



# Child Focused Complaints Handling Process

## Baw Baw Shire Council's position on complaints

Baw Baw Shire Council is committed to upholding the rights, safety and wellbeing of children. Children are encouraged to speak up and know that no one will be penalised or suffer adverse consequences for making a complaint. Complaints are viewed as a valuable source of information which can help improve the provision of services.

Council adopts a child rights approach which 'recognises, respects and protects the human rights of children and young people in the development and implementation of laws, policies, practices and other decisions affecting them.'<sup>2</sup> Council seeks to promote children's confidence, so they feel empowered to speak up.

## Purpose

This process seeks to facilitate the prompt, thorough and fair handling of child related complaints. It should be read in conjunction with the *Baw Baw Shire Council Complaints Handling Policy*.

## Scope

This Child Focused Complaint Handling Process applies to all staff receiving or managing child related complaints from children, parents, other staff members, or the wider community.

*This scope of this document does not cover complaints, reports or allegations relating to alleged abuse, harm or neglect of a child. These must be addressed in accordance with the 'Child Safety Reporting Procedure'.*

## Terms and Definitions

Adult initiated complaint	A child or young person's parent, carer or guardian or other adult may make a complaint on behalf of, or that concerns, a child or young person <sup>2</sup>
Allegation	An assertion that something has happened
Child / Young person	Any person up to the age of 18 years old
Child Initiated Complaint	A child or young person makes the complaint /brings the issue/concern/allegation to the attention of an organisation <sup>2</sup>
Complaint	Communication to the Baw Baw Shire Council which expresses dissatisfaction about: <ul style="list-style-type: none"> <li>• the quality of action, decision, or service provision</li> <li>• a delay or failure by Council staff in taking an action, making a decision or delivering a service</li> <li>• a policy or decision made by the Baw Baw Shire Council or Council staff</li> </ul>
Council staff	Any person employed by the Council to carry out the functions of the Council and the Council's Chief Executive Officer
Procedural Fairness	Acting fairly in administrative decision making. It relates to the fairness of the procedure by which a decision is made in relation to a complaint <sup>2</sup>

## Complaints Handling – Steps from receiving complaint through to resolution

### 1. Receiving the complaint

Complaints may be received in various ways, including in person, by phone, via an online complaint form, social media platform or by email.

### 2. Record the complaint and relevant information

Record the key complaint details, such as;

- details about the complainant
- any additional communication or support required
- details about the subject of the complaint
- the complaint issues
- how the complaint was resolved/investigated
- risks managed and the complaint outcome

### **3. Acknowledge the complaint**

Complaints should be acknowledged at the time of receipt or as soon as possible afterwards.

Children and young people are often hesitant about making a complaint and want to be assured they are being listened to. Acknowledge the complaint by using the preferred communication method nominated. Identify a contact point for the child or young person and their parent or carer. Provide the child or young person with information about the complaint-handling process, the likely next steps and expected timeframe.<sup>1</sup>

### **4. Assess the complaint and address immediate risks**

The initial assessment of a complaint should involve the following questions being asked:

- Does the complaint raise any immediate risks to the safety or wellbeing of a child or young person or other person?
- What other issues does the complaint raise?
- What steps need to be taken to address and manage risks throughout the complaints process?
- Does the child or young person affected by the complaint (or other children involved or impacted) require any additional supports during the complaints process?
- What evidence needs to be immediately secured/protected/kept confidential?
- How serious, complicated or otherwise urgent are the issues raised in the complaint (from both the perspective of the complainant, involved child or young person and the Baw Baw Shire Council)?
- Are the issue/s raised within Baw Baw Shire Council's control?
- Are the outcomes sought by the complainant viable? If more than one issue is raised, will they need to be separately addressed?
- What other authorities or agencies need to know about the issues raised by the complaint or be involved in the response?
- Does this complaint involve reports or allegations concerning abuse, harm or neglect of a child? If so, these must be addressed in accordance with the 'Child Safety Reporting Procedure' and is not within the scope of the Child Focused Complaints Handling process
- What type of information should the complainant be provided following your assessment?
- Is further information needed from the complainant in order to properly assess and resolve the complaint?

If the complaint is not about something Baw Baw Shire Council can respond to, ensure that the complainant is told this and (wherever possible) referred to a person or organisation that can help as quickly as possible.

### **5. Planning the involvement of the child or young person**

Once the issues raised by the complaint have been assessed, a plan is developed which includes involving the affected child or young person and their parent or carer at key stages of the complaint. This will include when and how information will be communicated to them throughout the process and how they will be supported. Record the rationale for all decisions in this area. It should also cover how the child's parents or carer will be involved in the process.

It is critical that rapport is established with the child or young person early on by those involved in the complaints process, in particular with the contact person and the person undertaking an interview.

## **6. Conducting an investigation**

The following steps are generally undertaken as part of an investigation:

- Determine the key people/stakeholders who will be involved in the investigation
- Action the relevant issues identified through the assessment process, starting with any immediate safety risks posed to a child, young person or group of children, and undertaking any risk management associated with the subject of complaint.
- Select the appropriate investigative approach and develop an investigation plan
- Obtain and protect evidence, including identifying relevant witnesses and putting the allegations to the subject of complaint at the appropriate point in time—affording them fairness.
- Analyse, assess and weight all of the evidence gathered.
- Make findings about the complaint and explain them to the subject of complaint and the complainant.

## **7. Resolving complaints**

After assessing the complaint, plan the actions required to manage and resolve it. Wherever possible, try to resolve complaints promptly with a complainant and—particularly where the matter is minor—as soon as possible after the complaint is made. However, where the complaint relates to a serious incident, this may not be appropriate. It is critical that you keep the complainant adequately informed about what is happening with their complaint and clarify timeframes where there are delays.

The more promptly a complaint is resolved, the more likely that the complainant will be satisfied. Dissatisfaction tends to increase with time, especially if progress and/or reasons for delay are not communicated. During the initial assessment (noted above), some issues may be identified that can be responded to more quickly than others. Records need to be kept outlining any reasons for delays in responding to complaints, and any communication with the person making the complaint.

To resolve the complaint:

- work with the person making the complaint to see how the issues can be appropriately addressed
- make inquiries with the person or organisational team/unit the subject of the complaint, and/or
- investigate the issues raised in the complaint,

The nature and scope of any action taken will depend on several factors including: the circumstances of each case, any statutory requirements, the issue(s) complained about, the parties involved, and the likely outcome.

## **8. Provide regular updates throughout the complaints process**

Let the complainant and—depending on the complainant’s needs, also their family, guardian and/or support person—know what is happening with their complaint, when they can expect to hear from you and who to contact for more information or if they have questions about the process.

The frequency of updates and the nature and quantity of information provided to the complainant should be determined in accordance with their specific needs and wishes, and privacy and confidentiality obligations.

## **9. Provide the final outcome**

Report final findings to the complainant, the subject of complaint and other stakeholders, considering privacy, confidentiality, and procedural fairness obligations.

Explain to the complainant and the subject of complaint—using the most appropriate communication channel and putting in place any necessary supports—the key steps taken to investigate the complaint, the outcome (including the reasons for your decision), and available avenues for review and/or appeal if they are dissatisfied with the outcome and/or the complaints process.

## **10. Close the complaint and record the outcome**

Close the complaint and keep comprehensive records about:

- how the complaint was managed
- the outcome
- any recommendations and/or outstanding actions and how they have been addressed.

All personal information considered during the process of a report or investigation, needs to be dealt with in accordance with *Council’s Information Privacy Policy* and compliant with Information Management Legislation.

It is also a good idea to make a record of any systemic issues identified. Invite people to provide feedback at the conclusion of the complaints process.

## **11. Facilitating ongoing support for those involved in the complaint**

As part of the process for finalising complaints, consider whether the person who made the complaint or a child or young person involved in the complaint (or their parents/carers) is likely to need or want ongoing support. This might include support within your organisation, as well as referrals to other organisations where required (for example, referrals for counselling).

## **12. Continuous improvement**

In addition to adjusting any systems or practice weaknesses identified by a specific complaint or general feedback, organisations should have a system for collecting, maintaining and reviewing complaints data to identify any broader trends with the aim of improving service delivery/performance.

Look for opportunities to communicate with people who have made complaints, and with stakeholders broadly, about any changes or improvements brought about through the handling of complaints, or review of complaint data. This helps people to see the tangible benefits from making complaints, and may help people to feel more comfortable about raising other concerns in the future

## Responsibilities

All Baw Baw Shire Council staff are accountable to *the Complaint Handling Policy and Child Focused Complaints Handling Process*. Roles and responsibilities will vary depending on the structure of the team.

Frontline staff	Frontline staff are the first point of contact. It not only includes customer service staff but all staff who have direct contact with customers. Staff are responsible for clarifying and attempting to resolve the complaint where possible. If the complaint can't be resolved they will refer the complaint to the relevant program for investigation.
Managers	Managers are responsible for investigating complaints when they cannot be resolved by frontline staff. This includes communicating timeframes, next steps, outcomes and escalating the complaint for an internal review if requested by the customer.
Nominated staff member - internal review	If escalation of the complaint to internal review is sought the nominated staff member conducts an internal review of complaints including the final decision and provides a written outcome.
Directors	There may be occasions where Managers seek the advice of the Director.
Chief Executive Officer (CEO)	The CEO has oversight of any formal complaints received from the Victorian Ombudsman's Office or against a direct report to the CEO.
Councillors and volunteers	Councillors and volunteers are responsible for ensuring all complaints received from members of the community are directed to the relevant program.

## Continuous improvement

The complaints management system will be monitored to ensure its suitability for responding to and resolving complaints. Complaints data will be regularly reviewed to monitor trends, measure the quality of service and identify any program improvement opportunities.

## Relevant Baw Baw Shire Council Policies

- Child Safety Policy
- Child Safety Reporting Procedure
- Information Privacy Policy
- Complaints Handling Policy

## References

- 1) *Convention on the rights of the child available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>*
- 2) *Complaint Handling Guide – Upholding the rights of Children and Young People, Australian Government, National Office for Child Safety*

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