch, Department of Human Services
Helen Sanderson, Helen Sanderson and Associates
Kevin Stone, VALID – The Victorian Advocacy League for Individuals with Disability Inc.
Beth Wilson, Health Services Commissioner

In addition the Commissioner would like to thank the disability service providers who agreed to be part of the pilot and who offered feedback on both the guide and audit tool to ensure that the publication is of benefit to disability service providers.

E. W. Tipping Foundation
Kirinari Community Services
Kyeema
McCallum Disability Services
MOIRA
Vicdeaf
Wallara Australia

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ISBN: 978-0-646-50802-3

Designed by: Leon Kustra, The X Factor Design & Editing Pty Ltd
Illustrations: Matt Golding
Printed by: William Troedel & Co Pty Ltd

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Foreword

As Victoria's first Disability Services Commissioner, I have pleasure in presenting this Good Practice Guide and Self Audit Tool: Developing an effective person centred complaints management culture and system.

We have an important role in assisting disability service providers to achieve an effective, person centred complaints management approach. This Guide is intended to be a useful resource to help service providers to ensure that this is the case. The Self Audit Tool makes it easy for service providers to assess their own performance and help inform the development of appropriate plans to further improve their approach.

Whilst the Guide outlines the importance of good policies and procedures, a positive complaints culture requires disability service providers to acknowledge that *It's OK to complain!* and indeed, that it is OK to be complained about.

Particular emphasis is given to the value of taking a person centred approach to ensure that service users are at the heart of our approach to complaints.

The development of the Guide and Self Audit Tool has been enriched by the contributions made by disability service providers, advocacy groups and other complaint bodies from various jurisdictions from across Australia. I take this opportunity to thank those individuals and organisations for their generous support and assistance.

I commend this Good Practice Guide and Self Audit Tool to you as a useful reference in helping to ensure that an environment exists where service users feel that *It's OK to complain!*

Laurie Harkin

Disability Services Commissioner



Introduction

This guide and self audit tool has been developed to assist disability service providers to develop and review their complaints management system to ensure that it is:

- responsive and accessible to people with a disability¹
- forms part of a broader quality culture that sees complaints as an opportunity for service improvement.

For complaints-handling policies to translate into good practice across an organisation, your service must commit to a plan of action which is supported by both your board of management and executive leadership group. Equally, managers need to actively involve both service users and staff in any review process to ensure that it meets their respective needs. (Note: In this guide the term service user is used to refer to the person using the service, their family or an advocate). Whilst this guide has a specific focus on complaints it is important to recognise that this is just one way that an organisation can receive feedback from service users. Successful organisations will provide ongoing opportunities for service users, their families and advocates to provide feedback as a key influence on service improvement.

What is a complaint?

A complaint is an expression of dissatisfaction with disability service provision or how a complaint was handled.

The Australian Standard also adds to this by stating that 'a response or resolution is explicitly or implicitly expected'. (AS ISO 10002)

According to this definition, a complaint can be about a wide range of issues, and can be made in writing or verbally with the disability service provider. From the perspective of the person with a disability it is important that this definition not be narrowed by others. Too often, what has been considered to be of concern to people with a disability has not been informed by their own views and experiences. The management of complaints needs to be consistent with the notion that has been presented by the disability rights movement and was the theme of the 2004 UN International Day of Disabled Person: Nothing about us, without us. Given the importance of taking a rights based approach to the provision of disability services, it is also important that sound working relationships are developed between service providers and service users.



Mark's story

Mark, with the assistance of his advocate, made a complaint regarding a problem he had with the service provider running the group home in which he lived. The issue was that he owned a cat that was previously allowed to remain in the lounge room at night and sleep in his room with him. The service provider had introduced new rules which included forbidding the cat from being indoors after 7.00pm and from sleeping in the room with Mark. Mark felt that the service provider perceived the complaint as trivial, and that they did not take into consideration the effects these rules would have on the residents of the house, particularly Mark.

Mark was willing to accept one of the rules regarding the cat being outside during meal preparation but felt there was no reason why the cat should not be allowed to remain in the lounge room and at night sleep in his room with him. The cat was a great source of pleasure to the Mark and the other residents. The service provider came to understand the impact of these new rules on the residents. Following a meeting with an assessment officer from the Disability Services Commissioner (DSC), Mark and the service provider, agreement was reached that the cat could remain in the house at all times, except during meal preparation.

Good communication with service users is important to ensure that your service is appropriately responsive to their needs. This should build a relationship of trust where the service user can raise any issue, including

¹ The term *people with a disability* is used here to refer to not only people with a disability but family, carers and advocates who seek to assist people with a disability to be heard

complaints, without any fear of retribution. Your service will need to exercise judgement in determining when issues raised as part of this communication can be addressed as part of having a responsive human service and when they need to be treated as a complaint and responded to accordingly.



Thought

It is no longer sufficient to determine whether or not the complaint is justified from the organisation's point of view: it is almost certainly justified in the view of the person making the complaint.

Legislative obligations for disability service providers

The *Disability Act 2006* requires the Department of Human Services and all registered disability service providers² (hereafter referred to as *providers*) to:

- **Have an effective complaints management culture and system, which is confidential, visible and accessible**
- **Make sure that people who use their service know how to complain**
- **Take reasonable steps to ensure that a person with a disability is not adversely affected because they have made a complaint**
- **Report annually to the Disability Services Commissioner in the form specified (Refer: www.odsc.vic.gov.au/service.htm).**

While the Act formally requires providers to have a complaints system in place, the Standards for Disability Services in Victoria and good human service practice more generally have long acknowledged the importance of complaints as an important way of receiving service user feedback.

This guide provides an introduction to a number of key concepts which are fundamental to understanding why it is important to have an effective complaints management system and culture and how that relates to good practice.

The guide explores what it means to have a quality human service and the role an effective complaints system plays.

The guide then considers people's experience of complaints systems and, more specifically, the experiences of people with a disability and complaints systems.

Specific attention is given in both the guide and self audit tool to how effective complaints management systems should be consistent with:

- The Charter of Human Rights and Responsibilities
- The International and Australian Standards on complaint handling

- Disability Services Commissioner principles
- Department of Human Services Quality Framework for Disability Services in Victoria.

The key elements of an effective complaints handling system are explored with specific reference to how the use of person centred thinking tools can assist in maintaining a focus on the person with a disability when seeking to resolve a complaint.

At the end of the guide is a self audit tool which your organisation can use to assess its current approach to complaints. This will help you to identify specific areas of strength as well as those needing further development, and create plans to address any shortcomings.

About the Disability Services Commissioner

The Office of the Disability Services Commissioner (DSC) has been established to work with people with a disability and providers to resolve complaints. The Commissioner commenced on 1 July 2007, under the *Disability Act 2006*, to improve services for people with a disability in Victoria. The Commissioner is independent of government, the Department of Human Services and providers and provides a free, confidential and objective complaints resolution process.

The Commissioner encourages and assists the resolution of complaints in a variety of ways, including informal discussions, conciliation or, under certain circumstances, conducting investigations. DSC seeks:

- to provide opportunities for people with a disability to have their concerns about disability service providers heard and resolved.
- to promote a quality culture within the Victorian disability services sector, which listens to people with a disability and delivers better service outcomes.

The Disability Services Commissioner also has responsibilities under section 16(n) of the Act to provide information and education on complaints handling, and under section 16(h) to consider ways of improving disability services' complaints systems. It is specifically in relation to these responsibilities that the following guide and audit tool have been developed.

There are a number of key values and principles which guide the work of the Commissioner and inform the development of this guide and the self audit tool.

² Please refer to the DHS policy on registration of disability services providers for further details refer: http://www.dhs.vic.gov.au/_data/assets/word_doc/0018/153009/som_registrationpolicy-v1_doc_290607.doc

Values of the Disability Services Commissioner

Complaints provide people with a disability and disability service providers with an important opportunity to improve the quality of disability services. The following values guide the way we approach our work:



Rights: We uphold the right of people with a disability to complain about the disability services they receive because they are entitled to receive quality services that support their quality of life.



Respect: We take all complaints seriously and treat all parties to a complaint with dignity, sensitivity and courtesy. We ensure that any information that is provided to DSC is not shared with any other person or agency without the person's permission.



Fairness: We seek to resolve complaints by having a fair process. All staff will communicate openly and honestly and listen carefully to what all parties have to say about the complaints that are made to DSC. We will remain objective and unbiased in our approach, making sure that we have no conflict of interests. The decisions that the Commissioner makes about complaints will be based on verified information, rather than on speculation or suspicion.

Principles of the Disability Services Commissioner

The following principles guide our work in a way that is consistent with the values of DSC, the principles contained within the *Disability Act 2006*, the *State Disability Plan 2002–2012*, the *Charter of Human Rights and Responsibilities Act 2006* and *UN Convention on the Rights of Persons with Disabilities 2006*.



Accessible: We will be accessible to people with a disability and other key stakeholders through clear and effective communication methods. The information that we provide will be easy to understand and will clearly articulate the right to complain, how complaints can be made, who they can be made to, and how complaints to DSC will be handled.



Person centred: We will respect and value the knowledge, abilities and experiences of people with a disability and will respond to their complaint in a way that suits their particular needs, wishes and circumstances. In fulfilling our role, we will try to achieve the best possible outcomes for people with a disability.



Responsive: We will provide timely assistance to people who contact DSC and we will keep all parties informed of the progress of complaints. Our responses will focus on addressing the issues raised in complaints, and not on assigning blame.



Accountable: We will aim to achieve our objectives in a transparent manner and will accept responsibility for decisions made by DSC. Part of this transparency is being open to appropriate levels of scrutiny and ensuring that any conflicts of interest are disclosed and acted upon. We will report on the operation of the complaints process against documented performance standards and ensure that disability service providers are also accountable in this way. We will provide clear recommendations for any corrective action that may be required to resolve complaints.



Excellence: We will strive to do our best and continually seek ways to improve how we do things. In doing this we will seek to promote a learning culture within disability service organisations, with the aim of ensuring that complaints are seen as vital to an organisation committed to continuous improvement.