



Youth detention centre

OPERATIONAL POLICY

Title: YD-1-9 Youth detention – Complaints management

Policy statement:

The department will ensure that young people in youth detention and their advocates have access to a complaints management system that is accountable and transparent and is administered in a way that ensures they can have confidence in the system to be responsive to their concerns.

To ensure this occurs, the department is committed to:

- continually exploring new mechanisms and strategies to strengthen young people's confidence in the complaints management system to better enable young people to voice their concerns, and
- respecting, protecting and promoting human rights through the complaints management system.

The department also acknowledges that feedback provided through the complaints process is critical and necessary to ensure that services to young people in youth detention centres can continue to improve to maximise their safety, wellbeing and rehabilitation outcomes.

Principles:

1. Visibility and access

- 1.1 The following information is readily available to young people and their advocates in a way that is tailored to their needs:
 - where to complain
 - how to complain
 - what information is required when they complain
 - what assistance is available to assist them to make a complaint, and
 - how the complaint will be managed, including timeframes, updates and final advice.
- 1.2 Reasonable steps will be taken to ensure the complaints process remains flexible and that no one is excluded from making a complaint, including providing for the anonymous lodging of complaints and encouraging complaints from young people who may be less likely to complain for reasons of culture, language, special needs or other factors.
- 1.3 All youth detention centre staff must be able to explain the complaints management process to young people and their advocates and provide assistance if they wish to make a complaint.

2. Responsiveness

- 2.1 Complaints are acknowledged and responded to as soon as practicable.
- 2.2 Complaints will be received and acknowledged before any assessment is made about their validity, including any complaints that may be regarded as frivolous or vexatious.
- 2.3 Complaints will be managed in way that ensures the complainant is provided regular updates regarding the progress of their complaint.



3. Assessment and action

- 3.1 Complaints must be assessed, actioned and resolved fairly in an environment free of reprisal or retribution.
- 3.2 Complaints will be risk assessed and classified to determine appropriate action (refer to appendix A).
- 3.3 Complaints assessed as CaPE category 3 must be referred to the Professional Standards Unit for consideration.
- 3.4 Reasonable steps must be taken for all CaPE category 3 complaints to ensure as far as practically possible and appropriate that contact is restricted between the complainant and subject officer. This principle will be considered where appropriate for other complaints.
- 3.5 Reasonable steps must be taken to ensure that the complaint is properly understood and investigated, including seeking additional information when or where required.
- 3.6 Complaints will be dealt with in a confidential manner that is respectful to both the complainant and the respondent. Reasonable steps will be taken to protect personal information from loss, unauthorised access, use, disclosure or any other misuse during the complaints management process. Given statutory obligations and principles of natural justice, assurance of absolute confidentiality cannot be given.
- 3.7 The assessment process will determine the most appropriate resolution process by taking into account the seriousness and complexity of the complaint, the wishes of the complainant and any public interest matters.
- 3.8 Reasonable steps will be taken to ensure that natural justice requirements are complied with.
- 3.9 Reasonable steps will be taken to provide resolutions to complaints that are fair to all involved; considering the appropriateness of the remedy sought by the complainant as a first option; including informal resolution and compromise where possible.
- 3.10 Surveillance footage may be reviewed as part of complaint assessment and action in accordance with Policy YD 4-6 Use of surveillance technology and client privacy.

4. Feedback

- 4.1 Complainants will be advised of the outcomes of an investigation as soon as possible after a decision is made.
- 4.2 Complainants will be provided with reason/s when the decision does not address their concerns.
- 4.3 Complainants will be provided with information about internal and external appeal processes if they are dissatisfied with the decision and/or outcome.
- 4.4 Any issue revealed by the investigation of the complaint will be communicated to the area of service delivery for appropriate follow up.
- 4.5 If the complaint is found to be vexatious, consequences may be applied to the young person (the complainant) through the behaviour support framework.

5. Monitoring effectiveness

- 5.1 Complaints will be recorded in a way that allows for review of individual complaints and systemic analysis.
- 5.2 Complaints will be recorded in a way that allows for monitoring and tracking of their progress and compliance with acknowledgment and resolution timeframes.
- 5.3 Compliance with this policy will be regularly reviewed and appropriate enhancements and adjustments will be made to ensure continual improvement of the department's complaints management processes for young people in youth detention.



6. Statutory reporting and referral obligations

- 6.1 If the complaint relates to an allegation or suspicion of harm, alleged to have occurred while the young person was in a youth detention centre, the matter must be reported in accordance with section 268 of the *Youth Justice Act 1992*. Refer to [Policy YD-3-10: Identifying and reporting harm in a youth detention centre](#) for guidance on these matters.
- 6.2 If the complaint relates to a child protection matter, the matter must be immediately referred to the young person's caseworker or manager, client relations who will notify child safety and other relevant stakeholders including the young person's parents/care providers in accordance with Youth Justice procedure: Exchange and reporting of information with child protection service providers.
- 6.3 If the complaint relates to a potential criminal offence that is alleged to have occurred to a young person and the young person does not wish to make a complaint to Queensland Police Service (QPS), the department is required to refer the matter to QPS (regardless of the young person's wishes).
- 6.4 If the complaint relates to a potential criminal offence and the young person does wish to make a complaint to QPS, this effectively actions the department's obligation to refer the matter to QPS.
- 6.5 If a notification to the young person's parent/s, guardian/s, youth justice service centre or child safety service centre is required, client services will:
- notify the young person's parents or guardians or if it is more appropriate, request a member of the cultural unit, the young person's youth justice service centre caseworker or child safety service centre caseworker to perform this duty
 - ensure that any casework intervention is noted on Integrated Client Management System (ICMS) as soon as practicable following the incident, and include a review comment in the incident report that notifications occurred.
- 6.6 If the complaint relates to staff alleged corrupt conduct, the executive director must refer the matter to the department's Professional Standards Unit (who will forward the matter to the CCC and QPS as relevant).
- 6.7 The department will ensure complaints management is transparent and accountable by providing the Office of the Public Guardian regular reports about complaints information, in accordance with sections 38(1) (ii), 38(2) and 39 of the *Youth Justice Regulation 2016*.
- 6.8 The department will ensure the requirements of the *Human Rights Act 2019* are considered and embedded into all aspects of the complaints process.
- 6.9 The department will publish in its annual report details of human rights complaints received, in accordance with sections 63 and 97 of the *Human Rights Act 2019*.

7. Resources and training

- 7.1 The department will ensure that adequate training is provided to youth detention centre staff who are responsible for complaints management.
- 7.2 The department will ensure that appropriate technology and other resources, including access to closed circuit television (CCTV) and body worn camera (BWC) footage, are available to ensure maximum effectiveness of the system.

Objectives:

This policy has been developed to outline the commitment by the department to ensure that young people in youth detention and their advocates have access to a robust, transparent and responsive complaints management system.

Scope:



This policy applies to complaints made to the department by young people in or who have previously been in a Queensland youth detention centre (and advocates who may act on their behalf) in relation to services provided to young people in youth detention centres or decisions, actions or inactions from which they are affected.

This policy is part of a suite of policies and procedures developed to support young people's access to internal and external complaint mechanisms. This policy is to be read in conjunction with:

- Policy YD-1-2: Behaviour development
- Policy YD-1-10: Complaints to external agencies
- Policy YD-3-9: Identifying and reporting harm in a youth detention centre
- Chapter 1: Care and management of young people, Youth Detention Centre Operations Manual
- Chapter 3: Incident management, Youth Detention Centre Operations Manual.
- Appendix 02: Philosophy of youth detention services
- Appendix 1-7: Promoting and protecting human rights in youth detention

For guidance in relation to young people's complaints to the QPS or the Public Guardian, refer to [Policy YD-1-10: Complaints to external agencies](#).

For guidance in relation to young people's complaints to the QPS, the Office of the Public Guardian, the Queensland Ombudsman or the Queensland Human Rights Commission (QHRC), refer to [Policy YD-1-10: Complaints to external agencies](#).

Roles and responsibilities:

- Youth detention centre staff:
 - maintain an awareness of the complaints management process and young people's right to access this process at any time
 - assist young people to make a complaint if they wish
 - receive complaints verbally and in writing
 - remind young people of their right to make a complaint following use of force in relation to an incident or an allegation of harm
 - ensure any complaints received are referred to the manager, client relations no later than one business day after receipt.
 - record complete and accurate information around decisions made that may restrict or impact on a young person's human rights. This includes providing appropriate justification and detail within occurrence reports, case notes and individual management plans, depending on the circumstances and significance of the issue/decision and/or the extent to which it limits one or more human rights.
- Unit manager:
 - take immediate action to ensure the young person's safety and address any operational needs as required
 - liaise with the manager, client relations (as required) on behalf of young people who wish to make a complaint
 - maintain accurate and comprehensive records of complaint matters including those that are escalated to ensure the chief executive's obligations under section 277 of the *Youth Justice Act 1992* and sections 38 and 39 of the *Youth Justice Regulation 2016* are met
 - ensure community visitor communication boxes are in working order and reporting any issues to the operations manager
 - liaise with the manager, client services to ensure any young person making a complaint is provided with the appropriate support
 - respond to and resolve lower level complaints.



- Manager, client relations:
 - manage complaints in compliance with this policy
 - maintain regular communication with all parties to a complaint (or delegate as appropriate)
 - demonstrate fair and consistent decision making
 - maintain accurate, timely and comprehensive records of complaint matters, including those that are escalated to ensure the chief executive's complaints management and reporting obligations under section 277 of the *Youth Justice Act 1992*, sections 38 and 39 of the *Youth Justice Regulation 2016* and section 97 of the *Human Rights Act 2019* are met
 - ensure the correct processes are followed, and information is recorded, when handling complaints in scope of the *Human Rights Act 2019*.
- Practice support manager and/or Senior intelligence officer:
 - assist the manager, client relations as required by reviewing relevant incidents
 - provide CCTV and BWC footage, as required.
- Manager, client services:
 - identify and action further support for any young person making a complaint, including from the young person's caseworker, the behavioural support team and/or the cultural unit, as required
 - arrange interventions and referrals as appropriate
 - assist with the identification, response and management of harm (particularly psychological and emotional harm).
- Executive director:
 - ensure young people in youth detention centres understand their right to make a complaint, how they can make a complaint and what they can complain about
 - ensure there are accountable and transparent complaints management systems in place to manage complaints dealt with at the local level
 - ensure (as far as reasonably possible) that the complainant and the person subject to the complaint are not subject to any retribution or victimisation
 - provide access to specialised complaints management training (including refresher training) to relevant youth detention centre staff
 - ensure compliance with this policy
 - ensure there are arrangements in place for monitoring incidents of suspected harm and advice is provided to the Youth Detention Operations and Support directorate about any emerging issues.
 - ensure accurate and comprehensive records of complaints are kept, including for those matters that are escalated.
- Director, Youth Detention Operations and Support:
 - collect and analyse data about complaints and providing advice to the senior executive director and executive directors about any emerging issues
 - provide a regular report to the Office of the Public Guardian about complaints, in accordance with sections 38 and 39 of the *Youth Justice Regulation 2016*
 - collate information for provision to the Human Rights Commission in relation to any human rights complaints, or potential human rights breaches, as requested
 - provide practice support and advice about issues relating to compliance with this policy
 - reviewing and updating this policy as required.

Authority:

Youth Justice Act 1992



Youth Justice Regulation 2016

Definitions:

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Advocate	Means a young person's family, care providers or other type of guardian or professional advocate, such as their legal representative. It does not refer to community visitors, only in that community visitors are part of the Office of the Public Guardian. Complaints made by the Office of the Public Guardian on behalf of young people fall within their own complaints management system. For further details see policy YD-1-10: Complaints to external agencies.
Executive director	Means the executive director of the youth detention centre.
Frivolous complaint	Means a complaint which is found to be lacking in substance, is trivial or superficial. An example of a frivolous complaint may be a complaint made about the quality of the toilet paper provided to young people in youth detention.
Vexatious complaint	Means a complaint that is made solely to harass, subdue or victimise a person. A complaint may be considered vexatious if it has been made primarily to embarrass, annoy or place an unreasonable burden on a respondent. An example of a vexatious complaint may be a complaint in relation to an alleged sexual assault by a staff member that is found to be false.
Youth detention operational staff	Refers to a staff member who has direct care responsibility for young people. For example, a detention youth worker or section supervisor.
Youth Detention Governance committee	A committee including the Senior Executive Director, Youth detention centre Executive Directors and Director, Secure Services Operations.
Complainant	Means the person or entity who makes a complaint.
Subject officer	Means the person the complaint is made about. The subject officer could include a youth detention staff member or a young person.

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1.1 Assistant Director-General (2 December 2014)

1.2 Director, Youth Justice Practice, Program and Design (16 November 2017)

1.3 Acting Senior Executive Director (6 June 2018)

1.4 Deputy Director-General (2 December 2019)

1.5 Youth Detention Executive Directors (25 May 2020)

Date of operation: 6 June 2018



Date to be reviewed: 25 May 2023

Office: Youth Detention Operations, Youth Detention Operations and Support

Links:

[Complaint form – Young person \(COM1\)](#)

[Complaint form - Complaint made by an external person to the youth detention centre \(COM 2\)](#)

[Complaint form – Resolution or withdrawal of complaint \(COM 3\)](#)

[Office of the Queensland Ombudsman’s Good decision-making guide](#)

[Public Service Commission Directive 13/06 – Complaints management systems](#)

[Youth detention complaints](#)

[Australasian Youth Justice Administrators \(AYJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Youth Justice policies](#)

[Comply with the Human Rights Act](#)

Bob Gee

Director-General



Appendix A – Risk rating and category

When applying the framework it is important that consideration is given to the particular context of the matter to determine the appropriate categorisation, including whether the behaviour is repeated.

Risk rating	CaPE category	CaPE category definition
Extreme	Three	Extremely serious misconduct that is: <ul style="list-style-type: none"> inconsistent with the professional standards and practices expected of a public sector employee (such as the Code of Conduct) conduct that, if proven, will warrant commencement of discipline process and possibly termination of employment possibly a breach of criminal law serious neglect of performance of duties. Possible breach of human rights.
High	Three	Serious misconduct that is: <ul style="list-style-type: none"> inconsistent with the professional standards and practices expected of a public sector employee (such as the Code of Conduct) and warrants further assessment by the Professional Standards Unit.
Moderate	Two	Conduct that: <ul style="list-style-type: none"> would otherwise fall within category one, but warrants treatment as category two due to its ongoing and repeated nature constitutes minor misconduct that is inconsistent with the standards expected of a public sector employee (such as the Code of Conduct), but that is not wilful or malicious is careless or negligent (rather than unsatisfactory performance due to lack of skills).
Low	One	Conduct that: <ul style="list-style-type: none"> includes inappropriate interpersonal conduct with colleagues, clients or other stakeholders relates to inappropriate behaviour to minor management matters relates to performance requiring improvement.