



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

Complaints regarding the Commission for Children and Young People - Policy

(External)

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Responsible officer	Manager, Corporate Services

1 Overview

This policy outlines the Commission for Children and Young People's (the Commission) policy and processes relating to external complaints received regarding the Commission.

Members of the public have the right to complain regarding the response of the Commission to their engagement with the services provided by the Commission. The Commission is committed to handling complaints appropriately and creating a culture that encourages feedback and complaints.

The Commission will aim to learn from complaints it receives to help improve the services provided.

This policy has been developed utilising the Victorian Ombudsman 'Complaints: Good Practice Guide for Public Sector Agencies (September 2016)'.

2 Objectives

This policy aims to:

- put in place an open and transparent complaint handling system
- specify the key performance indicators to which we will hold ourselves accountable
- establish our timeframes for resolving complaints
- clarify the roles and responsibilities of agency staff
- ensure staff handle complaints fairly and objectively
- set out how staff record and analyse complaint data to identify where we can improve our services.

3 Guiding principles

This policy is based on seven principles.

1. Commitment

We are committed to resolving complaints and having a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

2. Accessibility

People with a range of needs can easily complain and staff actively assist them to navigate the complaints process.

3. Transparency

We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

5. Privacy

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

6. Accountability

We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions and ensure that our decisions are subject to appropriate review processes.

7. Continuous improvement

Acting on, learning from and using complaint data helps us identify problems and improve the Commission's services.

4 Scope

This policy applies to all Commission staff, including contractors and volunteers.

5 Definitions

Complaint: an expression of dissatisfaction with the quality of an action taken, decision made, or service provided by an agency or its contractor, or a delay or failure in providing a service, taking an action, or making a decision by an agency or its contractor.

6 Roles and responsibilities of staff

Frontline staff: initial contact point and resolution of complaint.

Managers: to sign off on complaint resolutions dealt with by frontline staff, or, deal with complaints that have been escalated by frontline staff. Managers include the Director, Regulation.

Chief Executive Officer: to sign off on complaint resolutions by Managers to complaints, or, deal with complaints that have been escalated by Managers. All complaints received directly by Commissioners or Managers must be referred to the Chief Executive Officer.

7 How to make a complaint

A person can make a complaint a number of ways.

Mail: Level 18, 570 Bourke Street, Melbourne 3000

Telephone: 03 8601 5281

Email: contact@ccyp.vic.gov.au

8 Complaint handling procedure

8.1 Frontline resolution

- The Commission will acknowledge all complaints within 5 business days of receipt.
- Frontline staff will receive the complaint and immediately inform their manager (and Director, Regulation if relevant) of the matter to assist in the determination of appropriate next steps.
- If not clear from the initial complaint, frontline staff will clarify the complaint with the complainant and the outcome the complainant is seeking.

- Frontline staff will assess the complaint to determine how it should be dealt with. This must include consideration of whether the complaint raises issues regarding reportable conduct and/or other Commission functions.
- If the complaint is captured by a specific legislative process, for example internal reviews of reportable conduct own motion decisions, then staff should also speak to the Legal Services team.
- If the Commission is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to help.
- After seeking advice from their manager (and if relevant the Director, Regulation), if frontline staff are able to resolve the complaint, they will inform the complainant of the resolution.

8.2 Investigation

- If frontline staff cannot resolve the complaint, it will be assigned to their Manager for investigation.
- The Manager handling the complaint will advise the complainant how long it will take to respond to the complaint.
- Complaint handling staff will aim to resolve all complaints within 28 days.
- If it takes longer than 28 days to resolve a complaint, the Manager will contact the complainant prior to or at this time and explain why.
- Complaints that are not resolved within 28 days may be escalated if necessary to ensure that a resolution is expedited.
- The staff member responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter/report will contain reasons for the decision that was made, and the contact information for the responsible staff member. Care must be taken not to divulge information in breach of any privacy and secrecy laws.
- The staff member handling the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter.

8.3 Internal review

A complainant may seek an internal review by the Commission of any outcome to a complaint.

A member of the Legal Services Team will be responsible for conducting an internal review. The person conducting the review should not have been involved in the original decision/action/investigation. The internal review will aim to be completed within 28 days.

An outcome letter signed by the senior officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

The outcome letter will advise the complainant of any avenues of external review available in relation to the matter, such as the Victorian Ombudsman.

8.4 Responding to alleged victims of abuse complainants

When a complaint is made by an adult or child who is an alleged victim or survivor of abuse, the Commission will incorporate a trauma informed approach in responding to the complainant. A support person may be required to assist the complainant in the process.

8.5 Responding to children complainants

When a complaint is made by a child who may (or may not) also be an alleged victim of abuse, the Commission will incorporate an approach that is appropriate in responding to a

child. This should include a support person such as a family member or carer to assist in the process. Depending on the scenario, additional support may need to be offered to any child who may be distressed as a result of their involvement with the Commission.

8.6 Responding to Aboriginal and Torres Strait Islander complainants

When a complaint is made by a person who identifies as Aboriginal or Torres Strait Islander, the Commission will be informed by the Koori Advisory and Engagement Team in culturally appropriate responses to ensure the complainant is supported through the process.

8.7 Responding to culturally and linguistically diverse complainants

When a complaint is made by a person from a culturally and linguistically diverse background, the Commission will make available access to Language Loop services to ensure that language is not a barrier in making a complaint to the Commission.

9 Complaints about specific matters – alternative procedures

9.1 Complaints about allegations of corrupt conduct

Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the 'Protective Disclosures Procedures' (CCYPD/18/12263).

9.2 Complaints about Child Information Sharing Scheme and Family Violence Information Sharing Scheme

Where a complaint relates to the operation and disclosure of information from the Child Information Sharing Scheme or Family Violence Information Sharing Scheme these complaints should follow that policy in the first instance (CCYPD/18/15391).

Complaints may be made to the 'Office of the Victorian Information Commissioner' or, when the information concerned is 'health information', the 'Health Complaints Commissioner' in relation to any interference with privacy as a result of information sharing under the schemes.

9.3 Complaints about Reportable Conduct Scheme matters

Where a complaint relates to the Reportable Conduct Scheme and therefore a specific legislative process, staff should also speak to the Director, Regulation and Legal Services team regarding any specific or additional obligations (privacy, secrecy) relating to the complaint.

10 Remedies

Where the Commission has found that we are responsible for an error that has been made, the Commission will take steps to redress the situation. Possible remedies may include, but are not limited to:

- an explanation of why the error occurred and the steps taken to prevent it happening again
- disciplinary action taken against a staff member
- providing the means of redress requested by the complainant.

Where the Commission identifies an error, consideration will be given to offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

Where an apology is to be made, consideration should be given to the Victorian Ombudsman – Apologies Fact Sheet¹.

11 Privacy

When gathering information to respond to a complaint, the Commission will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with staff on a need to know basis.

12 Recording complaints

All complaints must be recorded in the Commission's case management system, Resolve².

The Commission will analyse complaint data and provide annual reports to the Executive and Senior Management Team on how the Commission is managing, addressing and learning from the complaints that are received. Senior management is responsible for acting on the recommendations contained within these reports.

The Commission will record the following information for each complaint:

- the complainant's details
- how the complaint was received
- a description of the complaint
- the complainant's desired outcome (if known)
- the staff member responsible for handling the complaint
- any action taken, including contact with the complainant, response times and the outcome
- when the complaint was finalised
- relevant demographic information that could help improve services
- any recommendations for improvement, and who is responsible for their implementation.

Any queries regarding the recording of complaints should be directed to Manager, Corporate Services.

13 Policy review

The Manager, Corporate Services is responsible for ensuring that this policy is reviewed every two years to ensure that changes and updates to legislation and industry standards are incorporated.

14 Communication

The Complaints Policy (External) is available for all staff, including contractors and volunteers, and is included in the Commission's induction program.

The Commission is committed to reporting on the number of complaints received and data relating to responses in its Annual Report.

¹ <https://www.ombudsman.vic.gov.au/Fact-Sheets/For-Respondants/Effective-apologies>

² Updates to Resolve due mid-2019 will enable complaints to be locked down and only available to be viewed by relevant Commission staff.