

## FEEDBACK COMPLAINTS AND INCIDENTS

Autism Spectrum Australia (Aspect) prioritises, records, and learns from the experiences and safety and wellbeing of all people in our schools, services and workplaces. (see also other Aspect policies that relate to this - Privacy of Personal Information and Data, Quality Management Framework, Safeguarding the People we Support, Positive Behaviour Support and Working at Aspect)

Through Aspect's comprehensive feedback, complaints and incidents management systems, positive and negative experiences, events or near misses are recorded, rectified and analysed. The systems support the management of such experiences and events, that are underpinned by the principles of feedback, complaint and incident management and resolution.

This policy addresses Aspect's approach to the consistent management of feedback (including compliments and suggestions), complaints and incidents (including critical incidents) (see Definitions) in order that managers and staff respond effectively to them, when and as they occur.

Aspect Feedback, Complaints and Incident Management and Resolution Principles

Aspect values feedback, and treats complaints and investigates incidents seriously, sensitively and in a timely manner, having due regard to procedural fairness, confidentiality, and privacy. Whilst Aspect always strives to maintain positive stakeholder and community engagement, it recognises that at times people may have negative feedback or a complaint about their interaction with Aspect. Aspect is committed to resolving the matter for the particular person or people concerned/impacted where practicable. Aspect will learn from such experiences and accordingly will further develop and refine its practices for continuous improvement.

Aspect's approach to responding to feedback, complaints and incidents is underpinned by the following principles:

Principle 1: Person-centred – management of the feedback, complaint or incident is respectful of, and responsive to, the person or person/s impacted, their individual preferences, needs and values while supporting the person's safety and wellbeing. Where an impacted person is a person with disability or a child, this will include adapting processes to be child-friendly, or inclusive of a person's cognitive abilities.

Principle 2: Outcome focused - management of negative feedback, complaints, incidents and near misses recognises the need to establish a positive outcome for the safety, wellbeing and relationships of the people involved, including rectifying any mistakes Aspect has made. The investigation process seeks to reveal the factors which contributed to the experience or event occurring. To prevent reoccurrences,

contributing factors are managed, through proactive preventative and corrective actions, including the use of restorative processes as required.

Principle 3: Clear, simple and consistent - the process for dealing with feedback, complaints, incidents and near miss events is easy to understand, accessible and consistently applied.

Aspect informs people on the autism spectrum and their families and support networks of Aspect's policies and key processes, including how to provide feedback or make a complaint. This information is available in accessible formats that includes information in plain English or easy-read visual formats.

Principle 4: Accountability – all staff are responsible for appropriately responding to the feedback, complaint, incident or near miss event. Everyone involved in the management of the event understands their role and responsibilities, and is accountable for decisions or actions taken in regard to the event, including reporting to and cooperating with external regulatory bodies. Staff are provided with training and support in the Aspect feedback, complaints and incident management systems as relevant to their role.

Principle 5: Continuous improvement – All feedback from all stakeholders is valued, and is collated and used for continuous quality improvement within Aspect's quality management processes (see Quality Management Framework policy).

Principle 6: Proportionate - the nature of any investigation or actions following a negative feedback, complaint, incident or near miss is proportionate to the risk of, or actual harm caused to the complainant/person(s) impacted; whilst meeting all required regulatory and compliance requirements for the event that has occurred.

Assistance to stakeholders before, during and after negative feedback, complaints, incidents or near misses.

Aspect provides appropriate information, support and assistance to persons impacted by an incident and opportunities for all relevant stakeholders to provide feedback or make a complaint. This may include:

- adapting processes to be respectful of cultural and diversity requirements;
- arranging for an interpreter to be present at meetings;
- assistance with documentation accessibility including translation, social scripts etc.;
- assistance to put feedback, complaints or disclosures in writing;
- providing assistance to contact or refer to an external organisation, e.g. an advocacy service; or



- finding an appropriate support person within the person's family or support network

#### Protection of the right to provide feedback free from retribution

This policy recognises that all people need to feel safe to make a complaint, provide negative feedback, report an incident or support others to report, and reiterates that retribution in the case of complaints is illegal and not tolerated at Aspect. In any feedback of a negative nature and incidents all those involved are treated with respect and procedural fairness is followed in the conduct of investigations. In the event that a complaint or incident cannot be resolved by Aspect or the individual and their family are unhappy with the result or complaints/incidents management process, Aspect will assist the individual with appropriate referrals to external complaints resolution processes and regulatory bodies.

#### Alternative avenues for dealing with complaints

Aspect informs people who make complaints to or about us, about any internal or external review and reconsideration options available to them (including referring the complaint to the relevant regulatory bodies, and other relevant agencies and advocacy support available).

All feedback, complaints and incidents are treated with confidentiality and records are stored subject to applicable privacy laws (see Privacy of Personal Information and Data policy).

#### Managing unreasonable conduct by people making complaints

Aspect is committed to being accessible and responsive to all people who approach us with feedback or complaints. When people behave unreasonably (see Definitions) in their dealings with Aspect, their conduct can raise substantial health, safety, resource or equity issues for Aspect, other students/participants and staff. As a result, Aspect will act to manage any conduct that negatively and unreasonably affects us and advise staff of their responsibility to record and report all unreasonable complainant conduct incidents they experience or witness (as appropriate) to their manager/principal.



## External Framework

The Feedback, Complaints and Incidents Management policy upholds Aspect's commitment to the:

- NDIS Practice Standards (2018) and NDIS Code of Conduct, specifically within the NDIS Practice Standards & Quality Indicators:
  - Core Module: 1. Rights and Responsibilities, under all Outcomes.
  - Core Module: 2. Provider Governance and Operational Management, under all Outcomes.
  - Core Module: 3. Provision of Supports, under all Outcomes.
  - Supplementary Module: 2. Specialist Behaviour Support Module, under the relevant Outcomes.
  - Supplementary Module: 2a. Implementing Behaviour Support Plans, under the relevant Outcomes.
  - Supplementary Module: 3. Early Childhood Supports, under all Outcomes.
  - Supplementary Module: 4. Specialist Support Coordination, under all Outcomes.
- Disability Standards for Education (2005), specifically:
  - Part 8: Standards for Harassment and Victimisation.
- NESA Registered and Accredited Individual Non-Government Schools (NSW Manual), specifically:
  - 3. Requirements for Registered Non-government Schools, under requirements for Staff; Safe and Supportive Environments; Discipline; Attendance; and Management and Operation of the School.
- Standards for Registration and Review of Registration of Schools in South Australia, specifically the relevant quality related criteria for:
  - Standard 2 Student Learning and Assessment
  - Standard 3 Student Safety, Health and Welfare
- Australian Human Rights Commission's National Principles for Child Safe Organisations specifically:
  - 1. Child safety and wellbeing is embedded in organisational leadership, governance and culture;
  - 2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
  - 5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.



- 6. Processes to respond to complaints and concerns are child focused.
- 7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- 8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- 9. Implementation of the national child safe principles is regularly reviewed and improved.
- 10. Policies and procedures document how the organisation is safe for children and young people.

### **Critical Definitions**

**Complaint** - is when someone tells\* us they are not happy, or they are angry, upset or don't like something to do with Aspect's services, supports or staff, and they either tell us or imply that they would like something done to change that.

Note: The person does not have to state that they wish to make a complaint for the feedback to be treated as such. In some cases, a response may be legally required.

**Compliment** - is when someone tells\* us about something to do with Aspect's services, supports or staff that they thought was done well, or they would like to give praise or thanks about.

**Critical Incident** – a significant or traumatic event which causes or is likely to cause extreme physical and/or emotional distress to staff, students/participants, families, volunteers or the public. It is regarded as being outside the normal range of experiences of the people affected by the event. A critical incident may also be an incident which places Aspect or a part of Aspect under major stress or exposure to significant risk. This includes incidents that require external regulatory body reporting.

**Feedback** - is when someone tells\* us how they feel or what they think about something to do with Aspect's services, supports or staff, either positive or negative.

**Incident** - an event that has the potential to, or actually causes, injury, harm or other adverse impacts to student/participants and/or an event where a student/participant contributes to the potential or actual injury, harm or other adverse impacts to others. Aspect records incidents that have occurred or are alleged to have occurred during service delivery, or in connection with service delivery, to students/participants, staff (including contractors and volunteers) or visitors.



**Suggestion** - is when someone tells\* us an idea for something they would like to see happen, change or see included within Aspect's services or supports to them.

**Retribution** - is detrimental actions or punishment taken in the spirit of moral outrage or personal vengeance. This can be threatened or actual, subtle or overt punishment / detrimental action for perceived wrongdoings; and be against the individual making the complaint, or anyone involved or impacted as a result of the complaint. It can include things such as ridicule, abuse, withdrawal of services, and revenge activities. Complaints are a legally protected right, and retribution against a complainant is illegal in most states of Australia.

**Unreasonable Conduct** – any behaviour by a current or former complainant which because of it's nature or frequency, raises substantial health, safety, resource or equity issues for the party to a complaint.

\*All Feedback (including Complaints, Suggestions & Compliments) may be told to Aspect by the person Aspect supports, their family member / advocate on their behalf, a staff member or a member of the public. Aspect accepts people giving us this feedback by talking / using an alternative or augmented communication system face to face; on the phone; electronic video / audio recording; or by writing it to Aspect in a letter, email, fax or social media post.

## Legislation References

### International

United Nations Convention on the Rights of Persons with Disabilities

United Nations Convention on the Rights of the Child 1989

Universal Declaration of Human Rights 1948

### National

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Disability (Access to Premises- Buildings) Standards 2010 (Cth)

Disability Discrimination Act 1992 (Cth)

Disability Standards for Education 2005 (Cth)

Freedom of Information Act 1982 (Cth)

National Disability Insurance Scheme Act 2013 (Cth)

National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and other measures) Bill 2017 (Cth)

Ombudsman Act 1976 (Cth)\*

Privacy Act 1988 (Cth)

Privacy Amendment (Enhancing privacy protection) Act 2012 (Cth)

Privacy Amendment (Notifiable data breaches) Act 2017 (Cth)

Privacy Amendment (Private Sector) Act 2000 (Cth)

Privacy Amendment (Public Health Contact Information) Act 2020 (Cth)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Spam Act 2003 (Cth)



Work Health and Safety Act 2011 (Cth)

### **New South Wales**

Anti-Discrimination Act 1977 (NSW)  
Children and Young Persons (Care and Protection) Act 1998 (NSW)  
Children's Guardian Act 2019 (NSW)  
Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)  
Disability Inclusion Act 2014 (NSW)  
Education Act 1990 (NSW)  
Health Records and Information Privacy Act 2002 (NSW)  
Privacy and Personal Information Protection Act 1998 (NSW)  
Work Health and Safety Act 2011 (NSW)

### **Victoria**

Charter of Human Rights and Responsibilities Act 2006 (VIC)  
Children Youth and Families Act 2005 (VIC)  
Disability Act 2006 (Vic)  
Equal Opportunity Act 2010 (Vic)  
Freedom of Information Act 1982 (Vic)  
Health Records Act 2001 (Vic)  
Occupational Health and Safety Act 2004 (VIC)  
Privacy and Data Protection Act 2014 (Vic)  
Racial and Religious Tolerance Act 2001 (Vic)  
Workplace Safety Legislation Amendment (Workplace Manslaughter and other matters) Act 2019 (Vic)

### **South Australia**

Child Safety (Prohibited Persons) Act 2016 (SA)  
Children and Young People (Safety) Act 2017 (SA)  
Disability Services Act 1993 (SA)  
Education Act 1972 (SA)  
Education and Early Childhood Services (Registration and Standards) Act 2011 (SA)  
Equal Opportunity Act 1984 (SA)  
Freedom of Information Act 1991 (SA)  
Health and Community Services Complaints Act 2004 (SA)  
Racial Vilification Act 1996 (SA)  
State Records Act 1997 (SA)  
Work Health and Safety Act 2012 (SA)

### **Australian Capital Territory**

Children and Young People Act 2008 (ACT)  
Discrimination Act 1991 (ACT)  
Freedom of Information Act 1989 (ACT)  
Human Rights Act 2004 (ACT)  
Human Rights Commission Act 2005 (ACT)



Work Health and Safety Act 2011 (ACT)

### **Queensland**

Anti-discrimination Act 1991 (QLD)  
Child Protection Act 1999 (Qld)  
Disability Services Act 2006 (Qld)  
Human Rights Act 2019 (Qld)  
Information Privacy Act 2009 (Qld)  
Right to Information Act 2009 (Qld)  
Work Health and Safety Act 2011 (Qld)

### **Northern Territory**

Anti-Discrimination Act 1992 (NT)  
Care and Protection of Children Act 2007 (NT)  
Children's Commissioner Act 2013 (NT)  
Disability Services Act 1993 (NT)  
Information Act 2002 (NT)  
Work Health and Safety (National Uniform Legislation) Act 2011 (NT)

### **Tasmania**

Children, Young Persons and their families Act 1997 (Tas)  
Disability Services Act 2011 (Tas)  
Personal Information Protection Act 2004 (Tas)  
Right to Information Act 2009 (Tas)  
Work Health and Safety Act 2011 (Tas)

