

HARBOUR THERAPY CLINIC

Complaint Handling Policy and Procedure

Based on Commonwealth of Australia (Department of Social Services) data.

PURPOSE

Harbour Therapy Clinic is committed to constant improvement, progress, and innovation. We value the experience of our clients and others who interact with our Clinic, and act to uphold their right to receive quality service. We recognise that sometimes things can go wrong, and we aim to take action when this occurs. Complaints from clients, the public and professionals are taken seriously as a valued avenue for accountability and opportunity for improvement.

We understand our clients may face multiple barriers to making complaints about their services. These include lack of experience asserting their rights as consumers, fear of retribution, negative experiences with complaints systems (including not being believed) and difficulty communicating what happened without support. Additionally, in the case of trauma, violence, neglect and abuse, people can face substantial barriers to making a complaint.

For this reason, Harbour Therapy Clinic is proactive in creating a safe and supportive environment in which clients can make a complaint or provide negative feedback without fear of adverse consequences or loss of service. A critical element of this, is the establishment and maintenance of a Clinic culture that values clients and their diversity, and is inclusive of difference. An effective complaints management system is one aspect of this culture, and this Policy is explained to all practitioners, students and volunteers on their induction. Ongoing professional development, peer supervision and Clinic meetings actively promote the execution of a positive complaints and feedback culture. This ensures all Clinic personnel are confident and competent in supporting people with their complaints process, and adhering to the complaints management system.

This Policy outlines the complaints management system at Harbour Therapy Clinic, and aims to:

- help people understand their rights and what they should expect of us as service providers;
- give our clients the confidence to complain, when needed, by addressing power imbalances that can be faced due to age, disability, sex, sexuality, gender expression, culture or aboriginality;

- be accessible and easy to navigate, incorporating a “no wrong door” approach;
- enable other stakeholders (such as advocates and workers) to make complaints and ensure issues can be addressed when our clients are unable, unwilling or reluctant to make a complaint;
- support the resolution of complaints in a timely and responsive manner, including provision of an escalation pathway when needed;
- ensure that quality and safety issues are appropriately managed;
- ensure principles of fairness and natural justice are applied to the complainant and all affected by the complaint;
- ensure the privacy, confidentiality and respect of all involved in the complaints process is honoured;
- enable the identification of systemic issues that can drive improvement actions both within the Clinic, and through our advocacy across the sector.

This policy will be made available to clients, their family, carers, support people and advocates through our website and in hard copy at each Clinic. Clients will be advised of their rights at intake, including their right to complain and how to access the Complaints Policy. Information cards about making complaints directly to relevant authorities and Commissions are visible in each Clinic. Clients who require access to this Policy in other formats will be supported to receive a copy in their own language or via audio recording, where it is feasible for Harbour Therapy Clinic to do so.

Clients will be advised that in some instances Harbour Therapy Clinic has additional obligations in relation to serious and reportable incidents. If a complaint raises an issue that is considered a reportable incident, the Clinic must advise the relevant authorities. This is done to ensure the safety, protection and wellbeing of our clients, our personnel and the community. We will let a complainant know if we need to treat the complaint as a reportable incident, and who we will be contacting. Relevant authorities may include:

- Family and Community Services (for concerns regarding a child’s wellbeing)
- NDIS Quality and Safeguards Commission (for clients receiving services through NDIS)
- Commissioner of Victims Rights (for clients receiving services through Victims Services)
- SafeWork NSW (for any incidents involving workplace injuries or accidents)
- Professional associations such as the Australian Association of Social Workers (AASW), Australian Psychological Association (APS) or Psychotherapy and Counselling Federation of Australia (PACFA) - (for concerns a practitioner has breached a professional code of conduct)
- State or Federal Police (where criminal matters may be involved, including fraud).

SCOPE

This policy applies to all employees, contractors, volunteers and students at Harbour Therapy Clinic (HTC) and has been developed with reference to the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018, the Commonwealth Ombudsman Better Practice Guide to Complaint Handling (2009), and the AASW, APS and PACFA Codes of Conduct.

OUTCOMES

The outcome of this policy is that:

- Harbour Therapy Clinic creates an environment where feedback, including complaints, is welcome
- All complaints are responded to promptly and respectfully
- Complaints are managed in a fair manner, in a way that seeks to improve the Clinic's service delivery and relationships with stakeholders.

ROLES AND RESPONSIBILITIES

	Roles and Responsibilities
Practitioners Students Volunteers	<ul style="list-style-type: none">• All practitioners, students and volunteers at the Clinic must comply with the complaints management system.• The practitioner receiving a minor complaint, if appropriate, should deal with the complaint at the time or refer it immediately to one of the Directors who may be able to resolve the problem on the spot.• Practitioners should record the complaint and record the action taken to resolve the matter. A copy must be placed on the relevant client file, and entered into the Complaints Register.• A complaint of a more serious nature or where the above has not been satisfactorily resolved should be referred to one of the Directors for investigation, action or response to the complainant.• Clients must always be advised they have the option of making a complaint to the relevant Commissioner.• If the client or other complainant is better served by taking their complaint elsewhere, support them to do so in line with the Clinic's "no wrong door" approach.

Directors	<ul style="list-style-type: none"> • Lead and monitor compliance with this Policy. • Ensure complaints are initially responded to within 24 working hours of receiving the complaint. • Investigate any complaint promptly, with regards to client confidentiality, natural justice and fairness • Determine any remedial action to be undertaken • Ensure complainant is kept informed of progress • Ensure complainants are aware of further avenues of complaint if desired (Professional bodies, NDIS, Ombudsman etc) • Notify relevant authorities if complaint is of sufficiently serious nature or is reportable, eg safety is compromised, serious injury sustained, breach of duty of care has occurred. • the Directors are responsible for same day reporting of any reportable incidents to the relevant authority • Maintain records and progress of complaints using the Complaints Register. • Attempt to resolve all complaints within ten (10) working days from lodgement of the complaint • If complaints have not been satisfactorily resolved within this timeframe or the complaint is a complex matter requiring investigation across a number of work or service areas, the complaint should be referred to a joint meeting of the Directors to resolve. • Ensure all information pertaining to the complaint is kept confidential and only disclosed if required by law, requested by the relevant authority, or if the disclosure is otherwise appropriate in the circumstances.
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PROCEDURE

The procedures for managing and resolving complaints should be transparent and the client should have a central role in the process of managing and resolving a complaint. Harbour Therapy Clinic also recognises some clients will need or prefer to use a support person or advocate if making a complaint: our Clinic acknowledges the role of advocates and other support people and will facilitate their participation in the process.

Harbour Therapy Clinic also welcomes the role played by the relevant Commissioners in providing further avenues of complaint. The Clinic will advise clients, their families, carers and advocates that they are able to use these avenues at any point during a complaint process, and indeed may prefer to make their complaint directly to the Commission. Harbour Therapy Clinic will provide information about the relevant Commissioner, as well as give appropriate support and assistance for clients and others to make contact.

What is a complaint?

A complaint is an expression of dissatisfaction with a decision, process, service or product received from Harbour Therapy Clinic. A person does not have to call their dissatisfaction a 'complaint', in order for it to be handled as a complaint by the Clinic.

What can a complaint be made about?

People can make a complaint to Harbour Therapy Clinic about an issue connected to the provision of our supports or services. The complaint may be about our Clinic environment, about one of our practitioners, about the service received or not received, or about a process or decision that they are not satisfied with.

People can also make a complaint to the relevant Commissioner in relation to an issue arising out of, or in connection with, the provision of supports or services provided by Harbour Therapy Clinic. This avenue provides broad opportunity for a person to raise their concerns, including if their issue may not have occurred during the provision of our services, but is connected because it arose out of the provision of those services. Harbour Therapy Clinic will advise a person wanting to make a complaint which Commissioner they should contact, and support them to make contact if needed.

Harbour Therapy Clinic may determine that a complaint will not be investigated where that complaint:

- is considered vexatious or not made in good faith
- where a matter is subject to an existing legal or mediation process
- Involves a matter where the complainant declines or refuses to provide sufficient information
- involves threats made against Harbour Therapy Clinic.

If Harbour Therapy Clinic decides not to investigate a complaint, the complainant will be advised of the reason for the decision, and provided with information regarding external avenues the complainant may pursue, including the NDIS Commissioner, the Australian Information Commissioner, NSW Health Care Complaints Commission, Victims Services Complaints Coordinator, and professional bodies such as the AASW, APS and PACFA.

Who can make a complaint?

Anyone can make a complaint to Harbour Therapy Clinic about the level or quality of services we provide. This includes our clients (past and present), potential clients, their families, friends, carers, advocates, workers (including volunteers) or any other person who wishes to make a complaint.

Harbour Therapy Clinic will ensure "Consent to Share Information" has been provided by the client (or their parent/guardian if under 18 years) when hearing complaints from third parties, to ensure client privacy and confidentiality is respected.

How can complaints be made?

Complainants may make their complaint directly to the person, another person they trust at the Clinic or to one of the Directors. The complaint may be made verbally or in writing. A Complaint and Feedback box is visible in each Clinic for people preferring to lodge a written complaint in this manner.

A complaint can be made to Harbour Therapy Clinic by:

- Talking to any Clinic personnel
- Phoning: 02 6652 1120
- Writing: to PO Box 4113 Coffs Harbour Jetty, NSW 2450
- Leaving it in the Feedback Box in any of the three Harbour Therapy Clinics suites.
- Phoning: Landline: 02 6652 1120 or Mobile: 0435 048 994
- Fax: 02 6678 1038
- Emailing: enquiries@harbourtherapyclinic.com.au
- In any other way that best meets the needs of the person making the complaint.

Complaints may include the name, and contact number/email of the complainant, and should include a brief description of the problem. To ensure complainants can approach the person at the Clinic with whom they have the most rapport, any practitioners at the Clinic can receive a complaint and must then follow the procedures set out in this policy to record and action the complaint.

Complaints may also be received anonymously, and Harbour Therapy Clinic will endeavour to address anonymous complaints by balancing client right to anonymity with our ability to make right any concerns raised.

What can a person expect when they make a complaint?

A person making a complaint can expect Harbour Therapy Clinic to:

- support them to make the complaint in a way which is culturally appropriate;
- help them if they require additional support to make a complaint;
- provide a timely, respectful and effective response to the complaint;
- keep them up to date about how their complaint is progressing;
- provide information about the use of independent advocates;
- achieve an outcome that is appropriate, proportionate and respectful for the complainant and all people affected by the complaint;
- provide written information about the outcome of the complaint; and
- provide information about other avenues of complaint open to them.

Complainants will not be subjected to any form of prejudice or harassment in reprisal of their complaint, nor will their provision of service be adversely affected as a result of the making of the complaint.

What happens when a complaint is made?

Practitioners, volunteers and students are able to action minor complaints directly. They must respond promptly to acknowledge and action the complaint, and must advise the Directors of the complaint, how it was addressed, and the outcome, preferably same day and definitely within 24 hours.

The Directors of the Clinic must be informed of any serious complaint on the same day it is received, a serious complaint being any concerns related to safety, duty of care, professional conduct, or the reputation of the Clinic or its practitioners. The Directors will acknowledge the complaint within 24 working hours of receiving the complaint unless it was made anonymously, or the contact details of the person making the complaint were not provided. The Directors will outline a situation specific time frame and course of action, which will include the complainant having the opportunity to further discuss the issue in person or in a format that is comfortable to them.

If the complaint constitutes a reportable incident, the Directors will contact the relevant authority the same day, and cooperate fully with all direction given by that authority. The person making the complaint will be advised that an external authority needs to be advised of the complaint, the reasons for this, and how the complainant can contact the authority themselves for clarification or further information.

If the complaint is non-reportable, one of the Directors, or another person within Harbour Therapy Clinic nominated by the complainant, will arrange a time to talk to the person making the complaint, to understand the concerns being raised. They will find out enough information so they can understand the issues involved, any concerns about the immediate health, safety and wellbeing of any person affected by an issue raised in the complaint, and the outcome/s the complainant may be hoping for. This information will help the Clinic decide how to respond.

In working with the complainant or their advocate about how to resolve a complaint, Harbour Therapy Clinic may:

- spend time on the phone or in person with the complainant to better understand the complaint and how it can be resolved
- request information and documentation to help clarify the issues
- talk with other Clinic personnel affected by the complaint, or who may have relevant information about the complaint
- with the person's consent, talk to other relevant people, eg family members or other providers, to get their views about the complaint
- work closely with the complainant or their advocate to find ways to resolve the complaint including through conciliation.

Harbour Therapy Clinic will keep the person making the complaint, or their advocate, informed of all steps, processes, decisions and actions that the Clinic makes in the process of resolving their complaint. The Clinic will also advise the person if the complaint constitutes a reportable incident, or information emerges during the investigation that suggests a reportable incident has occurred. Updates will be done in a way agreed by the complainant at the beginning, and may include written, verbal or electronic updates.

The person making the complaint may request at any point during the complaints management process that Harbour Therapy Clinic take no further action regarding the complaint. Where possible, Harbour Therapy Clinic will be guided by the complainant's wishes. At the same time, the Clinic may choose to continue investigating the complaint if the Directors believe the safety and wellbeing of the complainant or other people would be negatively impacted if they did not pursue the complaint.

The complainant will be encouraged to have a person of their choosing support them through the process of handling the complaint and identifying the desired goal. Harbour Therapy Clinic believes that people should be supported by people with relevant cultural links and understanding. The Clinic will also welcome the client using an advocate to act on

their behalf. If the client does not have a support person or advocate and would like one, the Clinic will support them to find an appropriate person or agency.

If there are issues Harbour Therapy Clinic is unable to help with, the person will be provided with information to make a complaint to the right place, in line with the Clinic's "no wrong door" approach.

If the person has made a complaint on behalf of someone else receiving a service, the Clinic will ask whether that person receiving the service is aware of the complaint and if they have requested or consented that their concerns can be raised with the Clinic. Where possible, Harbour Therapy Clinic will seek the views of the person themselves to understand what outcome they would like. At the same time, the Clinic will respect a person's right and preference to use an advocate. The Clinic's focus is on what is important to and for the person receiving the service, and will seek to involve them in the process as much as possible.

The Directors or delegate investigating the complaint will determine on all the evidence available whether the complaint has substance and if so, what outcome the complainant is seeking, and what remedial action will be taken. They will ensure that all details of the investigation and remedial action are recorded and placed on the relevant file and the complaints register. A checklist is available to ensure all actions are taken in line with this policy and within required timeframes.

Finalising Complaints

All complaints should be attempted to be resolved within ten (10) working days from lodgement of the complaint. At the conclusion of the complaints process, written confirmation of the issues in the complaint and the outcomes achieved will be provided to the complainant, along with thanks for their input into improving our service.

If an anonymous complainant has accessed an advocacy body, such as the National Disability Advocacy Program, to help them with their complaint, Harbour Therapy Clinic will cooperate with the advocacy body, and support them to inform the complainant of the outcome.

Complainants have a right to lodge a complaint to the NDIS Quality and Safeguards Commission regarding their concerns about Harbour Therapy Clinic, even after the conclusion of the Clinic's complaint process, and the Clinic will provide advice and support to do this.

At the conclusion of the complaints process, the Directors will confirm that all information relating to complaints, their investigation, outcomes and communication has been recorded in the Clinic's Complaints Register.

The Directors will review all active and finalised complaints at their business meetings to determine if any further changes to policy, process or procedures are required. This will be undertaken as part of the Clinic's quality assurance processes.

What is a reportable incident?

Reportable incidents are serious incidents or allegations which result, or could result, in harm to a client, service user or child/young person and include:

- the death of a client, NDIS service participant or child/young person
- serious injury of a client, NDIS service participant or child/young person
- abuse or neglect of a client, NDIS service participant or child/young person
- unlawful sexual or physical contact with, or assault of, a client, NDIS service participant or child/young person
- sexual misconduct committed against, or in the presence of, a client, NDIS service participant or child/young person, including grooming behaviour
- the use of a restrictive practice in relation to any client, NDIS service participant or child/young person (Harbour Therapy Clinic is not authorised to use restrictive practices)
- a workplace injury or death of any Harbour Therapy Clinic personnel
- a serious breach of professional code of conduct, or practice considered well outside a practitioner's professional scope of practice
- the awareness of a suspected crime or intent to commit a crime.

It is Harbour Therapy Clinic policy to take action on reportable incidents on the same day the Clinic becomes aware of the incident. Different authorities require minimum notification periods, and the Clinic abides by these. The NDIS Quality and Safeguards Commission must be notified within 24 hours, with a more detailed report about the incident and actions taken to be provided within 5 business days. Other authorities require "immediate" notification and do not specify a timeframe. Harbour Therapy Clinic's same day response is designed to meet or exceed all minimum requirements.

What if the complaint is about one of the Practitioners?

The handling of complaints against practitioners should incorporate the following four principles:

- procedural fairness for both the complainant and practitioner
- speed to ensure that the opportunity for further misconduct and the potential for bitterness is minimised, as are opportunities to breach the confidentiality to which

complainants and practitioners are entitled

- confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is completed
- meticulous recordkeeping, including recording reasons for all significant decisions.

If fraudulent or unethical conduct is confirmed, the Harbour Therapy Clinic Directors will initiate corrective action, including contacting relevant professional associations, state or federal police or other authorities as needed.

What if the complaint is about one of the Directors?

A formal complaint received against one of the Directors will be undertaken in a manner that incorporates procedural fairness for the complainant and Director, and minimises potential damage to the Harbour Therapy Clinic brand. Minor complaints may be resolved internally, with the other Director leading the investigation in line with the complaints management system. For more serious complaints, an independent investigator will be engaged, agreed to by both Directors. Such an investigator may be recommended by the Australian Association of Social Workers, or another organisation with similar standing. The investigator will be expected to adhere to the Clinic's complaints management system.

What information is recorded about the complaint?

Each complaint will be recorded in the Complaints Register, and updated as the complaints process progresses. The complaints register will record:

- information about the complaint;
- statistical information;
- communications made regarding the complaint;
- all action taken to resolve complaints;
- the outcome of any action taken.

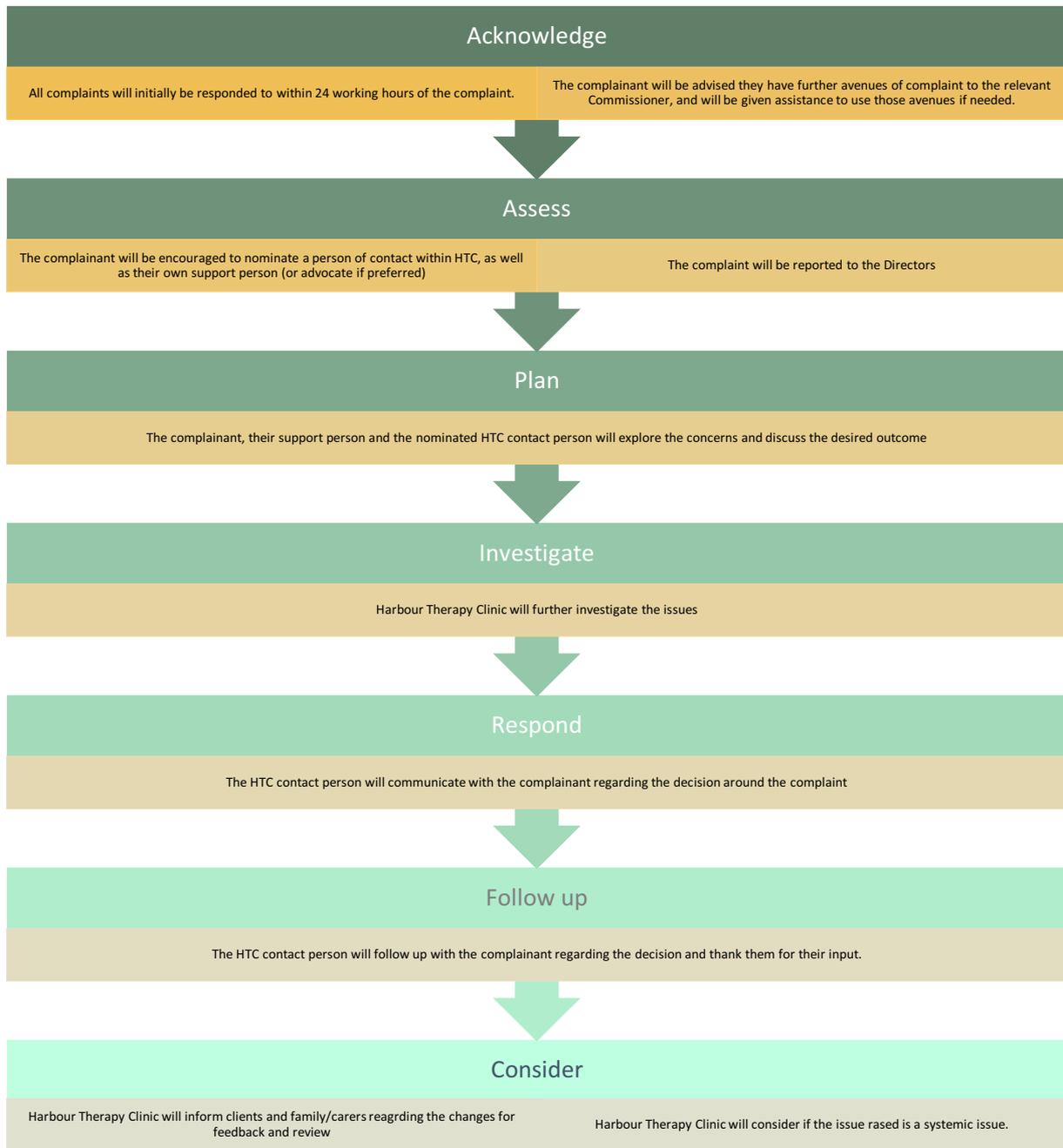
Harbour Therapy Clinic may be required to provide records of complaints to external investigating bodies, relevant Commissioners or courts of law. The Clinic will keep such records for 7 years, unless the client receiving service was under 18 years, in which case the records are kept indefinitely.

Other than as described above, only those directly involved in investigating and resolving the complaint have access to information relating to the complaint. Harbour Therapy Clinic takes people's privacy very seriously, and complies with State and Federal laws regarding the accurate and safe storage of personal information.

What if a person disagrees with the complaints process or a decision?

If, at any time during the complaints process, a person is concerned about how Harbour Therapy Clinic is managing their complaint, they are encouraged to contact the relevant Commission or professional association for support, advocacy or an alternative complaint pathway. Harbour Therapy Clinic will actively support complainants to seek external support or complaint handling pathways at any stage of the complaints resolution process. The Clinic will fully cooperate with any third party authority acting on behalf of the person with a complaint.

The complaints procedure described in this Policy is depicted in the flow chart below:



Complaints Handling Procedure Check List

* Please attach any documentation made/sent during the process to this document.

Start Date: ___/___/___

Completion Date: ___/___/___

Complaints #: _____

Name of Complainant (if given): _____

Reason/description of complaint:

Clinic personnel involved:

Acknowledge

- All complaints must be acknowledged within 24 working hours of the complaint being received. Record the date/time, person and means of acknowledgement.

Assess

- The complainant will be supported to nominate a preferred person of contact at the Clinic and their own support people. The complaint will be reported to the Directors. Record the name of nominated person of contact at Harbour Therapy Clinic, any support people nominated by the complainant and the date/time of report to the Directors.

Plan

- The complainant, their support person, and the nominated contact person at Harbour Therapy Clinic will discuss the issues further and identify the desired outcome. Record date/s of meeting/s, those in attendance and a brief outline of the desired outcome.

Investigate

- Harbour Therapy Clinic will further investigate the issues. Outline action taken during the investigation (e.g., meeting with involved people, documents perused)

Respond

- The nominated person of contact at Harbour Therapy Clinic will communicate with the complainant regarding each step of the complaint and when a decision regarding the complaint has been made. Record all dates, means and topics of communication with the complainant.

Follow up

- The person of contact at Harbour Therapy Clinic will follow up with the complainant regarding the decision and thank them for their input. Record all dates and topics of communication with the complainant.

Consider

- Inform community/clients (if applicable) regarding the changes for feedback and review. Harbour Therapy Clinic will consider if the issue raised is a systemic issue. Record dates of when feedback is shared with the community/clients, any internal decisions regarding systemic issues, and future follow up required.

Person of Contact Harbour Therapy Clinic Sign Off:

Date: _____

Director Harbour Therapy Clinic Sign Off:

Date: _____

Involved Personnel Sign Off:

Date: _____