

# Good practice guide and self audit tool

Developing an effective person  
centred complaints resolution  
culture and process

Second Edition 2013



# Good practice guide and self audit tool: *developing an effective person centred complaints resolution culture and process*

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**Disability Services Commissioner is an independent voice promoting rights and resolving complaints about disability services.**

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# Foreword

As Victoria's Disability Services Commissioner, I am pleased to present this second edition of our *Good practice guide and self audit tool: Developing an effective person centred complaints management culture and system*.

It is now over five years since we began supporting people with a disability, their families and service providers in the resolution of complaints. Drawing on the experience and learning we have gained during this period, we have updated and added to the original *Good practice guide and self audit tool* with a view to further enhancing its usefulness to service providers working to maximise the effectiveness of their complaints management system.



In addition to reflecting changes arising from the July 2012 amendments to the *Disability Act 2006*, this edition also contains a new section which outlines what we've found to be some of the key features of effective responses to complaints.

As with the original edition, this second edition of the *Good practice guide and self audit tool* has been significantly enriched by feedback we have received on training we have provided to the sector and on our approach to the resolution of complaints. I thank all of the people with a disability, their families and service providers who have contributed to our work in this way.

People's right to *speak up* about what's working, and not working, with their disability supports is a fundamental cornerstone of the provision of high quality disability supports. I commend this second edition of the *Good practice guide and self audit tool* to you as a useful reference in helping to ensure that people do indeed feel that 'It's **OK** to complain!'

*Laurie Harkin AM*

Disability Services Commissioner

January 2013

# Introduction

This guide and self audit tool has been developed to assist service providers to develop and review their complaints resolution process to ensure that it:

- is responsive and accessible to people with a disability<sup>1</sup>
- 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 the people using your service and staff in any review process to ensure that it meets their respective needs. (Note: In this guide references to people using services 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 the people using their services. Successful organisations will provide ongoing opportunities for people with a disability, their families and advocates to provide feedback as a key influence on service improvement.

## What is a complaint?

*Based on definitions outlined in the Disability Act 2006 (s3(1), s109) and the Australian Standard 10002 – 2006 ISO 10002:2004: MOD, DSC has developed the following definition of a complaint:*

*A complaint is an expression of dissatisfaction that arises out of the provision of a disability service for which a response or resolution is explicitly or implicitly expected.*

*A complaint may also be about how the complaint was handled, where the complaint is that a disability service has not properly investigated, or not taken proper action, upon receiving a complaint .*

According to this definition, a complaint can be about a wide range of issues, and can be made in writing or verbally with the 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

<sup>1</sup> The terms people using services and people using your services are 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.

The term disability service is used to refer to the range of services and supports provided for people with a disability by Department of Human Services, registered disability service providers, and contracted and funded service providers under the Disability Act 2006.

disability has not been informed by their own views and experiences. The resolution of complaints needs to be consistent with the principle that has been presented by the disability rights movement ‘*nothing about us, without us*’, which is also fundamental to the United Nations Convention on the Rights of Persons with Disabilities. 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 people using their services.



### 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 a Resolutions Officer from the Disability Services Commissioner, 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 people using your services is important to ensure that your service is appropriately responsive to their needs. This should build a relationship of trust where the people using your services can raise any issue, including 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 service providers

The *Disability Act 2006* (the Act) requires the Department of Human Services and all registered, contracted and funded service providers to:

- **Have an effective complaints resolution culture and process, 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 about the number and type of complaints received and the outcome of these complaints**

(Refer: [www.odsc.vic.gov.au/annual-complaints-reporting](http://www.odsc.vic.gov.au/annual-complaints-reporting)).

While the Act formally requires providers to have a complaints system in place, good human service practice more generally has long acknowledged the importance of complaints as an important way of receiving feedback from people using services.

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 resolution process 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 processes and, more specifically, the experiences of people with a disability and complaints processes.

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

- The *Charter of Human Rights and Responsibilities Act 2006*
- The International and Australian Standards on complaint handling
- Disability Services Commissioner principles
- Department of Human Services Standards.

The key elements of an effective complaints resolution process 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 Disability Services Commissioner (DSC) was established under the *Disability Act 2006* to improve services for people with a disability in Victoria through assisting in the effective resolution of complaints. The DSC encourage and assist the resolution of complaints in a variety of ways including:

- facilitating discussions and agreements
- providing advice
- conciliation processes
- under certain circumstances formal investigation.

The DSC is independent of government, the Department of Human Services and service providers.

The DSC also has responsibilities under sections 16(n) and 16(h) of the Act to provide information and education on making and successfully resolving for people with a disability, families and service providers. It is specifically in relation to these responsibilities that the following guide and audit tool have been developed.



## Values and Principles of the Disability Services Commissioner

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.

The Commissioner believes that complaints provide people with a disability and disability service providers with an important opportunity to improve the quality of disability services.

### Values

The Commissioner is committed to the following values which inform the way we approach our work:



**Rights** – We affirm that people with a disability have the right to participate in the social, economic, cultural political and spiritual life of society.



**Respect** – We treat all people with dignity, sensitivity and courtesy. This includes respecting privacy and the confidentiality of information and treating all complaints seriously.



**Fairness** – We build trusting relationships through treating people equally and demonstrating integrity through open and honest communication. We remain objective and unbiased, applying principles of natural justice so that all parties are given the opportunity to respond to any issues raised.

### Principles

We are committed to high quality services for people with a disability and place emphasis on people with a disability being at the centre of service activities.

Our principles are consistent with the *Disability Act 2006*, the *Charter of Human Rights and Responsibilities Act 2006* and the *UN Convention on the Rights of Persons with Disabilities* and guide the way we approach our work.



**Accessible** – We are accessible to people with a disability and other key stakeholders through clear and effective communication that is easy to use and understand. We provide clear information about the right to complain, how to complain, where to complain and how complaints will be handled.



**Person centred** – We respect and value the knowledge, abilities and experiences of people with a disability and support them to make choices about their lives to enable each person to live the life they want to live. We take actions that seek to achieve the best possible outcomes for people with a disability.



**Responsive** – We provide timely assistance to people with a disability, families, carers and service providers. We keep people informed of the progress of complaints with the emphasis on addressing the issue within established time frames.



**Accountable** – We work to clear objectives in a transparent manner accepting responsibility for decisions made, being open to appropriate levels of scrutiny and ensuring all conflicts of interest are disclosed and acted upon.



**Excellence** – We continually seek ways to improve how we do things and promote learning cultures in disability service organisations to ensure that complaints are vital to continuous improvement.