

Growing Early Minds Complaints Guidelines

1. PURPOSE:

1.1 This guideline should be read together with The Growing Early Minds Complaints Handling Procedure. Its purpose is to ensure that Growing Early Minds (GEM) complies with the requirements of the NDIS Act in establishing a Complaint Management System.¹ The GEM Complaints Guidelines ensures that those using services provided by Growing Early Minds (GEM) and their parents, carers and advocates (including independent advocates) are aware of their rights to raise and have any complaints resolved in relation to services they receive. GEM welcomes all feedback and complaints. Any complaints received will be dealt with promptly, confidentially, fairly and without fear of repercussions for the person making the complaint.

2. SCOPE:

2.1 Feedback or complaints can be given to GEM by any individual, group or organisation in relation to their interaction with the service, whether they are a participant receiving services with the organisation. These Guidelines refer to complaints made to GEM, not complaints about the NDIS.

3. RELEVANT LEGISLATION

3.1 These Guidelines will adhere to the listed legislative instruments:

- *National Disability Insurance Scheme Act 2013 (NDIS)*
- *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*
- *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*

Related Documents

- *NDIS Quality and Safeguards Commission: Effective Complaint Handling Guidelines for NDIS Providers*
- *National Standards for Disability Services – Standard 4 (Feedback and Complaints)*

¹ 'National Disability Insurance Scheme Act', (Cth Department of Social Security, 17 July 2013) s 73W.

- *National Disability Insurance Scheme (Quality Indicators) Guidelines 2018*

4. DEFINITIONS:

- **Advocate:** An informal (e.g. family member, friend or peer) or formal (external agency) individual or organisation who speaks on behalf of the Participant and/or their family and assist with supporting the participant and/or their family to communicate their needs or desires.
- **Carer:** An individual who provides personal care, support and assistance to another individual who needs it because that other individual is a person with a disability.²
- **Complaint:** An expression of dissatisfaction made by an individual about services provided, staff, or actions by GEM, by individuals regarding their interaction with the service. A complaint may include how a previous complaint was handled for which a response or resolution is explicitly or implicitly expected.³
- **Complainant:** Any individual, group or organisation who makes a complaint under these Guidelines
- **Complaint Recipient:** A GEM staff member or Manager who receives the complaint (verbally or in writing)
- **Dispute:** A complaint that is escalated either internally or externally, that is unresolved
- **Feedback:** The provision of opinion, comment or suggestion by an individual, group or organisation regarding the provision of services, staff, or actions by Growing Early Minds.
- **Parent:** Having parental responsibility for the child or young person.
- **Parental responsibility:** All the duties, powers, responsibilities and authority which, by law, parents have in relation to their children.
- **Participant:** A person becomes a *NDIS participant* on the day the NDIA decides that the person meets the access criteria.⁴
- **Restrictive Practices:** Those practices including restraint or seclusion
- **Vexatious Complaint:** Is a complaint which is entirely without merit and is made with the deliberate intention to harrass or cause trouble. Please refer to the NSW Ombudsman's Unreasonable Complainant Manual with regards to vexatious complaints:

https://www.ombo.nsw.gov.au/data/assets/pdf_file/0004/3568/GL_Unreasonable-Complainant-

² Ibid s 9.

³ 'NDIS Quality and Safeguards Commission: Effective Complaint Handling Guidelines for NDIS Providers', Department of Social Security, 6.

⁴ 'National Disability Insurance Scheme Act', above n 1.
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[Conduct-Manual-2012_LR.pdf](#)

5. GUIDELINE STATEMENT:

5.1 GEM values all feedback on its service provision and fully supports complainants voicing their dissatisfaction without fear of retribution.⁵ Central to providing effective care is the partnership between GEM, the participant and/or carer. The partnership is characterised by open communication which is respectful of and sensitive to cultural and other differences. In all cases where a complaint is raised, staff and management will follow the GEM Confidentiality and Privacy Guidelines.

The GEM Complaints Management System is accessible and transparent for all concerned. Our complaints system is documented and information on how to make a complaint is available to participants, their families, guardians or advocates in a way that is culturally appropriate.

5.2 Our goal is to ensure participants:

- Are aware of their right to make a complaint;
- Feel empowered to make a complaint;
- Are supported to make a complaint; and
- Are involved in the resolution process after making the complaint

6. COMPLAINTS

6.1 Who can make a complaint?

Any person, including a participant, family member or guardian can make a complaint to Growing Early Minds about the supports or services provided.⁶ Those complaints can be made anonymously.

6.2 Complaints can be made about any part of the quality or delivery of our services where dissatisfaction perceived:

- It may be in relation to the way services are delivered
- It may be in relation to decisions we've made
- In relation to the conduct of our employees
- It may regard concerns about privacy issues

⁵ 'National Standards for Disability Services', No Version 0.1, Department of Social Security, standard 4.

⁶ National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 (Cth) s 8(a).

6.3 Child Protection

Where the complaint is in relation to a child protection issue, staff and management will follow the procedure for Child Protection regulations relating to the disclosure of abuse.

6.4 Compliments and Complaints Help Us To:

- Identify problems;
- Assist us to continually improve our services;⁷ and
- Provide better outcomes to participants

6.5 How to Make a Complaint:

- Written guidelines detailing complaint procedures are available in the [GEM Participant Handbook](#) which is part of the [Welcome Pack](#). It is also available in the centre's foyer or upon request
- Complaints can be made anonymously;
- Complaints can be made directly to your child's clinician: if the clinician is unable to assist you, our Senior Operations Manager (SOM) is available on [0481 917 724](tel:0481917724) to discuss your concerns; alternatively, you may email your concern to support@growingearlyminds.org.au (Subject line: Forward to Senior Operations Manager); or
- By contacting the Commissioner directly
- Complaints will be acknowledged, assessed and resolved in a fair, efficient and timely manner without repercussions to the complainant.⁸ Where required, GEM will assist complainants with reading or writing difficulties to articulate and lodge complaints.⁹

7. COMPLAINT RESOLUTION:

7.1 All Complaints, Formal or Informal Must Be Recorded and Monitored:

- A complaint register will be used to monitor complaints
- The complaint register should include up-to-date progress for each complaint and whether currently open or resolved (closed)
- Regular reports from the complaint register should be provided to the Management team for review

⁷ Ibid.

⁸ Ibid s 8(3)(a) and s 8(4)(a)

⁹ 'NDIS Quality and Safeguards Commission: Effective Complaint Handling Guidelines for NDIS Providers', above n 2. Growing Early Minds Complaints Guidelines v1.0

8. RESPONSIVENESS:

8.1 The **Executive General Manager** must be notified of all Compliments and Complaints within **2 business hours** and must be acknowledged within **24 business hours**.

8.2 All compliments and complaints, formal or informal, written or verbal, must be documented and notified.

9. COMPLAINTS RECORDS AND REVIEW:

9.1 Accurate information of complaints received including decisions made, actions taken, and eventual outcomes must be recorded and retained for **7 years** from the date of the complaint,¹⁰ this allows us to:

- Enable reviews of any complaints received;
- Assist in identifying any systemic issues raised;
- Allow a response to the Commissioner as required;
- Be stored securely and accessible only by those handling complaints

10. COMPLAINT REFERRALS:

Complaints to the Commission may be referred to other agencies as required, including;

- Non-compliance with the NDIS code of conduct
- Inappropriate or unauthorised use of restrictive practice
- Employee screening issues such as the National Police Check
- Incidents relevant to other agencies such as police or consumer affairs agencies

Executive Approval:

Executive Name	Position	Signature	Approval Date
Dylan Reynolds	Executive General Manager		

Review History

Procedure Review Date	Modifications	Next Scheduled Review Date
June 2019	Guidelines Created: May 2019	June 2020

¹⁰ National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018 (Cth) s 9(1).