



Disability Services Commission

# Consumer Complaints and Concerns Management Policy

## 1. Key words

Consumer, complaint, dissatisfaction, concerns, Consumer Liaison Service, people with disability, carer, advocate, disability sector organisation.

## 2. Policy statement

The Disability Services Commission (the Commission) recognises and promotes the rights of people with disability, their families, carers<sup>1</sup> and/or advocates to raise and discuss their concerns about services provided by the Commission, including through making complaints.

The Commission welcomes feedback from people with disability, their families, carers and/or advocates about any concerns they may have about Commission services. Feedback enables us to address problems with our service, improve relationships with consumers and improve the overall quality of our services.

The Commission understands that people with disability, their families, carers and/or advocates may feel vulnerable when making a complaint or negotiating a resolution on an issue of concern. This may be more so for children, young people, Aboriginal people and people from culturally and linguistically diverse (CaLD) backgrounds. The principles of this policy are written within this context and it is recognised that appropriate supports and approaches for vulnerable people should be considered in the application of this policy.

## 3. Compliance

The policy applies across the Commission, in particular to areas that deliver services to the public. It is in keeping with the Disability Services Act 1993, the National Standards for Disability Services, the Carers Recognition Act 2004 and the Australian and International Complaint Handling Standards ISO 10002:2014 & AS/NZS 10002:2014<sup>2</sup>.

## 4. Principles

The following principles must be adhered to when managing concerns and complaints within the Commission.

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<sup>1</sup> Carers are usually family members (they may also be a friend or neighbour) who provide ongoing support and assistance to a child or adult who has a disability, a chronic illness, a mental illness or is frail and requires assistance with daily activities.

<sup>2</sup> ISO 10002:2006 has been replaced by two new standards ISO 10002:2014 & AS/NZS 10002:2014. The difference between the standards is that ISO 10002:2014 focuses on customer satisfaction, whilst AS/NZS 10002:2014 focuses on the complaints handling process.

**Principle 1:**

People with disability, their families, carers and/or advocates have the right to raise concerns or complaints regarding services provided by Commission staff, and to have their matters considered and resolved fairly and quickly.

**Principle 2:**

People with disability, their families, carers and/or advocates who raise a concern or complaint should be actively supported to do so without fear of adverse consequences or loss of service to themselves or to the person receiving the service.

**Principle 3:**

People with disability, their families, carers and/or advocates wishing to raise a concern or complaint can do so at any level of the Commission. It is generally preferable to resolve matters at the level at which they occur.

**Principle 4:**

People with disability, their families, carers and/or advocates have the right to be informed about the internal and external avenues open to them to raise concerns and complaints, and how matters will be handled by the Commission.

**Principle 5:**

The complaints process will be consumer oriented, culturally secure, accessible in multiple formats, timely, efficient, confidential and not encumbered by bureaucratic 'red tape'.

**Principle 6:**

The principles of procedural fairness must be followed when managing and resolving concerns and complaints, allowing the views and accounts of all parties to be considered in determining an outcome.

**Principle 7:**

People have the right to be supported in raising their concern or complaint, for example, a friend, family member or advocate, and to be informed about how to access independent support, advice and representation.

**Principle 8:**

The Commission adopts a culture of continuous service improvement by using feedback from concerns and complaints to plan, deliver and review its services to consumers.

## 5. Definitions

**Complaint**

A complaint is an expression of dissatisfaction with any aspect of Commission-provided services made by a person with disability, their family, carer and/or advocate. A complaint is not typical of regular communication or feedback about services; rather, it is a statement of dissatisfaction to which the person expects a particular action to be taken or the involvement of management staff to achieve a satisfactory resolution. A complaint is different from talking about or problem-solving around a concern.

**Concern**

A concern is an issue that a consumer is not necessarily comfortable or happy with, or is worried about. A concern is generally able to be addressed at the level at which it arises,



through discussion, problem solving or negotiation, without escalating to a complaint.

### **Consumer**

In the context of this policy, 'consumer' is used to refer to:

- a person with disability who has applied for or is receiving a service provided by the Commission, or
- a carer, relative or advocate representing a person with disability who is receiving a service provided by the Commission.

### **Complainant**

Refers to the person who is making a complaint or raising a concern.

### **Public interest disclosure**

A public interest disclosure refers to a person disclosing information that tends to show past, present or proposed improper conduct by a public body in the exercise of public functions, under the auspices of the Public Interest Disclosure Act 2003. A public interest disclosure is different from a complaint and will be managed under the Commission's Public Interest Disclosure Policy.

### **Respondent**

The person or organisation the concern or complaint is about. In the context of complaints about a Commission service, the 'respondent' will be the Commission as a corporate entity, not any individual employee.

### **Procedural fairness (natural justice)**

<sup>3</sup>Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision.

A process that demonstrates procedural fairness is one in which:

- decision makers act fairly and provide reasons for decisions,
- the person or organisation that the complaint is about is advised about the content of the complaint and/or concern being made and has the opportunity to respond, and
- all relevant information is considered and irrelevant considerations are not taken into account in making a decision.

### **Review of complaint**

A process where information is gathered and reviewed to establish the facts of a situation, draw conclusions and determine a suitable response.

### **Resolved**

A complaint is 'resolved' when it is settled or concluded, and each of the parties is notified of the outcome. 'Resolved' does not necessarily infer that the complaint is concluded in favour of any of the parties, or that parties must be satisfied with the outcome.

### **Delegated Officer**

A Delegated Officer is a Commission officer who has been designated authority to manage concerns and complaints on the behalf of their Executive Director.

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<sup>3</sup> Ombudsman Western Australia – Guidelines Procedural Fairness, May 2009

## 6. Scope of Policy

This policy and accompanying operational guideline describe how the Commission will manage and respond to concerns and complaints about its services. This includes directly delivered disability services, Local Coordination services and general engagement of Commission officers with the public in undertaking Commission business. This policy applies to all people who interact with the Commission, including those participating in the WA NDIS.

Administrative decisions made by the Commission or its officers are not subject to this policy. The policy excludes decisions regarding funding allocations, level or use of Commission funding and eligibility for services. Where individuals seek review of funding decisions made by the Commission outside WA NDIS areas, they may write to the Director General of the Commission. Such requests for review are not handled or registered as complaints.

This policy does not apply in the case of reviewable decisions for WA NDIS participants; requests for review or appeal of decisions made in the WA NDIS will be addressed in accordance with the WA NDIS Reviewing and Appealing Decisions Operational Policy.

This policy and accompanying operational guideline set expectations for engagement with **individuals and their families, carers or other representatives** regarding a concern or complaint about a service provided by the Commission. This policy specifically excludes issues relating to staff management, disciplinary processes or investigations into staff conduct that may result from a concern or complaint being raised. Guidance on such issues should be sourced from the Business and Funding Directorate in addition to:

- Policy and Operational Procedures for Managing Suspected Breaches of Discipline
- Disability Services Commission Code of Personal Conduct
- People at Risk Policy – Operational Guidelines
- Operational Procedures for People at Risk
- Information for Staff Reporting of Serious Misconduct and Possible Corruption.

## 7. Concern and Complaint Procedures

The Consumer Concern and Complaint Management Operational Guideline provides detailed information regarding concern and complaint processes to guide Commission staff in managing these matters. The following description outlines the general process to be followed and the expectations complainants can have about how the Commission will handle their complaint.

## 7.1 Concerns

Concerns should be received, acknowledged and addressed in the course of usual Commission business. As such, they are generally managed by the Commission staff member with whom they are raised.

Where concerns are unable to be resolved, they may escalate to a complaint.

## 7.2 Complaints

Complaints can be made to any Commission staff member. Upon receipt of a complaint, the staff member will refer the complaint to the Consumer Liaison Service.

In most cases, the Consumer Liaison Service will refer the complaint to the Directorate that the complaint relates to for management 'at the local level'. The Directorate will appoint a person, the 'delegated officer' to manage the complaint. This person will conduct a review of the complaint within 20 working days. They will provide their recommendations in writing, and the complainant will have 10 working days to consider and respond.

Where a complaint is particularly complex, serious or where there is a perceived conflict of interest with the Directorate, the Consumer Liaison Service will manage the complaint. The Consumer Liaison Service will also manage complaints that have not been resolved through management at the local level. In these situations, the review of the complaint may take up to 30 working days. At the conclusion of their review of the complaint, the Consumer Liaison Service will provide the complainant with an outcome report, which the complainant will have 10 working days to consider and respond to.

Where review of the complaint at the local level and through the Consumer Liaison Service does not resolve the matter to the complainant's satisfaction, the complaint will still be closed ('resolved') to indicate that the Commission has moved through its whole complaints process. The complainant does, however, have further avenues through the Health and Disability Services Complaints Office (for service delivery / service quality related issues) or the WA Ombudsman (for process and decision making related issues).

## 8. Communication

This policy is to be available on the Commission's website and, along with the accompanying operational guideline, on the Commission's intranet.

This policy is a public document, and the accompanying operational guideline is an internal document only. Information brochures about the complaint process are provided to new consumers at the commencement of their services with the Commission. The brochures are available on the Commission's website. Additional languages and formats can be provided on request.

## 9. Evaluation and review

This policy is evaluated according to the standard Director General Policy review mechanism. This policy replaces the Consumer Complaints Management Policy and Procedure – December 2015.

## 10. Related documents

- Consumer Concerns and Complaints Operational Guideline, 2017
- *Disability Services Act 1993*
- National Standards for Disability Services – Evidence Guide (Standard 4)
- Complaint Handling Australian Standard AS ISO 10002:2004 & AS/NZS 10002:2014
- *Carers Recognition Act 2004*
- Public Sector Commissioner’s Circular 2009-27
- Public Interest Disclosure Act 2003
- Improving the Provision of Supports and Services for Aboriginal People with Disability, Policy and Guidelines, January 2013
- The Western Australian Language Services Policy 2014 and Guidelines
- Reconciliation Action Plan 2016-2018
- Policy and Operational Procedures for Managing Suspected Breaches of Discipline
- Policy for managing allegations of ill-treatment or neglect of a person with disability
- Operational Procedure for managing allegations of ill-treatment of a person with disability

## 11. Further information

Any queries regarding this document should be referred to:  
 Director, Strategic Services, Office of the Director General  
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### Version history

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