

Whole of Department POLICY

Title: Complaints Management

1. Policy Statement:

The Department of Children, Youth Justice and Multicultural Affairs (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-focussed and proactive approach to complaints management.

2. Principles:

The department is committed to the following complaints management principles:

2.1 Enabling complaints

2.1.1 *People focussed*

- providing a people-focussed and proactive approach to seeking and receiving feedback and complaints, and demonstrating a strong commitment to address issues raised within reasonable timeframes;
- complaints can be made anonymously, with complainants advised of the limitations of an anonymous complaint;
- people making complaints are treated with respect, and are actively involved in the complaints process as far as practicable and appropriate in the circumstances.

2.1.2 *Ensuring no detriment to complainant*

- all reasonable steps are taken to ensure that complainants are not adversely affected because of the complaint made by them or on their behalf.

2.1.3 *Visibility and transparency*

- information about how and where a complaint may be made to or about the department is well-publicised and accessible.

2.1.4 *Accessibility*

- complaints management practices are culturally responsive and safe for Aboriginal peoples and Torres Strait Islander peoples;
- information is provided and publicly available on where to lodge a complaint, how to make a complaint and how complaints are managed, including referring complaints to external agencies, on the department's website and at frontline service locations;

- information is available about what can or cannot be achieved by a complaints process, and assistance can be provided to anyone wishing to make a complaint;
- complainants have the right to be supported by a friend, an advocate, an interpreter, a community Elder or Independent Entity.

2.1.5 No Charge

- the complaints process is free.

2.2 Managing complaints

The department responds to complainants in a respectful, fair, objective and timely manner that respects the privacy of personal information.

2.2.1 Responsiveness

- each complaint received is promptly acknowledged and assessed in accordance with the issues raised;
- complainants are advised where the department is unable to deal with either part or all of their complaint;
- complaints are dealt with efficiently and where set timeframes cannot be met, a new timeframe will be provided;
- complainants are advised about: the complaint process, the expected timeframes, their involvement in the process and the possible or likely outcome of their complaint, where applicable in a culturally responsive way

2.2.2 Objectivity and fairness

- each complaint is managed in an objective and unbiased manner and conflicting interests do not interfere with, or be perceived to interfere with, the management and resolution of complaints e.g., avenues are available for the review of the complaint outcome by people other than the original decision maker;
- the department 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*;
- The complaints process is culturally responsive and safe for Aboriginal and Torres Strait Islander peoples.

2.2.3 Equity

- treat complainants fairly and respectfully, remain calm, act professionally and impartially and clearly communicate outcomes;
- a child's safety, wellbeing and best interests are considered paramount and any conflict is resolved in favour of the child.

2.2.4 Privacy and disclosure

- personally identifiable information about any individual will only be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint;
- officers adhere 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;

- complaints relating to public interest disclosures are managed under the requirements of the *Public Interest Disclosure Act 2010*.

2.2.5 Communication

- complainants are provided information on the progress of the complaint, including when the department is unable to deal with part or all of their complaint;
- explanation of the outcome of a decision, any recommendations, review options and any available external review mechanisms are provided to the complainant in a culturally responsive way.

2.3 Managing the parties

2.3.1 Conduct of parties

- 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 and if the behaviour continues, the employee has the right to refuse to deal with the complainant;
- ongoing unreasonable complainant conduct which raises substantial, health, safety, resource or equity issues will be managed under a departmental communication protocol.

2.3.2 Work health and safety

- the complaints system is supported by the department's policies and procedures about staff health and safety, including identity protection if required.

2.3.3 Complaint involving multiple parties

- complaints involving multiple parts of the department or organisations are managed efficiently, including providing a single point of contact in the department and communicating complaint resolution roles and responsibilities to complainants.

2.3.4 Empowerment of staff

- staff are properly empowered to implement the complaint management system as relevant to their role through regular training, monitoring and staff feedback.

2.4 Accountability, learning and prevention

2.4.1 Accountability

- complaint data will be used for reporting purposes, including monitoring time taken to resolve complaints;
- employees will receive ongoing training in complaints management to ensure accurate recording and management of complaints.

2.4.2 Continuous improvement

- regular complaints reporting will occur to identify trends, systemic issues and opportunities for business improvements;
- the implementation of recommendations will be monitored to ensure intended outcomes are achieved;

- periodic satisfaction surveys of complainants occur and there is continual monitoring of the department's complaint management process.

2.4.3 **Prevention of ongoing disputes**

- a three-phase complaints management process is followed to minimise the possibility of complaints escalating into ongoing disputes.

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 oral or written expression of dissatisfaction, made by or on behalf of 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; and
- requires a response or resolution; and
- not prescribed as 'out of jurisdiction' in the Complaints Management Policy (refer 4.4); and
- remains unresolved following a first attempt at resolution process; or
- would benefit from being managed in accordance with the complaints management policy without a first attempt at resolution being attempted.

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 be managed as 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 jurisdiction

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

- concerns about the functions or decisions made by organisations outside of the department, **except** for funded, non-government service providers where there is an impact on the provider’s ability to deliver client services in accordance with its funding agreement;
- funded, non-government service provider matters that concern employer-employee and organisational governance concerns;
- allegations of suspected harm or risk of harm to a child, which will be actioned by immediate referral to a Regional Intake Service;
- all complaints relating to Youth Detention Centres which are managed in line with the *Youth Justice Act 1992*;
- decisions made or matters that are being dealt with by a court, tribunal or external complaints agency;
- 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 including corrupt conduct and serious misconduct or maladministration.

4.5 Complaints Management System

The department's complaints management system 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 administrator/investigator, and 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.

5. Governance:

5.1 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 organisations*;
- A report is provided to the Human Rights Commission twice yearly, outlining the outcome of complaints of alleged limitation of Human Rights raised with the department;
- Quarterly reporting is provided to the Public Service Commission relating to complaints regarding maladministration and misconduct.

5.2 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 or otherwise as required.

6. Roles and Responsibilities:

6.1 Director-General is responsible for:

- establishing a system that manages complaints effectively and efficiently.

6.2 DCYJMA 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 regional Senior Advisor, or Complaints Unit, in the management of complaints.

6.3 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.

6.4 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 to by the Regional Executive Director / Regional Director / Director, which have been made through complaints management processes and internal reviews to improve service delivery, within the agreed timeframes.

7. Authority:

This policy reflects the Australian/New Zealand Standard AS/NZS 10002-2014 – *Guidelines for complaint management in organisations*, 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:

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 *Child Protection Act 1999*.

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:

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 no personal stake in the decision.

Date of approval: 22 June 2022

Date of operation: 01 July 2022

Date to be reviewed: 01 July 2024

Office: Office of the Chief Practitioner

Help Contact: Complaints Unit – 1800 080 464

References:

Complaints Management Procedure

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

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

Conflict of Interest Policy

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

Child Protection Act 1999

Youth Justice Act 1992

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 organisations

Crime and Corruption Act 2001

Public Service Commission's Conduct and Performance Excellence framework

Aboriginal and Torres Strait Islander Cultural Capability Framework

Deidre Mulkerin

Director-General



Do you need an interpreter?

If you need an interpreter to assist you in understanding this document, please call the Translationz on (07) 3123 4887 and request to be transferred to the Complaint Unit on 1800 080 464