

**Policy No:** 06

**Policy Title:** Feedback and Complaints Policy

**Review Date:** September 2022

## 1. Purpose

This policy as it references complaints and feedback is intended for the utilisation of BAYSA Housing, BCYF has formalised this procedure and received endorsement by the Executive Director of Policy and Planning. As BCYF is the parent company of BAYSA, this document applies in policy and practice relative to BAYSA Housing.

BCYF acknowledges that feedback and complaints are a valuable form of client (past and present) participation and provide an opportunity to learn and improve the quality of service to clients and the broader community.

The purpose of this policy is to:

- ensure a standardised feedback and complaints process through which the organisation actively seeks, responds to and manages feedback and complaints received from clients and external stakeholders including enquiries from Past Care Leavers and requests for Redress.
- ensure feedback, complaints and enquiries from Past Care Leavers are handled in a fair, sensitive, respectful and timely manner.
- outline the standards and principles for the management of feedback and complaints within BCYF and enquiries from and requests for redress from Past Care Leavers of BCYF or its founding agencies.

## 2. Scope

This policy applies to all BCYF Board Directors, non-Director Board Committee members, employees (including BAYSA Housing), contractors, volunteers, carers and students on placement, referred to throughout this Policy as **'Workplace Participants'**.

Initial enquiries or complaints from Past Care Leavers about their time in care and/ or in relation to the National Redress Scheme will be responded to under this Policy. Such enquiries shall be notified to the Client Records, Investigations and Redress Officer (the Redress Officer) and/ or escalated to the Office of the CEO to determine the appropriate pathway for response.

Matters not considered applicable to this policy are:

- internal staff complaints (refer to BCYF's Grievance Procedure)
- reporting (and disclosure) of conduct related to the operations of BCYF that may be illegal, unethical, cause harm to individuals, financial or non-financial loss to BCYF, and/or damage to BCYF's reputation (refer to BCYF Whistleblowers Policy)
- reporting (and disclosure) of allegations of abuse of clients (refer to BCYF *Responding to Disclosures, Allegations and Suspicions of Abuse Policy*).

## 3. Policy

BCYF will actively encourage clients, volunteers, Carers, Past Care Leavers and external stakeholders to provide feedback or make a complaint about a BCYF service or its workplace participants.

BCYF will ensure that all clients and external stakeholders understand their rights and the process for providing feedback, making a complaint, enquiring about their past care experience through BCYF and/or appealing a decision of BCYF.

BCYF will ensure all feedback and complaints and enquiries from Past Care Leavers of BCYF are responded to in a fair, sensitive, respectful and timely manner and are managed through a standardised process based on the principles of access, equity, privacy, procedural fairness, accountability and transparency.

BCYF will consider the complainant's expressed wishes, gender, culture, language and accessibility throughout the process.

For Past Care Leavers, BCYF recognises the profound harm caused to many children and young people whilst in State care and for BCYF's part in those child welfare practices, and a formal apology is provided on the BCYF website.

BCYF believes that children who have experienced maltreatment, abuse or neglect must be given every form of support and assistance to heal, recover, have their experiences acknowledged and be provided with opportunities to realise their full potential.

BCYF acknowledges that the impacts of childhood trauma can last a life time. We accept our responsibility to support and assist any adult, who as a child or young person in our care, suffered some form of maltreatment, neglect or abuse, during their time in our care.

Past Care Leaver complaints will be dealt with on a case-by-case basis and responses may include:

- Acknowledging any failures in BCYF's duty of care.
- Developing and providing a formal apology in a format and in a manner agreed with the complainant.
- Assistance with access to support services or other assistance.
- Remedial actions to prevent the re-occurrence of any acts of abuse against BCYF clients.

All redress claims will be managed in alignment with the National Redress Scheme Guidelines.

BCYF acknowledges that feedback and complaints and Past Care Leaver enquiries may be of a sensitive nature. BCYF will ensure that clients and external stakeholders right to privacy and confidentiality is upheld during this process. Any information relating to feedback or complaint/past care enquiries will be distributed on a need to know basis.

All complaints will be resolved as close to the source as possible and in the shortest possible timeframe.

#### 4. Definitions

**Advocacy** – is a process of supporting and enabling people to express their views and concerns; access information and services; defend and promote their rights and responsibilities; and explore choices and options.

**Allegation** – a claim or assertion that someone has done something illegal or wrong (typically one made without proof).

**Balance of Probability** – is a legal term that applies to administrative investigations and unlike court decisions is not burdened by proof but rather that it is more likely to have occurred than to have not.

**Client Information Brochure-** is the brochure that all clients of BCYF are provided in the early stages of service provision which outlines their rights and responsibilities as a BCYF client, Privacy Requirements and the feedback and complaints process.

**Clients Records, Investigations and Redress Officer-** is the person that will facilitate access to records for Past Care Leavers and their families and will act as a key contact and advice for all matters relating to the National Redress Scheme.

**Corrective action** - addressing an ongoing systemic issue to eliminate the root cause of the problem to prevent recurrence.

**Complaint** - an expression of dissatisfaction about the service or action of BCYF, or its workplace participants by a person or organisation that is directly affected by the service or action.

**Complaint Severity Rating** - the guide used by BCYF to determine the level of impact/potential impact of the complaint and the appropriate response. BCYF Complaint Severity Ratings are: Low, Medium, High and Extreme (Refer to Appendix 2- BCYF Complaints Severity Rating).

**Complainant** - any person, or external stakeholder making a complaint. Where a complaint is made on behalf of someone else, the person making the complaint will need to demonstrate that they have authorisation to make the complaint.

**Complaints Officer (CO)** - the person that will assist the complainant throughout the formal complaints process. The CO's role is to gather the facts regarding the complaint, and to ensure that each complaint is responded to in a fair and timely manner.

**Compliment** - an explicit expression of satisfaction or praise in relation to the organisation or workplace participant working on behalf of BCYF.

**External stakeholder** - refers to clients' family members/carers/significant others, client support person/advocate, representatives of organisations/bodies and general members of the public.

**Feedback** - information given by a client or external representative in relation to the organisation or service provided. Feedback may be in the form of a compliment, suggestion or complaint.

**Formal Complaint** - a complaint made to the Complaints Officer, CEO or Board Chair which is of high or extreme severity and requires a formal investigation or where a complainant elects to have a lower severity complaint managed by the Complaints Officer.

**Grievance** - an actual or supposed circumstance regarded as just cause for complaint.

**Informal Complaint** - a complaint which is received by a staff member/supervisor that is of low or medium severity and can be managed at the program level. The complainant does not wish to make a formal complaint to complaints officer.

**National Redress Scheme (Redress)** - has been established to support people who were sexually abused as children while in the care of an institution. The establishment of a National Redress Scheme was recommended by the Royal Commission into institutional responses to child sexual abuse. The Scheme commenced on 1 July 2018 and will run for 10 years.

**Past Care Leaver** – any person who has been in the care of BCYF, Glastonbury Community Services, Time for Youth, Barwon Youth and/or any of their founding agencies.

**Procedural Fairness** - a dispute resolution concept which ensures “natural justice” for complaint investigations. It is concerned with the procedures used by the investigator/ review team and decision panel, rather than the actual outcome reached and is comprised of three main values:

1. All parties involved in an investigation have the right to be heard and their statements accurately recorded.
2. An unbiased decision maker will decide the outcome, -Investigator(s) will not determine the outcome.
3. Decisions will be determined by the relevant evidence presented to the decision maker and the decision will be based on the balance of probability.

**PRODA-** is the DHHS portal for agencies registered with the National Redress Scheme.

**RiskMan** – is BCYF’s centralised online system for reporting, tracking, and investigating incidents, feedback and complaints.

**Suggestion** - a comment that indicates how BCYF could improve its service delivery. It may be part of a compliment or complaint but may also be offered as standalone information.

## 5. Responsibilities

The **Board**, both directly and through the **Board Quality & Risk Committee** is responsible for:

- monitoring and reviewing reports and data relating to feedback and complaints and Past Care Leaver enquiries/ Redress to ensure BCYF is managing feedback and complaints in line with industry standards, legislative requirements and accreditation frameworks.
- managing risk relating to organisational reputation.
- responding to complaints relating to the CEO and/or Board members and to High/Extreme or escalated complaints from clients and external stakeholders, as required.

The **CEO** is responsible for:

- the review and oversight of all organisational policies
- overseeing complaints and enquiries relating to Past Care Leavers
- ensuring the necessary resources are provided to effectively implement this policy
- reviewing and signing off letters to complainants for those complaints with a severity rating of high or extreme
- ensuring complaints classified high or extreme are notified to the Board and/or relevant Board Committees
- encouraging an environment where feedback, complaints and Past Care Leaver enquiries/ Redress are handled promptly and fairly
- where required, ensuring escalated and unresolved complaints are effectively managed.

The **Executive Director Policy & Planning** is responsible for:

- the development, implementation and review of this Policy
- ensuring the management of feedback, complaints and Past Care Leaver enquiries/ Redress is consistent with this policy
- monitoring the organisation’s performance on feedback and complaints.
- ensuring feedback and complaints data is reported to relevant Committees (e.g. Board Quality & Risk Committee and Practice Governance Committee) and considered in organisational system reviews and planning service improvements.

The **Practice Governance Committee** is responsible for:

- reviewing and analysing feedback and complaint data, Past Care Leaver enquiries and Redress claims identifying opportunities and requirements for service and practice improvements
- identifying feedback and complaint trends to enable corrective action and preventable issues from reoccurring.

The **Manager Quality & Risk** is responsible for:

- acting as the Complaints Officer for BCYF
- screening all formal complaints and in consultation with the relevant Manager/Executive Director and where required the CEO determining appropriate severity rating, response and investigation
- reporting significant complaints (deemed to be extreme/high severity) to the CEO, including any allegations of abuse whilst in care of BCYF or its founding agencies
- ensuring all formal complaints are responded to and managed in line with BCYF's Feedback and Complaints Procedure and the Past Care Leavers Complaints and Redress Procedure
- preparing letters to complainants advising of the outcome of their complaint
- reviewing and signing off letters to complainants for those complaints with a severity rating of low
- maintaining records of complaints in BCYF's RiskMan system
- ensuring all staff are appropriately trained in the feedback and complaints process and RiskMan
- preparing and submitting feedback and complaints data to the relevant Committees (e.g. Practice Governance Committee, Board Quality & Risk Committee)
- overseeing the implementation of the National Redress Scheme regarding applications from Past Care Leavers of BCYF or its founding agencies relating to any Redress claims
- administrative management of Past Care Leaver enquiries regarding requests to access their records.

**Executive Directors/Directors/Managers** are responsible for:

- ensuring the effective and efficient management of feedback and complaints within their areas of responsibility in accordance with the Feedback and Complaints Policy, Procedure and BCYF Feedback Flow Chart (Appendix 1)
- ensuring complaints are recorded and responded to in accordance with the Feedback and Complaints Procedure
- reviewing and signing off letters to complainants for those complaints with a severity rating of medium
- developing and implementing continuous improvements to services and systems in response to feedback and complaints.

The **Client Participation Officer** is responsible for:

- actively promoting the feedback and complaints policy and procedure across BCYF
- strengthening feedback and complaint mechanisms within client services
- supporting staff and Managers to actively seek and respond to client feedback and complaints
- supporting the Complaints Officer in investigating and responding to complaints.

The **Client Records, Investigations and Redress Officer** is responsible for:

- establishing and coordinating the implementation of relevant process relating to National Redress Scheme, including management of Requests for Information (RFI), preparation for the provision of Direct Personal Responses (DPR) and management of the PRODA database (see APPENDIX 2) acting as key point of contact and advice for all matters relating to the National Redress Scheme
- overseeing and monitoring the management of heritage client records for BCYF
- facilitating access to records for Past Care Leavers and their families in compliance with legislative requirements and practice standards.

**Staff** are responsible for actively seeking feedback from clients; ensuring all clients are provided with information on and understand how to provide feedback or make a complaint; and responding to all feedback and complaints in line with the Feedback and Complaints policy and procedure.

## 6. Policy Application

This policy is to be applied in line with BCYF's Feedback and Complaints Procedure and BCYF Past Care Leavers Procedure and with the following approach:

- Clients will not be treated differently or prevented from accessing a service as a result of providing feedback or making a complaint. Every effort will be made to ensure clients feel comfortable to continue accessing the service after providing feedback or making a complaint.
- All clients must be provided information on how to provide feedback or make a complaint at their first contact with BCYF via the BCYF Client Information Brochure.
- Information on how to provide feedback, make a complaint and Past Care leaver information will be available on the BCYF intranet and website and promoted across BCYF and to all clients and external stakeholders.
- Upon request, information will be provided to clients and external stakeholders in the language of their choice and in a manner that is understandable to them and culturally sensitive.
- Feedback, complaints and enquiries from Past Care Leavers must be promptly acknowledged and the person making a complaint advised of the process and timelines. All formal complaints are to be acknowledged in writing as soon as possible and within five business days of receipt and should aim to be resolved within 28 days or in line with any external contractual obligations (e.g. 21 business days for NDIS clients).
- Feedback, complaints and Past Care Leaver requests for compensation/ Redress claims must be reported on BCYF's RiskMan Feedback Module.
- Feedback and complaints will be managed in an objective and unbiased manner; conflicting interests should be avoided and not interfere with or be perceived to interfere with the management and resolution of complaints.
- Feedback and complaints and Past Care Leaver requests for compensation will be addressed in an equitable manner, with each person being treated equitably/ fairly no matter who they are.
- Privacy and confidentiality of parties involved will be maintained, restricting information to those directly involved in the complaint/ redress claims or Past Care Leaver requests for compensation and its resolution, unless consent is provided by those directly involved to disclose to identified third parties, who would also agree to be bound by privacy/ confidentiality obligations.
- Personal information obtained in the feedback and complaints process/ Past Care Leaver enquiry will only be disclosed or used in compliance with relevant privacy laws (refer BCYF Privacy and Confidentiality Policy).
- Outcomes and decisions made relating to complaints will be appropriately communicated to all parties as appropriate, to ensure the facts and reasoning that formed the basis for the decision are fully understood.
- All parties subject to a complaint will be provided with sufficient information to enable them to understand and respond to the complaint made against them.
- Advocacy is available to clients who make a complaint and require support.
- All Workplace Participants that are subject to allegations of a complaint will be informed of all relevant facts and given the opportunity to respond.
- All feedback and complaints will be investigated by the most appropriate person, depending on the nature of the complaint.
- Complaints relating to a Board Director and/or CEO will be referred to the Board Chair. The Chair, or an approved delegate, will respond to the complaint and where required may, appoint an impartial external party to undertake an investigation. Where the Chair is the subject of a complaint, the complaint should be referred to another member of the Board.

## **7. Legislation, Acts, Standards**

*Protected Disclosure Act (2012)*  
*Racial and Religious Tolerance Act (2001)*  
*Ombudsman Act (1973)*  
*Privacy and Data Protection Act (2014)*  
*Equal Opportunity Act (1995)*  
*Disability Act (2006)*  
*Children, Youth and Families Act (2005)*  
*Charter of Human Rights and Responsibilities Act (2006)*  
*Failure to Disclose Crimes Amendment Act (2014)*  
*Failure to Report Crimes Amendment Act (2014)*  
*Racial Discrimination Act (1975)*  
*National Redress Scheme for Institutional Child Sexual Abuse Act 2018*  
*Privacy Act (1988)*  
*Human Rights and Equal Opportunity Commission Act (1986)*  
*Freedom of Information Act (1982)*  
*Disability Discrimination Act (1992)*  
*Sex Discrimination Act (1984)*  
*Victims Charter Act (2006)*  
*Housing Act 1983 (Vic)*  
QIC Health & Community Services Standards 7<sup>th</sup> Ed  
Human Services Standards  
National Quality Framework  
Victorian Child Safe Standards  
Housing Registrar

## **8. Related Documents**

BCYF Client Information Brochure  
06.01 Feedback and Complaints Procedure  
06.02 Past Care Leaver Complaints & Redress Procedure  
04 Incident Reporting & Management Policy  
07 Privacy and Confidentiality Policy  
09 Client Participation Policy  
10 Child Safe Policy  
11 Responding to Disclosures, Allegations and Suspicions of Abuse Policy  
16.03 Grievance Procedure  
19.02 Client Rights & Responsibilities Procedure  
22 Whistleblower Policy

## **9. Appendices**

**Appendix 1** - BCYF Feedback Flowchart

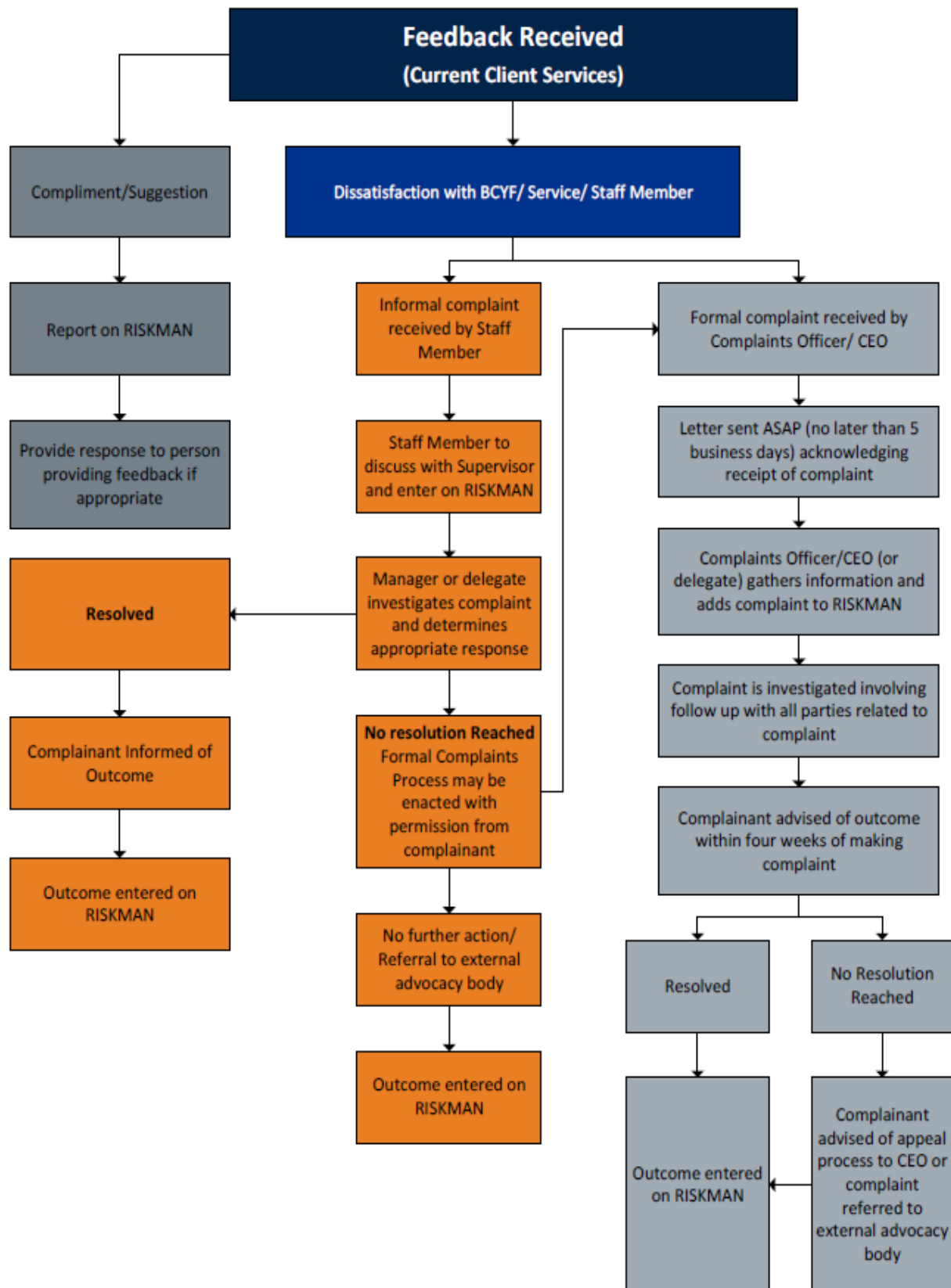
**Appendix 2** - Complaints Severity Rating

## 10. Document History

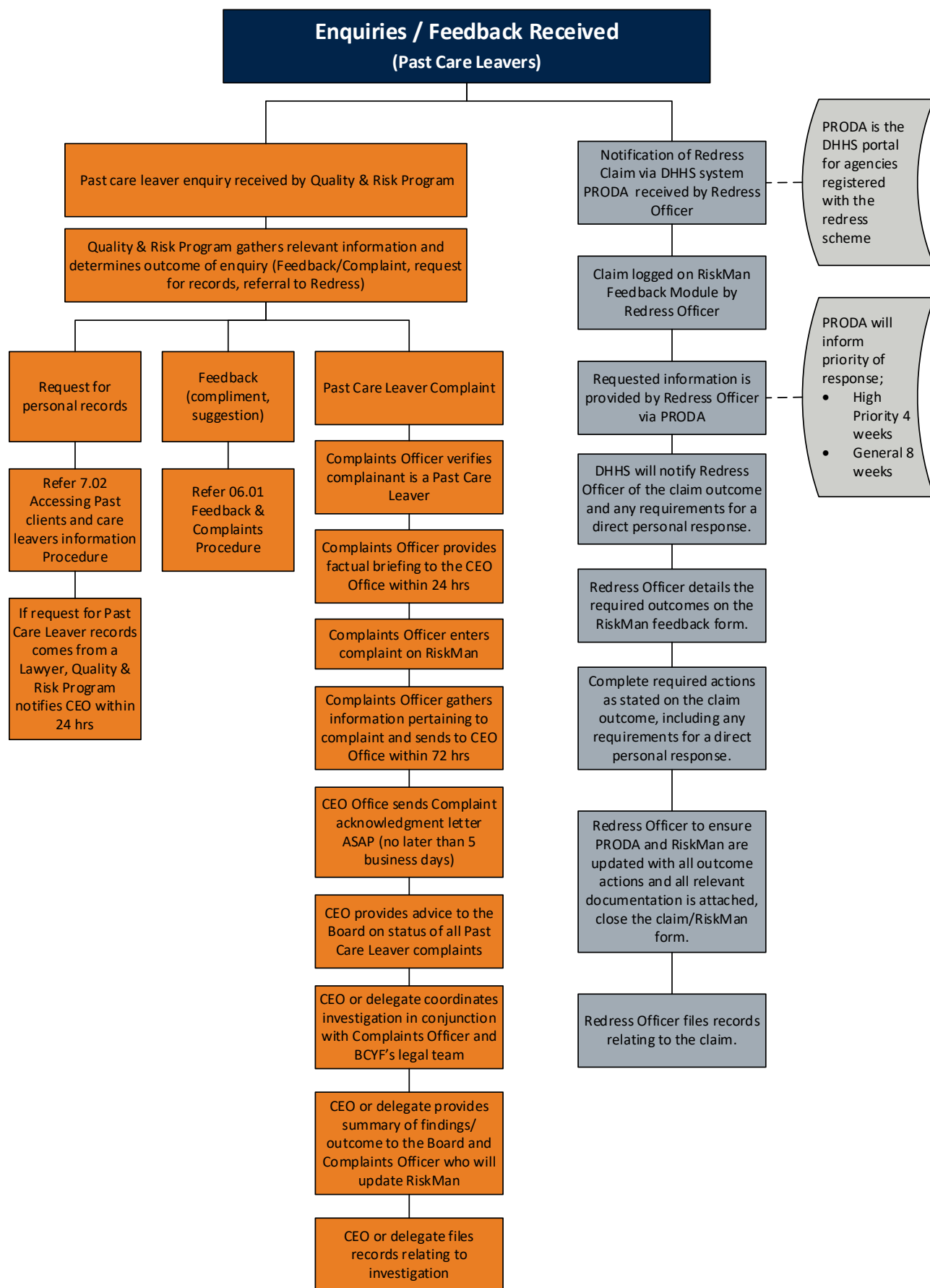
Version Number	Approval Date	Approved By	Brief Description
V1	April 2016	EMT	New BCYF Policy.
V2	Dec 2018	EMT	Revised in line with formal review of Feedback and Complaints Process.
V3	Sept 2019	NRG	Revised to centralise all complaints/enquiry processes and procedures and include Past Care Leavers and Redress Scheme claims and/or enquiries.
<b>Custodian</b>	Executive Director Policy & Planning		



## Appendix 1 – BCYF Feedback Flow Chart (Client Services)



## Appendix 2 – BCYF Enquiries / Feedback Flow Chart (Past Care Leavers)



### Appendix 3 – Complaints Severity Rating

	Low	Medium	High	Extreme
<b>Description of severity level</b>	<p>A single issue of a minor nature.</p> <p>The problem is easily resolved. There are no ongoing adverse effects on the client, program or BCYF and the matter is now resolved.</p>	<p>The issue relates to a matter that is of moderate concern or where multiple minor issues are raised.</p> <p>The problem is usually able to be resolved at the program level and does not have serious consequences for the client, program or BCYF.</p>	<p>The issue relates to a matter that is of significant concern to the complainant with an adverse impact on the client, program or BCYF.</p> <p>Potential to be escalated to an external regulatory body as a complaint.</p>	<p>Substantial issues are involved generally with a serious adverse impact to client, program or BCYF.</p> <p>A complaint is received by CEO or member of BCYF Board.</p> <p>A complaint is received from funding/ advocacy body.</p> <p>Complaints from Past Carer Leavers and Redress.</p>
<b>Examples of severity level</b>	<p>Concerns raised about a single issue such as: lack of communication from staff member to client, client feels that staff member has not provided adequate support/ follow up. Client does not feel that program is meeting their expectations.</p>	<p>There has been a misunderstanding about costs, access to service, multiple minor concerns or an error in practise which does not have serious consequences for the client, program or BCYF.</p>	<p>A client withdraws from the program due to extreme dissatisfaction, or where family relationships breakdown as a result of service provided.</p> <p>Client feels that they have been mistreated or discriminated against by the program.</p>	<p>A client suffers personal injury, raises concern about professional conduct, negligence, unlawful or unethical acts or lack of informed consent.</p> <p>Complainant threatens to sue BCYF.</p> <p>Potential reputational damage to BCYF.</p>
<b>Resolution</b>	<p>Review and response by Supervisor/ Manager. Follow up occurs with complainant either by staff member directly or supervisor.</p> <p>Issues are resolved at the program level through line management processes.</p>	<p>Review and Response by Manager or delegate. Where possible complaint is able to be resolved at program level. If complaint is not able to be resolved at program level or the complainant wishes to make a formal complaint, then it is referred to Complaints Officer.</p>	<p>Investigation required by Complaints Officer or delegate.</p> <p>There may be significant quality assurance implications requiring policy/ practise to be reviewed and changed to prevent recurrence.</p>	<p>Investigation required by Complaints Officer or delegate.</p> <p>CEO is notified via appropriate Executive Director.</p> <p>There may be significant quality assurance implications requiring policy/ practise to be reviewed and changed to prevent recurrence.</p>