



Policy on complaints about other organisations

14 June 2017

NOTE: Section 23 of the *Commissioner for Children and Young People Act 2006* precludes the Commissioner from investigating or dealing with complaints made by, or relating to, a particular child or young person.

1. Purpose/Scope

Although CCYP is unable to deal with individual complaints about other agencies, it is able to provide information to children, young people and families about complaints processes and who is able to assist them.

CCYP is also able to refer the complainant, or investigate or deal with any matter affecting children and young people generally which is raised through a matter relating to a particular child or young person.

This policy relates to the way CCYP will:

1. provide information about complaints processes generally,
2. handle complaints of this nature, and
3. how complaints will be recorded as a part of a broader strategy to monitor trends in complaints.

2. Definitions

The Australian Standard defines a 'complaint' as any:

expression of dissatisfaction made to or about an organisation, related to its products, services staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.¹

There are many different types of complaints and grievances and they can be expressed in many different ways.

This policy details how the following types of complaints will be handled:

- i) complaints about other agencies' policies, staff or procedures; or
- ii) complaints about an individual situation.

¹ Australian/New Zealand Standard, *Guidelines for complaints management in organizations (AS/NZS 10002:2014)*, SAI Global 2014, p 6.



3. Relevant Legislation/Policy and Guiding Principles

The guiding principles of this policy are drawn from the CCYP internal complaints handling policy and have been informed by the Australian Standard for complaints handling², the NSW Ombudsman³, the WA Ombudsman⁴, the WA Corruption and Crime Commission (CCC)⁵, and the Public Sector Commission WA (PSC)⁶.

It has also been developed with advice from the children and young people who have participated in CCYP's consultations on making complaints processes child-friendly (RM 08/4240) and on child safe organisations (RM 15/5140), and in line with the Commissioner's guidelines *Are you Listening?* (RM 13/4495) and *Child Safe Organisations WA: Guidelines* (RM 16/3871).

The Commissioner's *Child Safe Organisations WA: Guidelines* include Child Friendly Complaints Process and Reporting as one of the nine domains of Child Safe Organisations. The Royal Commission into Institutional Responses to Child Sexual Abuse confirmed ten elements of Creating Child Safe Institution in July 2016 including (6.) Processes to respond to complaints of child sexual abuse are child focused.⁷

Information for children and young people to enhance their confidence in making complaints to any organisation has been developed (RM 16/6673 and 16/6674) with input from children and young people.

The Commissioner is committed to advocating for all children and young people including their right to participate in decisions that affect them and to have their views heard and respected by all agencies and services providers. The Commissioner has endorsed the following guiding principles based on the Australian/New Zealand Standard AS/NZS ISO 10002—2014, *Guidelines for complaint management in organisations*.⁸ These principles inform how staff should respond to and provide information about external complaint mechanisms to children, young people, their families or advocates.

A CCYP service charter has been developed using these principles and is available at RM 15/10781.

The guiding principles of the Commissioner's policy are:

1. **Agency Commitment** – the Office is committed to the appropriate resolution of complaints and will uphold a customer-focused approach. Staff will provide professional responses to complaints and suggestions and ensure they are dealt with

² *ibid*

³ New South Wales Ombudsman, *Public Sector Agencies fact sheet No 8: Handling Complaints*, March 2004

⁴ Ombudsman Western Australia, *Report by the Ombudsman on Complaints Management Processes in the Department of Education and Training*, 2006

⁵ Western Australian Corruption and Crime Commission, *Misconduct Handling Procedures in the Western Australian Public Sector: Department for Community Development*, 2007

⁶ Public Sector Commissioner's Circular – Complaints Management (Number 2009 – 27) www.psc.wa.gov.au

⁷ Royal Commission into Institutional Responses to Child Sexual Abuse *Creating Child Safe Institutions* July 2016 <http://childabuseroyalcommission.gov.au/getattachment/5d0dc659-68c2-46f9-847b-fafd52f58673/Creating-child-safe-institutions>

⁸ Australian/New Zealand Standard, *Guidelines for complaint management in organizations (AS/NZS 10002:2014)*, SAI Global 2014



fairly and consistently. Feedback is welcome and encouraged and all complaints are taken seriously.

2. **Child/Young Person Friendly** - the Office takes particular care to ensure that its complaints processes are accessible and responsive to children and young people. There are special provisions in place for children and young people whereby an adult can make a complaint on their behalf. Alternatively, children and young people can make a complaint face to face by coming in to the Office and be accompanied by an adult of their choice. Information and Tips for making complaints to any organisation are available on the [CCYP website](#).
3. **Visibility** – complaints systems are open and available, particularly for children and young people. Information about how and where to [complain](#) are publicised in accessible and appropriate formats, online and in print. A [flowchart](#) that has been specially designed for children and young people outlining what will happen to their complaint.
4. **Accessibility** – the complaints process is easily [accessible](#) and easy to use. The Office will accept complaints that are made via the Commissioner’s website, fax, phone, letter, email and in person. There are also special arrangements for those with particular support needs.
5. **Responsiveness** – Complaints will be acknowledged within 3 working days and addressed promptly wherever possible. Staff will deal with all people making complaints in a respectful and courteous manner.
6. **Objectivity** – All complaints will be taken seriously and be considered fairly. If the person making the complaint is not satisfied with the result, they will be provided with information on how to contact the [Ombudsman’s](#) office.
7. **Confidentiality** – Only people who have to know will be given information about a complaint and complainants will be kept informed of who this involves. Personally identifiable information will be available only where needed to investigate the complaint, and will be actively protected from disclosure (unless the complainant expressly consents).
8. **Remedy** – Complaints will be resolved as quickly as possible, and outcomes tailored to the underlying cause of the complaint wherever possible. The complainant will be informed of actions taken, outcomes, reasons for decisions and any remedy or resolution to be offered.⁹
9. **Accountability** – All complaints and outcomes are written down and reported to the Commissioner and Corporate Executive on a quarterly basis. The Commissioner is informed as soon as possible about all complaints that include concerns about an individual child or young person’s welfare.

⁹ Australian/New Zealand Standard, *Guidelines for complaints management in organizations (AS/NZS 10002:2014)*, SAI Global 2014, p 15 (8.7.4) and Appendix J.J.



10. **Continual Improvement** – As a part of investigating every complaint we will look at what we can do to improve the way we work, to stop the same or similar problems from happening again. We will also look at our complaints policies on a regular basis to ensure it is working well. We will report to children and young people on what we do to improve our services through our website.

4. Process

1. CCYP is unable to deal with complaints about the way other agencies have acted in regard to individual children or young people.

CCYP is therefore committed to treating each individual complaint on its own merit, on a case-by-case basis, and endeavouring to ensure each person receives complete and useful advice to assist them in making their complaint to the relevant body whenever possible. A resource guide of other agency information and services to assist staff in referring complaints has been produced to assist with this (see RM 08/1997).

2. CCYP staff can:

- provide information about government or non-government programs or services
- refer a person to a program or service
- refer a person to information on making complaints generally, located on the [CCYP website](#).
- investigate or otherwise deal with any matter that affects the wellbeing of children and young people generally which is raised through a matter relating to an individual child or young person. Examples of this could be:
 - i) multiple individual complaints that involve the same agency
 - ii) multiple individual complaints that have been investigated by the relevant complaint handling body (e.g. WA Ombudsman, WA Coroner) which raise the same issue with respect to a particular government department; or
 - iii) an individual complaint that raises an issue that is likely to impact on other children and young people

To monitor trends in complaints and to assist in the identification of systemic issues, all individual complaints and complaints about other agencies that are received will be logged in CCYP's complaints database (RM 16/5089). The Director Policy and Research will provide the Commissioner with a quarterly report on complaints received, action taken and any emerging trends.

The process below outlines the pathways for receiving and responding to the complaints outlined above.

If at any stage in this process the person changes their mind about making a complaint – verbally or in writing – and/or feels satisfied enough not to pursue it further, staff



may consider the matter closed. All complaints, and their outcomes, will still be logged in the CCYP complaints database.

Process outline – Complaints about other agencies

Allocation

- a) All complaints received by email or letter will be processed as standard correspondence and allocated for action to the relevant officer. Where required, the relevant officer should contact the person making the complaint within 3 working days to clarify any issues.
- b) Complaints by telephone or in person should be referred initially to a Principal Policy Officer. If no Principal Policy Officer is available, urgent matters should be expedited to the Director Policy and Research, for other matters a message should be taken and referred to the Principal Policy Officer for action within 2 working days.

Responding

- c) Where any immediate threat to a child or any person's safety is of concern the person should be advised to contact emergency services as appropriate.
- d) The Commissioner should be notified of any complaint that concerns risk of harm to an individual child or young person as soon as possible via the Director Policy and Research.
- e) The person must be advised that the CCYP is not able to investigate complaints concerning individual children and young people and they should be referred to the appropriate complaints avenue. In most cases this will be to refer them back to the complaints process of the agency concerned or, if this avenue has been exhausted, to the WA Ombudsman or other relevant external, independent review agency.
- f) Other information regarding services of relevance to the person can also be provided (see RM resource guide at 08/1997).
- g) Abusive or threatening calls should be terminated after one warning to stop the abusive or threatening behaviour and this should be noted in the complaints record. Abusive or threatening people attending in person should be asked to leave, if they refuse and the abuse continues, the WA Police should be called. Staff should debrief after these situations with their line manager.

Timeframes

- h) Draft written responses should be provided to the Director Policy and Research within 3 working days of receipt. Verbal responses by telephone, where a response is not available immediately, should be provided within 3 working days of receipt.
- i) Complaints should be finalised within 15 working days.

Recording

- j) The complaint should be recorded in the current complaints database in RM 16/5089.



SPECIAL NOTE

Matters relating to misconduct of a public officer or a public interest disclosure should be referred to Director Policy and Research and dealt with as specified in the CCYP Internal Complaints Policy (RM 08/5934).



5. References/Supporting Documentation

Australian/New Zealand Standard, *Guidelines for complaints management in organizations (AS/NZS 10002:2014)*, SAI Global 2014 (see RM 16/8214).

Australian Standard *Customer satisfaction—Guidelines for complaints handling in organizations* (R 110)

Commissioner for Children and Young People WA *The Art of Complaining* – Report of CCYP’s consultation with children and young people about what makes a complaints process child-friendly (RM 08/5481).

Commissioner for Children and Young People WA *Are you listening?* – CCYP guidelines for making complaints processes accessible and responsive to children and young people (RM 10/1279).

Commissioner for Children and Young People WA *Child Safe Organisations WA: Guidelines* (RM 16/3871).

Commissioner for Children and Young People WA *Service Charter* tells the public the standard of service they can expect from CCYP, including when making a complaint or providing feedback (RM 15/10781).

Commissioner for Children and Young People WA *Resource Guide of WA Services and Programs* – information to assist staff in referring complaints and enquirers to relevant agencies (RM 08/1997).

Commissioner for Children and Young People WA *Roles and Responsibilities of Complaint Handling Agencies in WA* – a CCYP guide (RM 09/14440).

Commonwealth Ombudsman *Better Practice Guide to Complaint Handling* – (RM 10/892).

New South Wales Ombudsman, *Public Sector Agencies fact sheet No 8: Handling Complaints*, March 2004 (RM 08/834).

New South Wales Ombudsman *Guidelines for Dealing with Youth Complaints* - (2008)
This publication provides useful, practical advice about how to engage with children and young people when they are lodging a complaint. It gives guidance about managing expectations, and the best ways to communicate with children and young people throughout the process (RM 08/5941).

Ombudsman WA *Guidelines on Complaint Handling* March 2016 (RM 16/8230)

Ombudsman WA *Managing Unreasonable Complainant Conduct Practice Manual* - (see RM 10/872).

Ombudsman WA *Dealing with Unreasonable Complainants* – WA Ombudsman (RM 08/5943).

Public Interest Disclosure Act 2003 1 July 2003. (RM 16/10519)



Public Sector Commissioner's Circular *Complaints Management* – to promote effective complaints management across the sector (RM 09/4747).

Public Sector Commissioner and Corruption and Crime Commission - *Notification of misconduct in Western Australia*, 1 July 2015 (RM 16/10518)

<https://publicsector.wa.gov.au/conduct-integrity/minor-misconduct/reporting-minor-misconduct-psc>

Royal Commission into Institutional Responses to Child Sexual Abuse *Creating Child Safe Institutions* July 2016

<http://childabuseroyalcommission.gov.au/getattachment/5d0dc659-68c2-46f9-847b-fafd52f58673/Creating-child-safe-institutions>

Western Australian Corruption and Crime Commission *Misconduct Handling Procedures in the Western Australian Public Sector: Department for Community Development*, 2007 (RM 08/5903)