

Whole of Department POLICY

Title: Complaints Management

1. Policy Statement

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.

The department recognises that effective complaints management is integral to good client service and encourages a people-focused and proactive approach to complaints management.

2. Principles

The department is committed to the following complaints management principles:

2.1 *Enabling complaints*

- providing a free and accessible complaints process that provides procedural fairness for all complainants with no reprisals or detriment from making a complaint
- providing information about:
 - where to lodge a complaint, how to make a complaint and how complaints will be managed, including referring complaints to external agencies, on the department's website and at frontline service locations
 - what can or cannot be achieved by a complaints process, and providing assistance to anyone who wishes to make a complaint
- adopting complaints management practices that are culturally responsive and safe for Aboriginal peoples and Torres Strait Islander peoples
- complainants have the right to be supported by a friend, an advocate, an interpreter, a community Elder or Independent Entity
- complaints can be made anonymously, with complainants advised of the limitations of an anonymous complaint

2.2 *Managing complaints*

- responds to complainants in a respectful, fair, objective and timely manner that respects the privacy of personal information
- ensures a child's safety, wellbeing and best interests is paramount and any conflict is resolved in favour of the child

- is culturally responsive and safe for Aboriginal and Torres Strait Islander peoples
- manages complaints with due consideration for actual, perceived or potential conflicts of interests
- communicates with complainants about the progress of the complaint, including when the department is unable to deal with part or all of their complaint
- provides a clear explanation of the outcome of a decision, any recommendations, review options and any available external review mechanisms
- adheres to the department's record keeping policy and procedure including the use of the department's electronic complaints management system (Resolve) to monitor and review the progress of the complaint
- is committed to acting compatibly with human rights and to consider human rights before making a decision in accordance with the *Human Rights Act 2019*.
- complaints relating to public interest disclosures are managed under the requirements of the *Public Interest Disclosure Act 2010*

2.3 Supporting parties involved in complaints

- efficiently managing complaints involving multiple parts of the department or organisations, including providing a single point of contact within the department and communicating complaint resolution roles and responsibilities to complainants
- employees have the right to feel safe and respected in the workplace, complainants who display abusive or aggressive behaviour will be requested to change their behaviour. If they do not, then the employee has the right to refuse to deal with the complainant

2.4 Monitoring, learning and prevention

- employees receive ongoing training in complaints management to ensure accurate recording and managing of complaints
- complaint data will be used for reporting purposes, monitoring time taken to resolve complaints and for identifying trends and opportunities for business improvements
- implementing recommendations will be monitored to ensure intended outcomes are achieved

3 Objectives

The objectives of this policy are to:

- ensure the fair, efficient, consistent and culturally-responsive management of complaints
- identify business improvement opportunities through the collection and analysis of complaint information
- promote confidence in the department's commitment to listen to our staff, clients and their families, involve them in decision-making about their own lives and the implementation of policies and programs that impact them.

4 Scope

4.1 Application

This policy applies to all employees (as defined by the Public Service Act 2008) of the department.

This policy also applies to other parties not defined by the Public Service Act 2008 who have been authorised by the department, through formal agreement, to perform activities or duties or provide a service or services on behalf of the department.

4.2 What is a complaint?

For the purpose of this policy, a **complaint** is:

- an expression of dissatisfaction by a complainant regarding;
 - a decision made or not made by the department; or
 - a service provided or not provided by the department; or
 - a service that is funded or contracted by the department; or
 - the behaviour or performance of the department's employees, including contracted persons.
- that has **NOT** been resolved at the first attempt at resolution, and
- requires a response or resolution, and
- is not a matter prescribed as 'Out of scope' below (refer 4.4).

4.3 What is meant by 'first attempt at resolution'?

In most instances, expressions of dissatisfaction should initially be referred to the point of service that has caused the dissatisfaction. The matter will be considered and a response provided to resolve the dissatisfaction. This is considered the **first attempt at resolution**, and the expression of dissatisfaction may be resolved at this point.

If, after the first attempt at resolution, the person **remains** dissatisfied and they again express their dissatisfaction to the department, then the subsequent expression of dissatisfaction becomes a **complaint for the purposes of this policy**.

However, staff may escalate an initial expression of dissatisfaction to a complaint if the matter would benefit from being managed in accordance with this policy. The level of escalation should be relative to the seriousness of the matter and the nature of previous contact the complainant has had with the department.

4.4 Out of scope

The following complaints are deemed to be out of scope of the department's complaints management policy, and will be managed in accordance with the relevant legislation, departmental policies and procedures:

- allegations of suspected harm or risk of harm to a child, which will be actioned by immediate referral to a Regional Intake Service or Child Safety Service Centre
- decisions made or matters that are currently being dealt with by a court, tribunal or external complaints agency

- matters that concern employer-employee and organisational governance concerns of a funded, non-government service provider, except where these have an impact on the provider's ability to deliver client services in accordance with its funding agreement
- a complaint by an individual about an act or practice of the department in relation to the person's own personal information that is a breach of the department's obligation under the *Information Privacy Act 2009* to comply with the privacy principles
- matters subject to review under the *Right to Information Act 2009*
- matters concerning the outcome of National Redress Scheme for Institutional Child Sexual Abuse applications
- allegations against employees involving suspected misconduct, including corrupt conduct and maladministration

Complaints lodged in excess of 12 months after the complainant was notified or became aware of the matter that has caused the dissatisfaction will only be accepted if the department considers that the circumstances warrant consideration of the complaint.

5 Complaints Management Model

The department's complaints management model includes three stages – complaints management, internal review and external review. Complaints will be managed in accordance with the department's complaints management procedures.

Every complaint will be assigned an employee to perform the roles of complaint administrator/investigator, and complaint decision-maker. These roles may be undertaken by a single employee, or two different employees. The decision-maker must be appropriately authorised as outlined in the complaints management procedure.

6 Governance

6.1 Reporting

A report detailing the performance of the complaints management system is made available through the department's Annual Report which is published by 30 September each year. This is aligned with the reporting requirements set out in the *Public Service Act 2008*, and the Australian/New Zealand Standard AS/NZS 10002-2014 - *Guidelines for complaint management in organizations*.

Regular de-identified complaints reports will also be made available to departmental staff for analysis to identify trends, systemic issues and potential improvements.

6.2 Review and Auditing

The department is committed to continually improving its services, including complaints management.

Regular reviews and self-audits of the effectiveness of the entire complaints management system will occur and include an evaluation of the major elements of the system. This includes compliance with the policy and procedure, complaints recording and internal reporting, time taken to manage complaints and correctness of complaint outcomes.

The department will invite complainants to provide feedback about the department's management of their specific complaint, and provide relevant information about how to do so, when communicating complaint outcomes.

This policy and associated procedures will be reviewed every two years.

7 Roles and Responsibilities:

Director-General is responsible for:

- establishing a system that manages complaints effectively and efficiently

DCSYW Business Units are responsible for:

- managing complaints in accordance with this policy and any associated procedures
- maintaining an awareness of complaints management processes available to clients of the department and promoting access to these
- seeking guidance and support when necessary from their immediate line manager, relevant Senior Advisor, or the Central Complaints Unit, in the management of complaints
- ensuring the complaints process is effectively administered, including appropriate referral of serious employee conduct matters, not in keeping with the department's Code of Conduct and/or of suspected corrupt conduct to the department's Professional Standards Unit

Central Complaints Unit is responsible for:

- managing complaints in accordance with this policy and any associated procedures
- maintaining the complaints management policy and procedure, and the delivery of an effective complaints management system
- providing specialist complaints management advice and training to relevant service delivery and business areas of the department
- providing effective complaints management capability for centrally investigated/managed complaints and internal reviews
- conducting internal reviews
- facilitating the annual public and high-level departmental reporting of complaints data, including the provision and analysis of trend data to identify areas of improvement
- referring matters to external agencies for action where appropriate
- facilitating reviews and audits of the effectiveness of the department's complaints management system including its policy, procedure recording and reporting requirements

Regional Senior Advisors are responsible for:

- maintaining accurate complaint records of complaints received regionally or at a Service Centre level, by using the departmentally approved system to record the receipt, assessment, management, and outcome of complaints, including any recommendations made
- ensuring appropriate adherence to regionally approved quality assurance checks and approvals of complaints received and managed at a regional and Service Centre level

- ensuring the complaints process is effectively adhered to and administered
- regional analysis of complaints management data to identify regional trends and areas of improvement for the region
- providing complaints management advice and support to relevant regional and service delivery areas within their region
- implementing recommendations, agreed by the Regional Executive Director / Regional Director / Director, made through investigation reports and internal reviews to improve service delivery, within the agreed timeframes

Authority:

This policy reflects the Australian/New Zealand Standard AS/NZS 10002-2014 *Guidelines for complaint management in organizations*, and ensures the department meets its obligations under s.219A of the *Public Service Act 2008* which prescribes the need for a complaints management system in all Queensland Government agencies.

Definitions:

Term	Definition
Complainant	A person, organisation or their representative who lodges a complaint with the department
Independent Person	The term Independent Person is the term used in practice to describe the role of the Independent Aboriginal or Torres Strait Islander Entity chosen by a child, young person, parent or family as someone who will help in the family’s meaningful participation in decision making. Refers to Section 6 of the <i>Child Protection Act 1999</i> .
Procedural fairness	Often used interchangeably with the term ‘natural justice’, procedural fairness involves the right to be given a fair hearing during the complaint management process, and involves applying three rules: <ol style="list-style-type: none"> 1. Notice rule: providing the complainant (or other affected person) with sufficient information for the complainant to participate meaningfully in the complaint decision-making process 2. Hearing rule: the complainant (or other affected person) is given a reasonable opportunity to speak or respond, and any submission they provide is genuinely considered by the complaint decision-maker 3. Bias rule: the complaint decision-maker must act impartially and have not personal stake in the decision.

Date of approval: 29 September 2020

Date of operation: 29 September 2020

Date to be reviewed: 29 September 2022

Office: People, Culture and Governance

Help Contact: Central Complaints Unit – 1800 080 464

References:

Complaints Management Procedure

Information privacy complaints process <https://www.csyw.qld.gov.au/privacy>

Information access process <https://www.csyw.qld.gov.au/about-us/right-information>

[Conflict of Interest Policy](#)

Memorandum of Understanding concerning management of complaints between DCSYW and the Office of the Public Guardian

Child Protection Act 1999

Information Privacy Act 2009

Right to Information Act 2009

Human Rights Act 2019

Public Service Act 2008

AS/NZS 10002-2014 - Guidelines for complaint management in organizations

Crime and Corruption Act 2001

Public Service Commission's Conduct and Performance Excellence framework

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Director-General