

Complaint Statement

MND Victoria (MNDV) recognises and supports the right of clients, members and others to make a complaint regarding the service provision and operations of the Association. MND Victoria encourages this action. MND Victoria is committed to ensuring that all complaints and concerns are investigated and resolved quickly and fairly and without retribution. **People making a complaint will be dealt with sensitively, objectively, confidentially, promptly and in accordance with relevant legislation.** However, there is no guarantee of a successful resolution of any issue or complaint: the policy and procedure exist as a guide and framework for the process.

MND Victoria values and encourages feedback and complaints as it recognises feedback and complaints as an important element of continuous quality improvement.

1. Definitions

What is a complaint?

A complaint generally refers to issues about the organisation including its staff, the service they provide, or the terms of engagement or contract with the organisation, which are perceived to have a negative impact.

Complaint resolution

A complaint is resolved when both parties reach agreement. The parties will be informed, in writing, of the complaint agreement.

Vexatious grievances

Where complainants use the complaint/grievance resolution process without reasonable cause, the processes as outlined will still be adhered to. If complaints are malicious or vexatious and therefore not made in good faith, the complainant may be referred to the Manager Support Services (MSS) or Chief Executive Officer (CEO) to take appropriate action.

2. Informal complaints

In the event that a person expresses dissatisfaction with any aspect of MND Victoria services, personnel or programs, they have the right to lodge a complaint.

In the first instance, they are encouraged to discuss the issue with the staff member they have most contact with. Staff are encouraged to address and resolve issues immediately at a local level whenever possible. The concern will be noted and the Manager Support Services (MSS) informed.

Where a complaint is with regard to one of the following, the CEO will be notified immediately:

- Criminal behaviour
- A breach of the Code of Conduct

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- A breach of MND Victoria Policy
- An action which intentionally puts a person or staff member at risk
- An action which intentionally intimidates a person or staff member

3. Lodging complaints

If the matter of concern is not able to be resolved at the local or informal level the matter becomes a formal complaint. Formal complaints should be lodged with the MSS. They can be forwarded by mail, email, or any other form of electronic communication, or by speaking to the MSS. Assistance with writing the complaint can be requested.

The MSS will contact the complainant within 5 working days of receipt of the complaint, provide advice about the complaints process and organise a meeting with the complainant at an appropriate venue to review the complaint and address the issues therein. It is usual for the meeting to include any other people involved, but separate interviews can also be arranged if the complainant prefers.

All formal complaints will be investigated by the MSS or delegate. The MSS or delegate will inform all people involved in the dispute that a formal complaint has been lodged.

Where a complaint is received in relation to the operations or services of another organisation that is delivering services to the MNDV client, the client will be referred to that organisation to lodge a complaint. Where appropriate, the MNDV client will be supported by their MND Advisor.

4. Resolving complaints

The MSS or delegate will review the terms and background of the complaint, seeking input from relevant MND Victoria staff and the complainant.

At the first formal meeting, the complainant will be provided with every opportunity to state their views, the circumstances leading up to the complaint and their suggested course of action. All relevant discussions and investigations will be documented. On the basis of all the information, the MSS will negotiate a plan of action to resolve the matter in a way which is acceptable to everyone involved. The action plan will be documented and circulated to the complainant and any other involved parties.

Where the complaint is unable to be resolved, or where the complaint relates to actions or decisions taken by the MSS, the complaint will be referred to the CEO for resolution. The CEO will, within five business days, discuss the issues making up the complaint; review the information supporting the complaint, and the actions of the Association subject to the complaint and the actions and decisions of the MSS in attempting to resolve the complaint. The CEO will resolve the complaint within the existing MND Victoria policies and procedures. From the Association's perspective, the CEO's decision is final.

5. Use of a support person

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It is the intention that all of the above will be undertaken within reasonable time limits but no longer than 28 working days after receiving the complaint.

Complainants have the right to have a support person and/or interpreter present during any discussions and meetings. The role of the support person is not to mediate between complainant and MND Victoria or to arbitrate in a dispute, but to speak and act on behalf of the complainant.

6. Other resources and organisations

If the complaint cannot be resolved to the satisfaction of the client other options which may assist in resolving the complaint or providing advice, include the following:

a) NDIS Quality and Safeguards Commission

[https://www.ndiscommission.gov.au/](https://www.ndiscommission.gov.au)

The NDIS Quality and Safeguards Commission is an independent agency established to improve the quality and safety of NDIS supports and services. The Commission works with NDIS participants, service providers, workers and the community so that participants have consistent access to services and supports that promote choice, control and dignity.

b) Aged Care Quality and Safety Commission

<https://www.agedcarequality.gov.au/>

The Aged Care Quality and Safety Commission monitors the quality and compliance of Aged Care services and assists with complaints regarding an aged care provider's responsibilities under the Aged Care Act 1997. They cannot assist with complaints about NDIS services provided in an Aged Care setting.

c) Health Complaints Commissioner

<https://hcc.vic.gov.au/>

The Health Complaints Commissioner deals with complaints concerning any private or public health service provider, including doctors, nurses, allied health professionals and naturopaths. The aim of the Commission is to mediate and conciliate between parties.

d) Victorian Ombudsman

<https://www.ombudsman.vic.gov.au/>

The Ombudsman for the Victorian State Government deals with complaints concerning actions of government departments. The Ombudsman's office also has jurisdiction over the administrative actions of local government officers. However, it cannot act if the complaint concerns a decision or action of an elected Council or Councillor.

e) Victorian Equal Opportunity and Human Rights Commission

<https://www.humanrightscommission.vic.gov.au/>

The Victorian Equal Opportunity and Human Rights Commission will deal with complaints concerning discrimination on the grounds of disability, sex, race, age, industrial activity, marital, parental or carer status, political or religious beliefs, sexual orientation or pregnancy. The Commission will assist people to

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prepare statements and to lodge a complaint. The role of the Commission is to then mediate between parties to reach resolution of the complaint.

f) Office of the Public Advocate

<https://www.publicadvocate.vic.gov.au/>

The Office of the Public Advocate represents the interests of Victorian people with a disability. The office is a statutory agency, independent of government and has the power to investigate and take action in situations where people are exploited, neglected or abused. Individual advocacy can also be provided for people with a disability who are being abused or neglected, and where no other advocacy is available. Independent guardians can be provided for people with a disability when the Guardianship and Administration Board make orders.

g) Office of the Australian Information Commissioner (OAIC)

<https://www.oaic.gov.au/>

The Office of the Australian Information Commissioner (OAIC) can investigate privacy complaints from individuals about Australian, ACT and Norfolk Island government agencies, and private sector organisations covered by the [Privacy Act 1988](#) (Privacy Act). Complaints are usually resolved through conciliation.

h) Australian Human Rights Commission

<https://www.humanrights.gov.au/>

The Australian Human Rights Commission can investigate and resolve complaints of discrimination, bullying and harassment based on a person's age, sex, race or disability. Complaints are resolved through a conciliation process.

7. Use of complaints and feedback

Complaints will be addressed in meetings of staff and volunteers as part of continuous quality improvement and used, if appropriate, to improve training, systems or services.