

COMPLAINTS MANAGEMENT PROCEDURE

Title: Complaints Management Procedure

Purpose:

The Department of Child Safety, Youth and Women (the department) is committed to effective complaints management by managing complaints in an accountable, transparent, timely and fair manner.

Complaints are to be dealt with in a manner that:

- is culturally responsive and safe for Aboriginal peoples and Torres Strait Islander peoples
- adheres to the requirements under the *Human Rights Act 2019* to ensure human rights are considered and embedded into existing complaint and decision-making processes.

This procedure is to be read in conjunction with the department's Complaints Management Policy and has been developed to provide guidance to officers in complaint management handling to ensure all complaints are managed consistently and within agreed timeframes.

All complaints must be entered into the department's Complaint Management System (Resolve) to ensure consistent monitoring and reporting of complaints.

Definitions:

A **complaint**, including an anonymous complaint, is an expression of dissatisfaction that requires a response or resolution about:

- a decision made or not made by the department; or
- the department's products, services, or staff.

An **issue** is a concern expressed by a customer or client of the department regarding the department's products, services or staff that **can be managed routinely** without escalation to a formal complaints management process.

General Considerations:

For each contact determine:

- Does the contact constitute a compliment, issue, complaint, internal review of a previous complaint or internal review of a decision-making process?
- Who is the subject?
- What is the specific service delivery issue being raised?
- How complex is the complaint or the internal review?
- Who should deal with the matter?

- Should you refer any part of the contact to a specialist team?
- What outcome/s is the contact seeking?
- What action (if any) has the person already made to attempt resolution?
- If action has already been taken, who was involved, when did this take place, and what was the outcome?
- Is there relevant supporting information and submission?
- Does further information need to be requested?

Allegations of suspected harm or risk of harm to a child as defined by Section 9 of the *Child Protection Act 1999* should be immediately referred to the appropriate Regional Intake Service for action.

Define the contact type:

Define if the contact is an issue, complaint, internal review of a previous complaint or internal review of a decision-making process.

Issue

An issue is a concern expressed by a customer or client of the department regarding the department's products, services or staff that can be managed routinely without escalation to a formal complaints management process.

If the contact is assessed as being an issue this should be dealt with as part of day-to-day management of case work. Contacts received at a regional level which are assessed as an issue are to be recorded in Resolve. Issues received at Service Centres are to be recorded on either ICMS or CRIS.

Complaint

A complaint is an expression of dissatisfaction that requires a response or resolution about: a decision made or not made by the department; or the department's products, services, or staff.

An anonymous complaint is assessed against the same criteria as other complaints. When assessing anonymous complaints, particular considerations include: the nature and complexity of the complaint; the quantity and quality of information; and the capability of a productive outcome.

Internal Review of a previous Complaint / Decision-Making process

An internal review of a previous complaint / decision-making process is a systemic way of looking back on how a prior complaint management or decision-making process was conducted. This form of review, conducted by the central Complaints Unit, considers an assessment and consideration of information from various sources.

A review of this nature is not a reinvestigation of the complaint or of a decision. Instead, the review focuses on the appropriateness and thoroughness of how a complaint or decision-making process was undertaken.

Define the complexity:

Once the contact is defined as an in-scope complaint or internal review, the receiving officer needs to determine the complaint's level of complexity.

Complaints complexity

Low complexity complaints

Low complexity complaints generally require no investigation and can be easily addressed through the provision of information, or through negotiating a desired outcome, perhaps through a face-to-face meeting or over the phone.

A written response is required. A right of reply to preliminary findings / outcome advice is required prior to making a final determination.

Low complexity complaints should take no more than **30 business days to manage**.

Medium complexity complaints

Medium complexity complaints may require some investigation, negotiation or facilitated discussion with the complainant/s or consultation with other areas of the department.

A written response is required. A right of reply to preliminary findings / outcome advice is required prior to making a final determination.

These complaints should take no more than **60 business days to manage**.

High complexity complaints

High complexity complaints are matters where there are possibly a large number of complaint allegations, or where the complaint allegations may refer to possible systemic concerns. These matters will typically involve complainants providing detailed or lengthy background information that requires considerable time to address.

Formal investigation is typically required, sometimes involving a number of units in the department, and may involve interviews or discussions with staff and other relevant persons, including external persons of interest and jurisdictions. A written response is required, and the complainant is to be afforded a right of reply to preliminary findings / outcome advice prior to making a final determination.

These complaints may take up to **six months to complete**.

Internal Review complexity

Medium complexity Internal Review

Medium complexity internal review matters are where there are a number of grounds that require formal review of how a complaint process was conducted or departmental decision was made. Such reviews will require review of relevant information provided by the complainant or subject/s of the review, and as gathered through the conduct of the review.

A right of reply to preliminary findings / outcome advice is required prior to making a final determination.

These reviews should take **no more than 50 business days to manage** from when the grounds have been agreed upon by the complainant and the department.

High complexity Internal Review

High complexity internal review matters are where there are possibly a large number of grounds that require formal review and consideration of how a previous complaint process was conducted or departmental decision was made. Such reviews will require review of relevant information provided by the complainant or subject/s of the review, and relevant information gathered through the conduct of the review. A review of this nature may involve interviews or discussions with staff and other relevant persons, including external persons of interest and jurisdiction.

A right of reply to preliminary findings / outcome advice is required prior to making a final determination.

These reviews should take **no more than 100 business days to manage** from when the grounds have been agreed upon by the complainant and the department.

Identify any referrals to specialist teams:

Identify if any part of the contact that highlights risk factors that require liaison with and referral to specialist team of the department to handle, this includes:

- Privacy Complaint or Privacy Information Breach
- Serious staff Conduct Complaints i.e. CaPE category 3 or suspected corrupt conduct
- Non-Compliance of Service Contract
- Possible Public Interest Disclosure.

Allegations of suspected harm or risk of harm to a child as defined by Section 9 of the *Child Protection Act 1999* should be immediately referred to the appropriate Regional Intake Service for action.

Privacy Complaint or Privacy Information Breach

A privacy complaint is a complaint about an act or practice of the department in relation to a person's personal information that is a breach of the department's obligations under the *Information Privacy Act 2009*.

If it is determined that the complaint is a privacy complaint it will be managed directly by the Information Privacy and Governance team.

A privacy information breach occurs when personal information is not handled in accordance with the Information Privacy Principles. It will generally involve access to, or collection, use or disclosure of, personal information in contravention of the *Information Privacy Act 2009*. A privacy breach may be accidental or intentional. It may be a one off occurrence or due to a breakdown in procedures. A breach may occur when personal information held by the department is lost, misused, mistakenly disclosed or stolen.

If it is determined that the nature of the contact is raising a privacy information breach the Information Privacy and Governance team will work with the appropriate Service Centre, Region or Division to contain, rectify and mitigate the breach.

Serious staff Conduct Complaints i.e. CaPE category 3 or suspected corrupt conduct

Corrupt conduct is defined in section 15(1) of the *Crime and Corruption Act 2001* as conduct that:

- Adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: a department; or a person holding an appointment; and
- Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned above in a way that: is not honest or is not impartial; or involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
- Involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- Is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Professional Standards will:

- determine if the conduct in question is a CaPE category 3 or Corrupt Conduct, and
- refer to the Crime and Corruption Commission (CCC), if required.

Professional Standards will provide advice to the delegate on how best to manage the matter, which may include referral to an external agency, investigation or devolve for local management action.

Non-Compliance of Service Contract

Compliance Services conducts financial compliance reviews and compliance investigations of departmentally funded non-government service providers where there are allegations or concerns which indicate a funded service provider's alleged non-compliance with their financial and or service delivery obligations under the departmental service agreement.

Possible Public Interest Disclosure

Where concerns are raised consistent with Section 12(1)(A) of the *Public Interest Disclosure Act 2010* of a child / young person under the care of the department, the central Complaints Unit will:

- assess the contact / complaint to determine whether the matter raises a public interest disclosure, and
- undertake further enquiries in liaison with the relevant Service Centre, Region or Division to ensure appropriate risk mitigation to the subject child concerned.

If appropriate, the Complaints Unit will also undertake investigation of a complaint that raises concerns consistent with the *Public Interest Disclosure Act 2010*.

Who should deal with the complaint and undertake the internal review?

Determination of who should handle the contact / complaint / internal review depends on how the complaint is defined and its level of complexity.

It is desirable that all complaints be managed by the business area closest to where the decision was made or (funded) service was delivered.

When to escalate a complaint to the central Complaints Unit

If the complainant believes that a complaint cannot be resolved at the local level or at the (funded) service level, or if the complaint relates to how a previous complaints process was conducted or how a departmental decision was made, the complainant is to be supported to escalate the complaint to the department's central Complaints Unit, which manages the department's central complaints function.

A business area may also highlight reasons as to why it is not feasible or appropriate to manage a complaint, irrespective of the complaint's complexity level. In circumstances such as this, following consultation with and agreement from the Complaints Unit, the business area is to refer the complaint to the central Complaints Unit and advise the complainant of this decision and action.

Other factors that help determine how and who should handle the complaint also include:

- the complainant's complaints history (including any current communication protocols)
- whether the complaint / decision-making process raises systemic factors and or concerns
- the complainant's existing relationship with the department e.g. if the complainant's relationship with a Service Centre is strained and they may deem that the Service Centre lacks objectivity, irrespective of whether the complaint they are raising is low complexity, it would probably be desirable that the complaint be addressed at a Regional or Central level
- concerns about perceived bias or conflict.

The table below provides guidance to officers in making this determination.

Type	Service Centre	Region / Division	Complaints Unit	Privacy Unit	Professional Standards	Compliance Services
Low complexity complaint	Yes	Yes	No	No	No	No
Medium complexity complaint	No	Yes	Escalated complaints only	No	No	No
High complexity complaint	No	Yes	Escalated complaints only	No	No	No
Medium complexity internal review	No	No	Yes	No	No	No
High complexity internal review	No	No	Yes	No	No	No
Privacy complaint	No	No	No	Yes	No	No
Information Privacy breach	No	No	No	Yes	No	No
Serious staff conduct or corrupt conduct	No	No	No	No	Yes	No
Public Interest Disclosure	No	No	Yes	No	No	No

How to manage the complaint

The department recognises the importance of fully understanding the complainant's complaint. Upon receiving a complaint, the allocated officer will take necessary steps to understand the nature of the complaint and requested outcomes, by clarifying and seeking any necessary additional information from the complainant. Clarification is particularly required when a complaint is received by email or correspondence, including Ministerial correspondence. Contextual information will also be obtained from departmental records if available and other relevant persons to facilitate assessment and appropriate response.

All complaints, including internal reviews conducted by the Complaints Unit will be received, recorded, assessed, managed and resolved using the department's complaints management system (Resolve).

The way in which a complaint (including an internal review) is managed will depend on factors such as:

- how it is classified;
- requested outcome/s;
- previous complaint history and complaint outcomes; and
- the complainant's engagement / relationship with the department.

Staff managing complaints and internal reviews will ensure that complainants are kept informed about the steps involved in the complaints management or internal review process, anticipated timeframes, and any other factors affecting the progress of a complaint / internal review.

The department requires timely resolution of complaints; however recognises that legitimate delays in the assessment, investigation or decision making process can occur. Reasons for delays in the resolution of complaints will be promptly communicated to the complainant.

Complaints can be managed through a number of processes including:

- Alternative response
- Investigation
- Internal review
- A combination of any of the three
- External review

Irrespective of which complaint method is used, the department's complaints management process is composed of 3 stages. These are:

- Stage 1: Intake, Triage and Assessment
- Stage 2: Complaint Management
- Stage 3: Outcome / Recommendations

Overall effective management of a complaint requires that at each stage of complaint management, there is appropriate adherence to quality assurance checks and approvals by management and senior management particularly for more serious complaints. This will ensure that:

- officers managing complaints / internal reviews are appropriately supported and supervised in their handling of the complaint /internal review
- complaints / internal reviews are properly understood and recorded
- complaints / internal reviews are appropriately considered and assessed
- complaints / internal reviews are handled in a manner that appropriately considers and responds to the *Human Rights Act 2019*
- complaints / internal reviews are handled in a manner that is culturally responsive and safe for Aboriginal and Torres Strait Islander peoples
- complaints / internal reviews are handled consistently and in accordance with the department's complaints management policy and procedure.

Alternative response

An alternative response might be a facilitated discussion, a face-to-face meeting, an informal discussion over the phone between the departmental officer and the complainant or an explanation of departmental legislation/policy/procedure that results in a resolution to the complaint.

A written response is required, and a right of reply to preliminary findings / outcome advice must be afforded prior to making a final determination.

Investigation

An investigation is a process whereby the department investigates complaints made by complainants. The complaint allegations need to be tested and assessed against legislation, relevant policy, procedure, standards, or service agreements and should result in findings being made.

A written response is required, and a right of reply to preliminary findings / outcome advice must be afforded prior to making a final determination.

System improvement monitoring

The department's complaints management system (Resolve) is the primary tool for the recording and collection of complaints data.

A current and accurate record of complaints received must be maintained, to:

- enable staff to query active/closed records
- enable staff to manage complaints across the department
- monitor the time taken to resolve complaints
- provide non-identifiable reports on patterns and trends to relevant stakeholders
- provide data for inclusion in departmental performance reporting as required
- ensure consistency and integrity of complaints management data.

The department is committed to continually improving its service delivery. Information from the complaints management system will be analysed and meaningful feedback will be provided to staff about the nature, root cause and outcomes of complaints.

Recommendations from complaints management processes relating to operational and/or systemic process improvements that have been agreed to by the Regional Directors/Executive Directors/Directors or equivalent staff within program areas, will be monitored until fully implemented.

Reporting

Monthly reporting

Reports will be provided to business units on a monthly basis for their review and analysis.

Quarterly reporting

Reports will be provided quarterly to business units for their review and analysis. These reports will be provided to the Assistant Director-General, Corporate Services to share with Executive Management and will identify a particular focus area for improvement.

It is expected that these reports will be provided by regional staff to service centre managers, Regional Directors, Directors and Regional Executive Directors for their review.

Annual reporting

A report will be provided to senior management annually, and will form the basis of information to be provided within the department's Annual Report. The information provided within the department's annual report, will meet the annual reporting requirements as determined by the *Public Service Act 2008* and other relevant legislation such as the *Human Rights Act 2019*, and the Australian/New Zealand Standard AS/NZS 10002-2014 *Guidelines for complaints management in organizations*.

Authority:

Child Protection Act 1999

Public Interest Disclosure Act 2010

Information Privacy Act 2009

Public Service Act 2008

Public Sector Ethics Act 1994

Human Rights Act 2019

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Office: Complaints Unit, Department of Child Safety, Youth and Women

Help Contact: 1800 080 464

Links:

Complaints Management Policy

[CaPE framework](#)

[CaPE assessment tool](#)

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