

Complaints and Feedback Management Policy

Summary

The policy establishes the principles that will underpin how the Department for Child Protection (DCP) manages complaints and feedback received.

1. Purpose

The purpose of the Complaints and Feedback Management Policy is to ensure that DCP manages complaints and feedback in a consistent, fair, respectful, efficient and culturally sensitive manner.

DCP is committed to providing children and young people, their families of origin, carers, staff and members of the community with access to an open, transparent and responsive complaints and feedback process.

2. Scope

All DCP employees and persons who provide services on behalf of DCP must adhere to this policy.

The Complaints and Feedback Management Policy applies to:

- Complaints and feedback about decisions and actions, including omissions, undertaken by DCP (noting exceptions below);
- Complaints and feedback from the general public;
- Complaints and feedback by children and young people, or a parent or guardian of a child or young person, being cared for in a residential care facility, as provided for under Section 110 of the [Children and Young People \(Safety\) Act 2017](#) (CYPS Act) and section 25A of the [Births, Deaths and Marriages Registration Act 1996](#) (BDMR Act);
- Request for an Internal Review, as provided for under Sections 154 and 157 of the CYPS Act;
- Request for review of contact arrangement determinations by the Contact Arrangements Review Panel, as provided for under Section 95 of the CYPS Act.

Exceptions

The policy **does not** apply to matters, where other, more appropriate mechanisms exist such as judicial determinations or determinations by a statutory authority including:

- Court orders and proceedings under the CYPS Act;
- Child Protection court orders under the Children's Protection Act, 1993;
- Adoption proceedings pursuant to the Adoptions Act 1988;
- Proceedings that have been brought before the Equal Opportunity Commission or the Australian Human Rights Commission;
- Matters that are under investigation by the Ombudsman SA.
- Proceedings that have been brought before by the South Australian Civil and Administrative Tribunal (SACAT)
- Determination of Freedom of Information applications per the Freedom of Information Act, 1991.

The policy **does not** apply to employee disputes and grievances, or complaints of misconduct by staff, volunteers and service providers, except where the complaint relates directly to the professional conduct of staff in their dealings with children, young people, their families and / or carers.

The policy **does not** apply to issues that are subject to civil or legal matters.

Where possible, complaints and feedback related to service provided by funded organisations will be referred back to the organisation's complaint management system in the first instance.

Where it is determined that a matter is outside the scope of this policy, the person providing the feedback or complaint will be advised and assisted to re-direct their complaint to the appropriate pathway.

3. Principles

3.1 Organisational Commitment

DCP staff operate in a complex human service environment dealing with diverse individuals, families, carers and communities. Feedback and complaints will be used to enhance service provision and improve outcomes for children and young people by utilising feedback and complaints to review policy and practice in an effort to reduce the likelihood of reoccurrence.

Staff at all levels within DCP are committed to timely, effective and culturally safe handling of complaints and feedback that builds a culture of promoting procedural fairness and transparency in decision making.

Importantly, DCP is committed to hearing and handling complaints and feedback from children, young people, families and carers in such a way as to acknowledge the issues raised and the potential remedial measures that may be available. DCP is committed to ensuring processes, including the communication of outcomes, are child-friendly and accessible as outlined in the [Complaint Handling Guide: Upholding the rights of children and young people](#).

DCP adopts the 'Australian/New Zealand Standard (Guidelines for complaint handling in organisations)' AS/NZS 10002:2014 and Ombudsman SA essential components of an effective complaints management system¹, inclusive of:

1. **Commitment:** Developing a culture that values complaints and feedback
2. **Facilitation:** Making it easy for people to make complaints and provide feedback
3. **Resourcing:** Appropriately train, empower and adequately resource staff managing complaints and feedback
4. **Learning:** Analyse complaints and feedback outcomes to improve systems and processes
5. **Guidance:** Develop policies and procedures to guide staff in the management of complaints.

¹ Australian and New Zealand Standard (AS/NZS 10002:2014), Guidelines for Complaint Management in Organisations and the Ombudsman SA Complaint Management Framework (March 2016)

² When the term Aboriginal is used in this document, it should be read as inclusive of Torres Strait Islander people: acknowledging that Torres Strait Islander people have a separate and distinct culture, identity and country to that of mainland Aboriginal peoples.

³ Department for Child Protection: Our Vision 2017-2020.

3.2 Aboriginal statement for culture in practice

DCP will ensure intervention is in the best interests of all children and young people by framing its business in recognition of cultural and social causal factors. Policies and practices need to be culturally inclusive so that systemic barriers experienced by Aboriginal and Torres Strait Islander peoples² are reduced or eliminated. This is also important for reducing the overrepresentation of Aboriginal children in care.

Children are at the centre of Aboriginal families, and this cultural understanding is identified and embraced through the Aboriginal and Torres Strait Islander Child Placement Principles (ACPP) in section 12 of the CYPS Act, and in the ACPP precursor and five interrelated elements of Identification, Prevention, Partnership, Placement, Participation and Connection.

The ACPP five elements recognise that Aboriginal children and young peoples are best cared for within their own families and communities, and strengthens Aboriginal people's rights to be involved in all child protection matters that affect them and or their children. The ACPP five elements ensure that workers understand that culture underpins and is integral to the safety and wellbeing of Aboriginal children and young peoples. The ACPP precursor and five elements support a practice that is culturally responsive and enhances the attainment of improved safety, wellbeing and developmental outcomes for Aboriginal children, young peoples, their families and communities.

Following DCPs key operating principle to consider the cultural impact in every decision we make³, all DCP practices including complaints and feedback management, must be child centred, done in partnership with, and with the participation of, Aboriginal peoples instead of being done to or for them, in line with section 4 of the CYPS Act. As the key South Australian Government agency responsible for child protection, DCP has a responsibility to articulate this understanding in its strategic planning framework and implement restorative action through its policy, practices, frameworks and performance. Acknowledging and supporting the needs of Aboriginal children, young peoples, their families and communities will also contribute to achieving departmental reconciliation objectives, strategic directions and, ultimately, better outcomes and opportunities for Aboriginal peoples involved in the child protection system.

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4. Legislative context

DCP is committed to managing complaints and feedback in a timely effective and fair manner.

The CYPS Act provides that the Chief Executive must ensure, as far as practicable, that procedures for making complaints relating to children and young people who may be at risk are accessible and responsive to the needs of children and young people in care (section 145 (e)).

Pursuant to Section 110 of the CYPS Act, complaints received from a child or young person, or their parent or guardian, about the care of a child or young person residing in a residential care facility, do not require attempt at respective local offices. These children or young people must be advised by DCP staff of their legislative right to complain directly to the Chief Executive. The procedure of how to inform children or young people of this right is highlighted in the corresponding [Complaints and Feedback Management Procedure](#).

The CYPS Act establishes that certain decisions of DCP can be reviewed. These decisions include:

- All decisions of the Chief Executive made under the Chapter 7 of the CYPS Act, excluding a decision made under part 4 of the Chapter (being decisions about contact arrangements)
- Decisions made under Section 153 of the CYPS Act to refuse to provide a document or information, or to provide a document in redacted form
- Decisions made under Section 25A of the [Births Deaths and Marriages Act 1996](#).
- Decisions made by DCP that relate to contact arrangements can be reviewed by the Contact Arrangement Review Panel (CARP), pursuant to Section 95 of the CYPS Act. This is separate to an Internal Review and follows a separate procedure.

5. Whole of Government requirements

DCP adopts Ombudsman SA essential components of an effective complaints and feedback management system including the Ombudsman SA: An Audit of State Government Agencies' Complaint handling November 2014. Feedback received, both positive and negative, will be recorded and reported to the Chief Executive. Feedback includes clients and members of the community providing comment about their experience with DCP without requiring follow up or an outcome.

6. DCP mandatory requirements

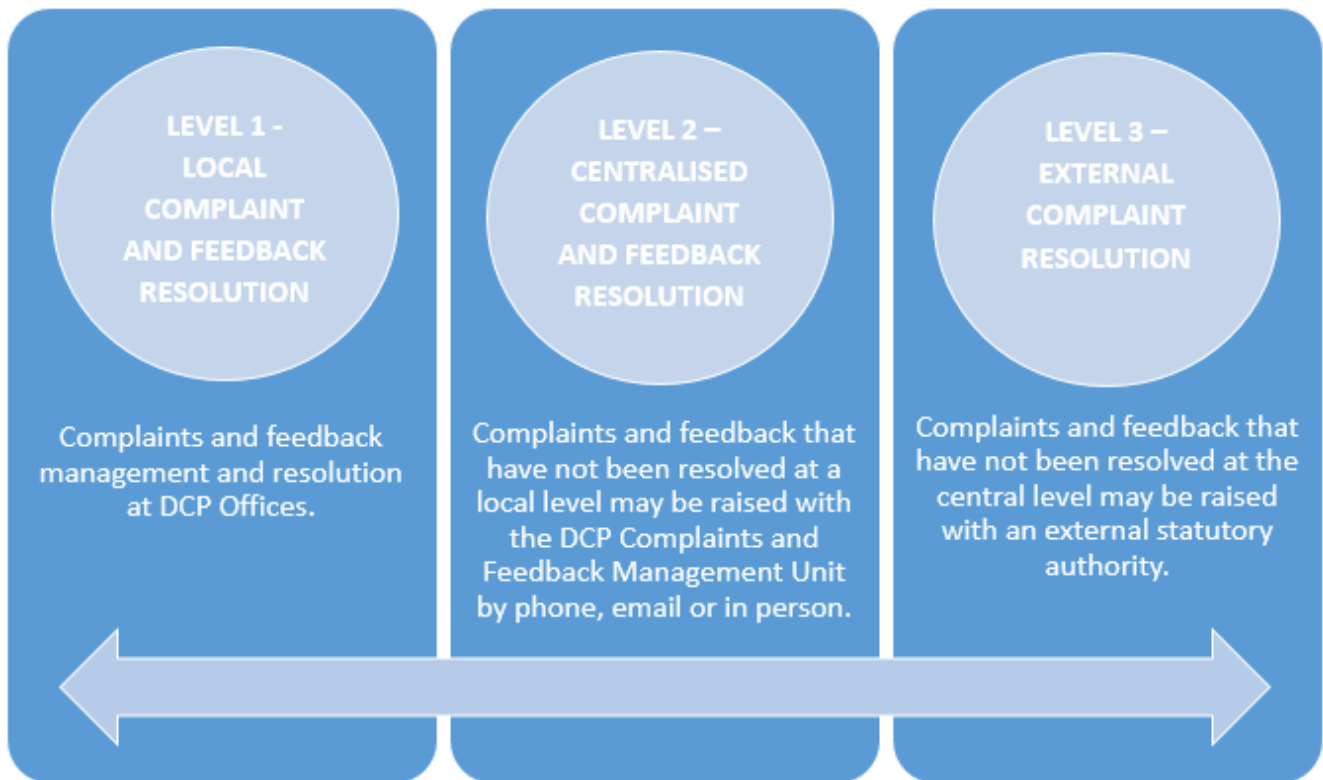
DCP is committed to hearing and handling complaints from children, young people, families and carers and others in such a way as to acknowledge the issues raised and the potential remedial measures to be taken.

Associated expectations of specific positions within the organisation is outlined in the Roles and Responsibilities section of this Policy.

6.1 Complaints and Feedback Management Model

DCP utilises the Three Level Model of Complaint Management recognised as best practice in the Australian/New Zealand Standard (Guidelines for complaint handling in organizations) AS/NSZ 10002:2014.

Staff must ensure information is provided in a manner that is accessible and understandable for the individual seeking the assistance to provide feedback or make a complaint, including provision of access to interpreters or translators as well as advocates, including the Guardian for Children and Young People, where required.



6.2 Data Management and Reporting

Complaints and feedback, including any action taken, will be recorded in line with principles of public sector transparency and accountability. Data recorded will be used to meet reporting requirements to the Chief Executive and SA Ombudsman.

7. Roles and responsibilities

| Role | Authority/responsibility for |
|----------------------|--|
| Chief Executive (CE) | <ul style="list-style-type: none"> Ensuring the establishment, maintenance and promotion of an effective complaints and feedback management system in DCP. Ensuring that information about the policy is accessible to members of the public in a manner that is accessible and understandable to the individual including |



| Role | Authority/responsibility for |
|---|---|
| | <p>providing access to interpreters or translators where required.</p> <ul style="list-style-type: none"> Ensuring the appointment of a Complaints and Feedback Manager with clearly defined responsibilities and authority. Receiving complaints and feedback from children, young people and their families about the care they are receiving in residential care facilities. Ensuring there is a process for receiving and conducting internal reviews under sections 154 or 157 of the CYPS Act. Ensuring there is a process in place for timely and appropriate notification to the Senior Executive of any significant complaints, or systemic issues identified through complaints and/or feedback. Ensuring that there is a process for regular reporting on the complaint management system and data. |
| Complaints and Feedback Management Unit Manager | <ul style="list-style-type: none"> Provide direction and effective operational management of the Complaints and Feedback Unit team which provides quality mediation and child protection complaint and feedback management service. Plan and conduct efficient and objective investigations into complaints and allegations from parents, carers, community members in line with organisational and government policy, common law standards, legislative standards and principles of natural justice and procedural fairness that are free from bias and are able to withstand internal and external scrutiny. Lead high level and strategic liaison, consultation and the delivery of expert advice and guidance relating to sensitive and confidential complaints and issues from parents, carers and community members. |



| Role | Authority/responsibility for |
|--|---|
| Deputy Chief Executive, Executive Service and Practice Executive Committee | <ul style="list-style-type: none"> Ensuring system issues are addressed and reported back to the CFMU to inform future advice to complainants. |
| DCP Senior Managers (Executive Director, Regional Directors, Directors) | <ul style="list-style-type: none"> Ensuring the promotion of an effective complaints and feedback management system with DCP. Supporting office managers to respond effectively to complaints including access to interpreters/ translators and advocates where required. Considering complaints data and systemic issues arising from complaints as part of DCP's strategic planning. Collaborating with the Central Complaints Unit to attempt resolution to complaints and signing outcome letters where a determination on the outcome has been made by the Director/Executive Director. The Deputy Chief Executive and Executive Directors have the authority to approve formal reviews that have been escalated to them, and oversee the review and its outcomes. |
| DCP Office Managers | <ul style="list-style-type: none"> Ensuring that information about the complaints and feedback management system is easily accessible to staff, children and young people, approved carers as well as members of the public, especially vulnerable populations (including Aboriginal and Torres Strait Islander People, people from Culturally and Linguistically Diverse backgrounds, and people with disabilities). Ensuring that complaints and feedback are responded to in a fair and consistent manner, in accordance with this policy and procedure. Ensuring the complaints and feedback management system is implemented at their site, including any subordinate local policies and associated procedures. |

| Role | Authority/responsibility for |
|------|---|
| | <ul style="list-style-type: none"> Ensuring that appropriate records and documentation are kept and maintained of complaints and feedback received by their site. Working with the Complaints and Feedback Management Unit staff to resolve any disputes that have been escalated to the Complaints unit. |

8. Compliance, monitoring and evaluation

This policy will be reviewed 12 months from endorsement, or earlier if required by legislative or organisational imperatives

The DCP Complaints and Feedback Management (CFMU) Manager will provide ongoing monitoring of compliance with the policy across offices and assist managers to comply with the policy.

The DCP CFMU Manager will also monitor and evaluate the adequacy of the policy in meeting legislative, departmental and other requirements on an ongoing basis.

9. Glossary of Terms

| Term | Meaning |
|-------------|--|
| Carer | A person who is either: <ul style="list-style-type: none"> providing care for a child or young person in a temporary placement under section 77 of the CYPS Act; or subject of an approval under section 72 of the CYPS Act - approved carers include: foster, kinship, specific child only, family day care and agency. |
| Client | An organisation or person/s that receives a product or service provided, contracted, funded or regulated by the department |
| Complainant | Person or their representative making a complaint |
| Complaint | Expression of dissatisfaction made to or about DCP related to its services, or a decision or omission it has made, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly required ² . |

² Australian and New Zealand Standard (AS/NZS 10002:2014), Guidelines for Complaint Management in Organisations and the Ombudsman SA Complaint Management Framework (March 2016)

| Term | Meaning |
|---|---|
| | This does not include general concerns raised that apply to ongoing case management. |
| Complaints and Feedback Management System | Encompasses all aspects of the policies, procedures, practices, staff and infrastructure used by DCP in the management of complaints |
| Cultural safety | <p>To assist staff in making assessments about cultural safety, consideration should be given to the following points (these are a guide only and may not be applicable in all situations):</p> <ul style="list-style-type: none"> • It is not appropriate to automatically assume that Aboriginal peoples involved with the child protection system can only be assisted by Aboriginal staff. All staff members are expected to assist. However, it is culturally appropriate to provide Aboriginal peoples with the option of having an Aboriginal worker present during all interactions to ensure they remain culturally safe. This also reduces the potential for cultural misunderstandings or offence to occur. • Where Aboriginal peoples request an Aboriginal staff member to be present, workers must first obtain the persons details and then speak to a Principal Aboriginal Consultant before contacting other Aboriginal workers. If the Principal Aboriginal Consultant is not available, workers should talk with an Aboriginal Family Practitioner. It is important to discuss whether the Aboriginal staff member has a conflict of interest with the family before asking them to assist. This can be done by asking the staff member if there is a conflict before going ahead with the discussions. • If the family are asking a worker to not disclose information to an Aboriginal staff member as there is a conflict of interest, consultation should occur with a Principal Aboriginal Consultant. If unsure or a Principal Aboriginal Consultant is not available, workers should seek guidance from a supervisor or manager. • If there is a requirement to wait, offer the person somewhere to sit, if available. If possible, ask if they would like water while they wait. Offering water is a good way to build relationships and is an important part of Aboriginal people's cultural protocols. |
| DCP | Department for Child Protection |

| Term | Meaning |
|--|---|
| Disputes | Unresolved complaints escalated within DCP or externally, or both. |
| Feedback | Opinions, positive comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about DCP, its services, staff or its handling of a complaint. |
| Internal Review | A review conducted by DCP pursuant to sections 154 or 157 of the CYPS Act. |
| Ombudsman SA | Ombudsman SA investigates complaints about South Australian government and local government agencies and conducts freedom of information reviews. |
| | |
| Procedural fairness | <p>Procedural fairness requires a fair and proper process to be used with making decisions that may adversely affect the interests of an individual. The rules of procedural fairness require:</p> <ul style="list-style-type: none"> • a hearing appropriate to the circumstances • lack of bias • evidence and reasons to support a decision • inquiry into matters of dispute <p>Used interchangeably with “natural justice”.</p> |
| South Australian Civil and Administrative Tribunal (SACAT) | SACAT is a state tribunal that helps South Australians resolve issues within specific areas of law, either through agreement at a conference, conciliation or mediation, or through a decision of the Tribunal at hearing. SACAT also conducts reviews of Government decisions. |
| Vulnerable populations/vulnerable complainants | <p>It is recognised that some sections of the community may find it difficult to make complaints or provide feedback. This may be due to:</p> <ul style="list-style-type: none"> • language barriers (including not speaking, reading or writing English proficiently, oral traditions being stronger) • cultural barriers (lack of familiarity with making complaints or providing feedback, lack of experience or fear in liaising with government departments, cultural inhibitions about making complaints or discussing personal matters) • developmental barriers (e.g. children, young people adults with intellectual disabilities and delays) |



| Term | Meaning |
|------|--|
| | <ul style="list-style-type: none"> other issues such as some mental health conditions |

Document control

| Reference No./ File No. | | | |
|---|--|-------------|--------------|
| Document Owner | Lead Writer (position) | | |
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| Risk rating | Consequence Rating | Likelihood | Risk Rating |
| Risk Assessment Matrix | Moderate | Possible | Moderate |

| REVISION RECORD | | |
|-----------------|---------|--|
| Date | Version | Revision description |
| 03/03/2020 | 1.0 | Initial draft policy |
| 16/03/2020 | 1.1 | Revised following PGC recommendations including feedback by Aboriginal Directorate and Human Resources |
| 21/04/2020 | 1.2 | Revised to include targeted feedback |
| 12/05/2020 | 1.3 | Revised to include further feedback from Quality Governance |
| 17/07/2023 | 2.0 | Reviewed and hyperlinks updated |