COPP 6.6 Requests, Complaints and Feedback

Youth Detention Centre

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| Principles In context of the  [National Principles for Child Safe Organisations 2019](http://justus/intranet/department/standards/Pages/ops-standards.aspx):  Ongoing supervision and people management is focused on child safety and wellbeing.  Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.  Effective complaint handling processes are understood by children and young people, families, staff and volunteers and are culturally safe.  The organisation has policies and procedures in place that addresses reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and cooperates with law enforcement.  In context of the [Australasian Juvenile Justice Administrators, Juvenile Justice Standards 2009](https://www.ayja.org.au/wp-content/uploads/2020/03/2009-AJJA-Juvenile-Justice-Standards-Part-1-and-2.pdf):  Feedback, review and complaints procedures are in place.  Children, young people and families are provided with information about their rights and responsibilities in the Justice system.  Custodial environments are safe and secure. |

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# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all Youth Detention Centre (YDC) Custodial Officers and staff.

# Policy

An effective request and complaints process enables resolution of disputes, provides feedback and opportunities to improve management and/or care.

The Department shall ensure detainees have access to a complaints process which is accountable, fair and transparent which promotes confidence in detainees and the process which responds to their concerns.

The Superintendent (or delegate) shall ensure the process for issues, problems and feedback is easily accessible and understandable with consideration to detainees with specific needs. Custodial Officers shall provide information on the issues, problems and feedback processes in accordance with [COPP 5.1 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

Detainee requests, complaints and feedback shall be progressed in a courteous and timely manner with respect, impartiality, natural justice and flexibility, ensuring progress updates are communicated to the detainee. Custodial Officers shall ensure requests, complaints and/or feedback is managed in an open, receptive and transparent manner.

A detainee’s requests or complaints shall be resolved at the lowest level of authority possible. Should a detainee not be satisfied with the resolution they may request further consideration by the next higher authority.

In accordance with legislation, detainees shall be allowed access to external agencies in regard to complaints. Complaints shall be progressed to external agencies in accordance with legislation, this COPP and [COPP 11.1 – Communication](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

The Superintendent (or delegate) shall keep a record of all detainee complaints.

Allegations or suspected misconduct including allegations of inappropriate sexual, physical and/or emotional behaviour of detainee towards another detainee shall be managed in accordance with [COPP 6.4 –Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Requests, Complaints and Feedback Process

## Introduction

### Detainees shall be issued an Orientation Booklet and explained the requests, complaints and feedback process during the orientation stage. Refer to [COPP 5.1 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### The Superintendent shall ensure posters promoting the requests, complaints and feedback process are displayed in all accommodation units and other areas attended by detainees.

### A detainee may raise requests or complaints or provide feedback verbally or in writing.

### A request from a detainee may include the act of asking for something to be done or given. For example, a detainee may request additional bedding or food items.

### A complaint is an expression of dissatisfaction. For example, a detainee may complain about their placement or privileges.

### Feedback can be a positive expression by way of a compliment or a comment. Feedback may be utilised to discuss areas for improvement.

### Reasonable steps shall be taken to ensure a detainee request, complaint or feedback is properly understood and where applicable, investigated, including seeking additional information as required.

### The Superintendent shall ensure a system is in place to record each written request, complaint or feedback including receival and response dates, actions taken, communication with the complainant and outcomes.

### The respondent(s) to the request, complaint or feedback, shall ensure communication is maintained with the complainant from receipt to the outcome and closure.

### Requests, complaints and feedback shall be assessed on an individualised basis.

### In assessing the immediacy of the level of response to requests, complaints and feedback, all staff in their decision making shall apply a risk focused assessment. Those that may jeopardise the safety of a detainee(s) or staff member(s) or those that may impact on the good order and security at the Detention Centre shall be responded to immediately.

### All staff shall ensure an outcome and response to the complainant shall occur (where practicable) no later than 10 business days from the date of receipt. Where this is not achievable, the respondent shall notify the complainant in writing of the delay.

### Security shall collect confidential mail daily, Monday to Friday, from the unit mail boxes.

### The Superintendent shall ensure all confidential mailboxes have signage advising of mail collection days and encouraging detainees on the weekends to discuss those complaints/concerns that jeopardise the safety of detainee(s) or staff with the Wing Officer/Unit Manager.

### Where a detainee raises a complaint/concern with a Wing Officer/Unit Manager, the Wing Officer/Unit Manager shall immediately inform the Senior Officer.

## Submitting a request, complaint or feedback

**Written**

### Detainees can choose one of the following methods:

* Submitting the Help Form directly to the Unit Manager
* Submitting the Help Form to the Superintendent via a confidential envelope and placing this in the secure mailbox in their unit
* Submitting a letter to the Government bodies listed in section 4.8.2 via the confidential envelope and placing this in the secure mailbox in their unit.

### Custodial Officers shall provide assistance to the detainee with completion of the Help Form as required.

### Mail addressed to the Superintendent shall be read daily by the Superintendent (Monday-Friday).

### A picture poster and/or a verbal description shall be provided to detainees which simplifies the complaints process.

### Detainees with English as a second language must have access to translation services in accordance with [COPP 2.2 – Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

**Verbal**

### Requests, complaints, or feedback may also be raised verbally by the detainee to any Custodial Officer at any time. Where the verbal request, complaint or feedback meets the requirements for an incident report, the Officer shall follow the required processes, as outlined in [COPP 8.1 Incident Reporting](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Requests, complaints or feedback raised verbally by the detainee that do not require the completion of an incident report should be documented in the detainee’s TOMS offender notes.

## Complaints including allegations from a detainee about an Officer

### Where an Officer receives a detainee complaint which includes an allegation of sexual, physical or emotional behaviour or abuse against an Officer they shall report immediately to the Superintendent or delegate.

### The Superintendent shall determine the required action and immediately manage the complaint.

### The Officer named in the complaint shall be advised a complaint has been received. The Superintendent shall also inform the Deputy Commissioner Women and Young People and the Professional Standards Division.

### Support for the detainee and Officer shall be made available through Department support systems (Employee Welfare, Counselling etc.).

## Complaints including allegations from a detainee about another detainee

### Where an Officer receives a detainee complaint which includes an allegation of sexual, physical or emotional abuse or behaviour against another detainee they shall report immediately to the Superintendent or delegate.

### The Superintendent shall determine the immediate required action and manage the allegation in accordance with [COPP 6.4 –Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

# Resolution Process for Requests or Complaints

## Forms submitted to Unit Manager

### The Unit Manager shall review all Help Forms submitted to the Unit Manager prior to the end of shift and determine if a request or complaint can be resolved immediately or whether an investigation is required. The Unit Manager shall resolve issues and problems where appropriate and/or possible.

### Requests and complaints shall be addressed in a fair and unbiased manner and investigated without prejudice.

### Where a Unit Manager determines further investigation may be required, they shall escalate the complaint to the Assistant Superintendent Operations for advice and/or investigation.

### The Assistant Superintendent Operations shall determine the appropriate action and investigation and delegate actions to the appropriate Officers as required.

### Where the Assistant Superintendent Operations is unable to resolve an issue or problem, the detainee shall be advised of the appropriate course of action.

### The Assistant Superintendent Operations shall prepare a formal response letter addressed to the detainee following the completion of the investigation. The formal response letter shall be delivered to the detainee in a sealed envelope.

### The detainee shall sign receipt of the formal response letter.

### If a detainee is not satisfied with the determination of any matter, then the detainee may request that the next higher authority considers the matter.

### Requests, complaints and feedback (not deemed confidential) shall be discussed at the Senior Management Meeting and/or Unit Manager Meetings as required.

### The Deputy Superintendent (or delegate), with approved access shall save all requests, complaints and feedback and responses in Content Manager.

## Peer support groups

### There are a number of detainees who are self-nominated or selected to become part of the Detention Centre Peer Support Group. These detainees are assessed and approved by Senior Staff to provide support to other detainees. Part of the support provided includes talking to other detainees in regard to requests and complaints.

### The Peer Support Committee shall forward the minutes of the Peer Support Group to the Assistant Superintendent Operations for review and action.

## Administration of Complaints Compliments and Suggestions (ACCESS)

### ACCESS is external to the Detention Centre but is a dedicated service within Corrective Services to manage complaints, compliments and suggestions for detainees and the general community.

### The ACCESS service does not provide for:

1. complaints in relation to staff / officer misconduct with the exception of detainee complaints relating to staff / officer misconduct which will be received by ACCESS and then forwarded to the relevant business area within the Department for assessment
2. informal or formal staff / Officer grievances
3. inquiries from / to internal areas of the Department that do not relate to an ACCESS lodged or managed matter
4. inquiries from / to external agencies that do not relate to an ACCESS lodged or managed matter.

### Detainees may contact ACCESS through the Detainee Telephone System (DTS) and through the privileged mail system.

## Independent detention centre visitor

### In accordance with the *Inspector of Custodial Services Act 2003* an Independent Visitor may make a record of any complaint made to them on behalf of a detainee and report that complaint to the Inspector of Custodial Services.

### Detainees shall have access to Independent Visitors in the Detention Centre. . Posters are displayed in units which provide information in regard to dates and times of visits by Independent Visitors.

### The detainee may request an interview with an Independent Visitor by adding their names to the list to the Independent Visitor contact list or by contacting the Independent Visitor during their visit.

## Aboriginal Visitors Scheme (AVS)

### The Aboriginal Visitors Scheme (AVS) provides cultural contact and support for detainees. AVS does not provide support with money, legal or medical issues but can make referrals to appropriate agencies. AVS are contactable through the DTS and at the Detention Centre on specific days. Detainees may express their request, complaint or feedback through an Aboriginal Visitor.

### AVS staff shall record detainees visited and any concerns raised.

### AVS staff shall discuss concerns with the Assistant Superintendent Specialised Units and Safer Practice at the end of their shift.

### The Assistant Superintendent Specialised Units and Safer Practice shall record the concerns in the detainees TOMS offender notes including any investigation conducted and any outcomes.

### The Assistant Superintendent Specialised Units and Safer Practice shall action the concern(s) accordingly, including notifying the Superintendent where there are concerns for the safety of staff and detainees or issues that may affect the good order and security at the Detention Centre.

## Detainee feedback and compliments

### Detainee feedback shall be documented on the Help Form.

### Where a detainee provides feedback, including a compliment, the Deputy Superintendent (or delegate) shall provide feedback to the person who is nominated in the feedback.

## Written complaints to external agencies

### Not all complaints can be resolved at the Detention Centre or within the Department. There are a number of legislative acts which are related to manage complaints. For Example, the *Inspector of Custodial Services Act 2003* and the *Health and Disability Services (Complaints) Act 1995*. These acts provide external processes and support for detainees and their families and caregivers.

### Additional external support for complaints management available to detainees includes writing to:

1. ACCESS (Administration of Complaints, Compliments and Suggestions)
2. Minister for Corrective Services
3. Attorney General (WA)
4. Member of Parliament
5. Visiting Justice
6. Commissioner, Corrective Services
7. Deputy Commissioner Women and Young People, Corrective Services
8. Assistant Commissioner Youth Justice Services, Corrective Services
9. State Ombudsman (Parliamentary Commissioner for Administrative Investigations)
10. Commonwealth Ombudsman
11. Human Rights and Equal Opportunities Commission (Federal)
12. Equal Opportunities Commission (State)
13. Corruption and Crime Commission (WA)
14. Director, Health and Disability Services Complaints Office
15. Commissioner for Children and Young People
16. Office of the Inspector for Custodial Services
17. Public Interest Disclosures Officer, Department of Justice
18. Professional Standards Division, Department of Justice.

### The Detention Centre shall manage outgoing and incoming written mail to the above external agencies as privileged mail in accordance with [COPP 11.1 – Communication](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx).

### Detainees are able to access privilege mail envelopes in each unit which are pre-addressed to the external agencies above. The detainee shall be informed to place the written complaint in the envelope, seal the envelope and tick the appropriate box to where the complaint is to be delivered.

### The envelope shall be placed in the blue privileged mailboxes and collected by Security staff.

## Complaints from parents or caregivers

### Parents, caregivers or significant others may make requests, complaints or provide feedback. Parents, caregivers or significant others shall have the opportunity to raise complaints through ACCESS, AVS, Detention Centre or the agencies listed in section 4.9.2.

### The Superintendent (or delegate) shall respond in writing to complaints received at the Detention Centre from parents, caregivers or significant others.

### The Deputy Superintendent (or delegate) shall ensure all responses are recorded and saved in the Assistant Superintendent Detainee Complaints Folder.

## False or frivolous complaints

### Where a detainee makes a complaint concerning an Officer and a subsequent investigation finds that the complaint is false or frivolous, the Superintendent (or delegate) may:

1. counsel the detainee
2. direct that the detainee be charged under section 170 of the *Young Offenders Act 1994*.

## Evaluation of process

### The Senior Management Team shall review the requests, complaints and feedback process as required.

# Annexures

## Related COPPs

* [COPP 2.2 – Cultural and Religious Requirements](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 5.1 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 6.4 – Offences and Charges](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)
* [COPP 11.1 – Communication](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/bhdc-copps.aspx)

## Definitions

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| Term | Definition |
| Allegation | A claim or assertion that someone has done something illegal or wrong, typically made without proof. |
| Aboriginal Visitors Scheme (AVS) | The Aboriginal Visitors Scheme (AVS) comprises Aboriginal staff who visit prisons and detention centers around the state, providing support and counselling to Aboriginal people in custody. |
| Commissioner’s Operating Policy and Procedure (COPP) | COPPs are policy documents that provide instructions to staff as to how the relevant legislative requirements are implemented. |
| Complaint | An 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. |
| Content Manager | The Department's Electronic Document and Records Management System (EDRMS) used to capture, store and manage corporate records securely and in accordance with relevant legislation, policies and standards. |
| Custodial Officer | An officer with custodial functions, appointed under section 11(1) of the *Young Offenders Act 1994*; or a person who is appointed under section 11(1a)(a) as a custodial officer. This includes but is not limited to Youth Custodial Officers, Unit Managers and Senior Officers. |
| Detainee | Any young person who is detained in a detention centre, or who is in the custody of a Detention Centre. The term detainee also describes a young person, who is alleged to be an offender or who is remanded in custody, prior to being dealt with by the Courts.  Means a person who is detained in a detention centre as defined in s.3 *Young Offenders Act 1994*. |
| Feedback | Providing an opinion on something. |
| Independent Detention Centre Visitor | Under the Inspector of Custodial Services Act 2003, the Minister for Corrective Services appoints Independent Visitors on the advice of the Inspector of Custodial Services, and the Inspector administers the service on behalf of the Minister. IDCV reports assist the Inspector to provide advice to the Minister and to inform the work of OICS. |
| Officers and Employees of Particular Classes | The following descriptions of classes of Officers and employees are prescribed for the purpose of s 11(1a)(b) of the *Young Offenders Act 1994*, in r 49(2) of the *Young Offender Regulations 1995*:  (a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.  (b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.  (c) Program support staff counsellors, program facilitators and librarians.  (d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| Officer in Charge (OIC) | The officer, as designated by the Superintendent or their delegate, who is at the relevant time the Officer in Charge of a detention centre. |
| Public Service Officer | An Officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such Officers and other persons as are necessary to implement or administer this Act. |
| Request | An act or an instance of asking for something. |
| Senior Officer | A Youth Custodial Officer who is substantive to this rank, or a Unit Manager, or Youth Custodial Officer acting in the capacity of Senior Officer, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994* |
| Staff | Any person or officer of the Department of Justice, Corrective Services, including a Public Service Officer, Youth Custodial Officer or an employee of a particular class; and any contractor who provides services to the Department of Justice. |
| Superintendent | In accordance with section 3 of the *Young Offenders Act 1994, ‘*The person in charge of a detention centre’ |
| The Department | The department of the Public Service principally assisting the Minister in the administration of the *Young Offenders Act 1996* |
| Unit Manager | A Youth Custodial Officer substantive to this rank or Youth Custodial Officer acting in the capacity of Unit Manager, appointed by the Chief Executive Officer with reference to s11 of the *Young Offenders Act 1994*.  The Senior Officer managing the unit in which the prisoner is located. |
| Youth Detention Centre | A gazetted detention centre declared by the Minister to be a detention centre to accommodate male and female, remanded or sentenced detainees. Refer to section 13 of *Young Offenders Act 1994.* |

## Related legislation

* *Health and Disability Services (Complaints) Act 1995*
* *Inspector of Custodial Services Act 2003*
* *Public Sector Management Act 1994*
* *Young Offenders Act 1994*
* *Young Offender Regulations 1995*

# Assurance

It is expected that:

* The Detention Centre will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The Women and Young People Branch, Head Office will undertake management oversight as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

# Document Version History

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| --- | --- | --- | --- | --- |
| Version no | Primary author(s) | Description of version | Date completed | Effective date |
| 1.0 | Operational Policy | Approved by the Director Operational Projects, Policy Compliance and Contracts | 21 January 2021 | 8 February 2021 |
| 2.0 | Operational Policy | Approved by Commissioner of Corrective Services | 9 May 2022 | 9 May 2022 |
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| 4.0 | Operational Policy | Approved by Principal Project Officer  Operational Policy  CM Ref: D24/220281 | 16 February 2024 | 16 February 2024 |