



# COMPLAINTS POLICY

## INTRODUCTION

NOSS Tasmania (NOSS) aims to provide a positive and open environment where complaints can be resolved in a fair and equitable manner.

NOSS recognises that within any service, conflict and complaints will inevitably arise. However, early attention to such complaints will result in the simplest and quickest resolution.

Any employee who witnesses or is informed about any complaint, criminal act or act of abuse has an ethical and professional obligation to immediately report the alleged incident to the General Manager.

This policy sets out the avenues available to resolve any complaint related to any aspect of NOSS, its services or management. Feedback will enable NOSS to improve the quality of its service delivery.

NOSS adopts the Department of Health and Human Services, Preventing and Responding to Abuse in Services Procedures May, 2014 (copy attached)

## POLICY STATEMENT

NOSS will:

- foster open communication between employees, clients and management in an atmosphere within which people feel comfortable to raise issues of concern.
- make every effort to achieve a resolution in the shortest possible time.
- ensure that employees, clients and crew members are familiar with their right and responsibility to make complaints about anything which they believe to be wrong or unjust.
- ensure that complaints are taken seriously and are addressed quickly and fairly.
- not tolerate any victimisation or reprisals for making complaints;
- ensure that the outcomes of all complaints are always assessed and actions taken to avoid recurrence and improve the quality of service provided by NOSS.
- contact Tasmania Police where allegations of criminal abuse have been raised,
- provide information to clients about Advocacy Services.
- report allegations of abuse to Disability and Community Services as required.
- ensure that the organisation has an adequate complaints management policy and incident reporting and investigation processes

## **DEFINITIONS**

### **Complaints**

Complaints may include:

- allegations of abuse (see below)
- dissatisfaction with working conditions
- allegations of theft
- poor workmanship by the Workcrew
- behaviour of a client or employee
- unsatisfactory employee performance
- poor quality of support

### **Abuse**

Abuse is a particular complaint which involves a person who has either a formal or implied bond of trust for the provision of services to another person. It does not include harm caused by a client, either to a staff member or to another client. Although such incidents may be serious and require intervention, they would not, in the general circumstances, be considered a breach of trust or an abuse of power. Forms of abuse may include:

#### **Physical**

- infliction of physical pain or injury
- inappropriate use of physical coercion or restraint (including confinement)
- inappropriate use of medication

#### **Psychological**

- any conduct which causes mental anguish, fear or isolation, feelings of shame, humiliation and powerlessness or loss of dignity. For example, emotional blackmail, threats, intimidation

#### **Financial**

- improper use of a person's property or finances
- unauthorised denial of access to, or control over, personal finances

#### **Neglect**

- failure to provide adequate food, shelter, clothing, hygiene, medical/dental care and personal safety

#### **Sexual**

- sexually abusive or exploitive behaviour, including rape, indecent assault and sexual harassment.

#### **Restrictive Practices**

- any action taken to restrict the rights or freedom of movement of a person with disability for the primary purpose of the behavioural control of the person. It does not include such actions that are taken for therapeutic purposes, or to enable the safe transportation of the person or actions authorised under mental health legislation or guardianship.
- Restrictive practices that are not authorised under the Act may constitute abuse if they occur on a continual basis or if they are likely to cause harm.

Certain types of abuse such as physical and sexual abuse are a criminal offence under the Criminal Code Act 1924 and require notification to and investigation by Tasmanian Police.

# COMPLAINTS PROCEDURES

## General

1. Steps should always be taken to resolve complaints in the simplest manner. For this purpose the informal process should, if possible, be followed in the first instance.
2. All Staff must report any suspicion of abuse immediately to their supervisor or management. The alleged abuse must be documented within 24 hours in accordance with the NOSS Reporting Policy.

## Informal Complaints Procedure

All complaints should be raised directly with the person concerned in order to promptly resolve the issue. A member of the management team or the Work, Health & Safety Representative may assist if necessary. In the event that the issue can not be resolved informally, the formal procedure should be followed.

## Formal Complaints Procedure

1. A signed written report of the complaint (using a Complaints Form) should be submitted to the General Manager as soon as possible. In a complaint against the General Manager, the report should be submitted to the Board of Governance which will take the place of the General Manager in the following procedure.
2. In the case of an alleged criminal offence, the General Manager will refer the matter to the Police for investigation and, in the case of abuse, follow the procedures below
3. In the case of any other complaint, the General Manager will:
  - advise the parties concerned that an investigation is to take place.
  - Set a time frame for the resolution of the complaint will be set and reviewed as appropriate.
  - investigate the complaint, taking formal statements from all relevant parties and allowing each party the opportunity to respond to any allegations.
  - consider all evidence and make a determination.
  - inform all parties of the determination.
4. In the case of a complaint which may involve disciplinary action, this policy should be read in conjunction with the NOSS Counselling and Discipline Policy.

## Abuse

Certain types of abuse such as physical and sexual abuse are a criminal offence under the Criminal Code Act 1924 and require notification to and investigation by Tasmanian Police.

1. NOSS adopts the Department of Health and Human Services, Preventing and Responding to Abuse in Services Procedures May, 2014 (copy attached)
2. In the case of alleged Abuse, the General Manager will notify Tasmanian Police and (unless otherwise advised by police)
  - inform the client's guardian, person responsible or significant other of the alleged incident
  - notify Disability and Community Services (DCS) of the alleged incident on the prescribed form.
  - If Tasmania Police have been notified, there must be no contact made with other parties until the Police have completed their preliminary investigation.
  - if further action is not taken by police, NOSS will carry out it's own investigation.

## **Advocacy**

- Staff will assist clients who require additional support to complete this process, and if necessary, refer them to an independent advocate:

Tas Advocacy  
Shop 9, 216 Charles Street  
Launceston  
Phone: 6331 0740

Speakout  
59d Amy Road  
Newstead  
Phone: 6343 7090

## **APPEAL PROCESS**

1. Any person dissatisfied with the outcome of the formal complaints procedure may appeal to the Board of Management by submitting a written complaint.
2. The Board of Management will:
  - investigate the matter, consider all evidence and make a determination.
  - inform all parties in writing of that determination..
3. If any person is still dissatisfied with the outcome of the appeal process they may appeal to the relevant external body such as Tasmanian Industrial Commission, Department of Health and Human Services, Department of Family and Community Services, Federal Privacy Commissioner, Anti-Discrimination Commission and the Human Rights Commission.
4. Workcrew members are also encouraged to use the Complaints Resolution and Referral Service (CRRS) if they feel their complaint has not been adequately dealt with:

Phone: 1800 880052 (freecall)  
National Relay Service: 1800 555 677  
Fax: (02) 9318 1372

# Complaints Flow Chart



