



# Complaints Management Policy

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## 1 Purpose

All public sector agencies are required to have an effective and inclusive complaints management policy and procedures. This policy is consistent with the Australian standard for managing complaints; Australian Complaint Handling Standards AS 4269-1995 and Australian Standards ISO 10002-2006.

This policy establishes the framework and process to respond to complaints in relation to services provided by the Department of Communities (Communities).

As an inclusive employer, should you require any specific assistance in the interpretation or application of this policy, please contact the Complaints Management Unit on PH: 1800 333 325.

## 2 Scope

Communities is committed to responding to complaints fairly, objectively and in a timely manner and recognises that complaints are a valuable source of feedback and an important part of service improvement.

Communities has a Tiered complaints process and is committed to resolving complaints at the earliest and lowest level.

- **Early Resolution:** Complaints referred back to the District, Region, or Business Unit without entering the formal complaints process.
- **Tier One:** Complaints lodged for a response by the relevant District, Region, or Business Unit.
- **Tier Two:** If a complainant remains dissatisfied with the response to a Tier One complaint they can request a Tier Two complaint investigation undertaken by CMU.
- **Ombudsman WA:** If a complaint remains dissatisfied with the response to a Tier Two complaint they can seek external review by the Ombudsman WA and/or other external bodies.

## 3 Definitions

<p><b>Complaint</b></p>	<p>An expression of dissatisfaction made to or about an organisation in relation related to its products, services, staff or the handling of a complaint, where a response or resolution is expected explicitly or implicitly or legally required.</p>
<p><b>Complainant</b></p>	<p>The person making the complaint or an advocate making a complaint on behalf of another person.</p>

## 4 Principles

The following principles guide Communities' response to complaints:

Principles	
1	Complainants have the right to make complaints and to have their complaints responded to fairly and in a timely manner, without fear of adverse consequences.
2	The principles of procedural fairness apply when responding to complaints, providing opportunity for the views of all parties to be considered in determining the outcome.
3	Complainants can make complaints themselves, with a support person, or have an advocate make the complaint on their behalf.
4	Information in relation to making complaints and the complaints process should be culturally aware and accessible.
5	All staff should understand their role and responsibilities in responding to complaints and have access to information and training on the complaints process.
6	Confidentiality is maintained to the extent that it is consistent with Communities' legislative, policy, and procedural requirements.
7	Communities adopts a culture of continuous service improvement and uses complaint information to plan, deliver, and review its services.

## 5 Responsibilities

### 5.1 Responsible Officer

The responsible officer is the Director or Manager (or their delegate) of the District, Region or Business Unit that complaint is in relation to. The Responsible Officer ensures that Tier One complaint investigations are undertaken in accordance with this policy.

### 5.2 Designated Officer

The Designated Officer is a Communities employee designated by the Responsible Officer to respond to a Tier One complaint.

### 5.3 Complaints Management Unit

The Complaints Management Unit (CMU) has responsibility for managing and coordinating the response to complaints about services provided by Communities. There are some procedural differences in the process for responding to complaints in relation to housing,

child protection, disability, and other services provided by Communities. [See Appendix 2 Procedures](#) for further details.

## 6 Procedures, guidelines and forms

### 6.1 Making a complaint:

Any person dissatisfied with a service provided by Communities can make a complaint. Complaints can be made about:

- Any service provided by Communities.
- A lack of service that could reasonably be expected.

Complaints can be made by:

- Phone: 1800 333 325 (1800FEEDBK) and select the relevant option.
- Online at [wa.gov.au](http://wa.gov.au) [Communities Complaints and Feedback](#) and select the relevant option.
- In writing: Department of Communities Locked Bag 5000 Fremantle WA 6959.
- In person: Staff will assist with lodging a complaint.
- Email: [Customerfeedback@communities.wa.gov.au](mailto:Customerfeedback@communities.wa.gov.au) (Housing complaints only).
- Email: [CLO@communities.wa.gov.au](mailto:CLO@communities.wa.gov.au) (Disability complaints only).
- CMU also receive complaints from the Minister/s office, the Office of the Director General and the Ombudsman Western Australia.

#### 6.1.1 Complaints from children and young people

Communities welcomes complaints from children and young people and has a dedicated online page including child friendly resources at [Children and young people](#). The Advocate for Children in Care (the Advocate) is also available to support children and young people to access the complaints process. The Advocate can be contacted via:

- Free call: 1800 460 696
- Mobile: 0429 086 508
- Email: [advocate@communities.wa.gov.au](mailto:advocate@communities.wa.gov.au)

#### 6.1.2 Anonymous Complaints

Anonymous complaints will be received and assessed by CMU to determine the most appropriate response.

While the outcome of the complaint cannot be provided to an anonymous complainant there may be appropriate internal actions that can be undertaken.

#### 6.1.3 Advocates and Support Persons

Communities will ensure complainants have access to appropriate assistance and supports to make a complaint. A support person or advocate can assist a person to make

a complaint and/or during the complaints process. It is important to be mindful of issues of confidentiality and obtain signed consent from the complainant for an advocate or support person to act on their behalf and for Communities to share information with them.

#### 6.1.4 Culturally informed approach

To ensure the response to complaints from or in relation to Aboriginal and Torres Strait Islander or Culturally and Linguistically Diverse (CaLD) people is culturally informed the following tools and resources are to be used as appropriate:

- Resources and cultural/religious information including the [Equity Lens Tool](#) [Aboriginal Cultural Hub](#) and [Cultural and Linguistic Diversity Hub](#) should be accessed to plan for how best to engage and respond in a culturally informed way.
- Consultation with relevant specialist staff including Aboriginal Outcomes, Aboriginal Practice Leaders and the Principal Policy and Planning Officer Cultural Diversity.
- Translating and/or interpreting service should be used with people who have English as a second language or who do not speak English. Services can be sourced through the [Translating and Interpreting Service](#) or [Aboriginal Interpreting WA](#)
- Engage effectively and respectfully with Aboriginal and Torres Strait Islander and CaLD peoples and consider flexible and inclusive opportunities to deliver complaint findings and recommendations.

#### 6.1.5 Complaints in relation to matters over 12 months old.

Complaints in relation to matters over 12 months old, where there is no good reason for the delay in making a complaint, may be excluded from the complaints process. **See 6.3 Declined.**

### 6.2 Assessing Complaints

Responding to and resolving dissatisfaction is part of the day-to-day work of Communities staff and not all dissatisfaction enters the formal complaints process. When dissatisfaction cannot be resolved informally, or the matter is persistent, serious, or contentious, the formal complaints process should be considered.

CMU assess all complaints to determine if the matter meets the criteria to enter Communities' formal complaints process. The assessment will determine if the matter is:

- **Declined** as the matter is not a complaint and/or does not meet the criteria to enter the formal complaints process.
- Referred to the District, Region, or Business Unit as an opportunity for **Early Resolution** without entering the formal complaints process.
- Lodge a **Tier One** complaint for a response by the relevant District, Region, or Business Unit.
- Lodge a **Tier Two** Complaint for a response by CMU.

## 6.3 Declined

Not all matters can enter the complaints process. Matters that are subject to a court or legal process or where there is an existing internal or external appeal or review process are excluded.

If a matter is excluded from the complaints process or does not meet the complaints criteria CMU will:

- Confirm with the complainant that the matter will not enter the complaints process and advise of any alternate action, review, or appeal avenues.
- Forward any relevant matters to the District, Region, or Business Unit for follow up or consideration.
- Any complaint matters that raise safety concerns or criminal matters will be forwarded directly to the Central Intake Team, the relevant District, Region, or Business Unit and/or reported to the police or other agencies as appropriate.

See **Appendix 1 Declined** for a list of matters that are excluded from the complaints process.

### 6.3.1 Suspected employee misconduct

The complaints process cannot respond to matters relating to suspected employee misconduct. All suspected employee misconduct matters are referred to the Misconduct Assessment Team (MAT) at [Misconduct.Assessment@communities.wa.gov.au](mailto:Misconduct.Assessment@communities.wa.gov.au). If it is unclear if the complaint relates to misconduct, consultation will occur between CMU and MAT.

## 6.4 Early Resolution

In some circumstances CMU will offer complainants the option for Early Resolution and refer the complaint back to the District, Region, or Business Unit, without entering the formal complaints process. Complaints suitable for Early Resolution may include issues not yet discussed with the District, Region, or Business Unit, relatively simple or minor matters that can be easily resolved or urgent issues where the timeframes of a formal complaint are not practicable.

CMU will refer the matter to the District, Region, or Business Unit for their consideration and confirm their agreement for the complaint to be managed by Early Resolution follow up. If the complaint cannot be resolved by Early Resolution the complainant will be referred to CMU to lodge a formal complaint.

## 6.5 Tier One

Tier One complaints are received and assessed by CMU and forwarded to the District, Region, or Business Unit for investigation and response.

Tier One Housing complaints have different timeframes and processes to Child Protection, Disability, and General complaints.

See Appendix 2 Procedures.

## 6.6 Tier Two

If the complainant remains dissatisfied with the outcome of their Tier One complaint, they can request a Tier Two investigation. The complaint investigation is undertaken by a Senior Complaint Investigator (SCI) from CMU.

Tier One complaints, where there is more than a 12 month delay in requesting elevation to Tier Two, may be excluded from the Tier Two complaints process, unless there is a compelling reason for the delay.

Some matters are elevated directly to a Tier Two investigation, including complex and contentious matters, or where there is a potential conflict of interest for the District, Region, or Business Unit to undertake a Tier One investigation.

See **Appendix 2 Procedures**

### 6.6.1 Priority Tier Two Complaints

Complaints from children and young people are elevated directly to Tier Two and allocated to a SCI within two working days of lodgement.

Tier Two complaints from approved foster carers are prioritised for allocation to a SCI for investigation.

The Manager CMU can prioritise the allocation of urgent or contentious Tier Two complaints.

## 6.7 External complaint avenues

### 6.7.1 The Ombudsman Western Australia (OWA)

If a complainant remains dissatisfied with the Tier Two response to their complaint, or at any point in the complaint process, they can contact the OWA on PH: (08) 9220 7555 or online at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

The OWA will generally encourage the complainant to access Communities complaint process (Tier One and Tier Two) before they commence enquiries or an investigation.

CMU coordinate the response to any complaint enquiries or investigations undertaken by the OWA in consultation with the District Office, Region, and/or Business Unit.



### 6.7.2 Disability external avenues

Complaints in relation to Disability Services provided by Communities can also be made to:

- Health and Disability Services Complaints Office (HaDSCO): PH: (08) 6551 7600 or [mail@hadsco.wa.gov.au](mailto:mail@hadsco.wa.gov.au)
- National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission (if receiving NDIS funded services from Communities): PH: 1800 035 544 or [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

### 6.8 Withdrawal of a complaint

A complaint may be withdrawn by the complainant, or a complaint can be resolved prior to investigation or at any time during the complaints process. CMU will confirm the withdrawal or resolution of a complaint in writing with the complainant. CMU may progress the investigation of a withdrawn complaint without the active involvement of the complainant, if considered warranted.

## 7 Complaints from or about funded services

Complaints received from or in relation to an external agency or service, funded or contracted by Communities require careful assessment. If the complaint is about the service, the complainant should, in the first instance, be advised to make a complaint directly to the service for a response in accordance with their internal complaints process. If the complainant remains dissatisfied with this response, they can contact CMU for further assessment.

CMU will consult with relevant internal and external parties, including Communities Commissioning and Contracting Division. The assessment will consider the nature of the complaint and whether the complaint is about the funded services or Communities to determine if the matter can enter the complaints process and which Business Unit is best placed to respond. Where a complaint investigation is warranted, it can be pursued without the agreement or active involvement of the funded service.

As these matters can be complex and/or contentious CMU may elevate the complaint directly to a Tier Two complaint if warranted.

## 8 Employee responsibilities

All Communities staff will:

- Be aware of the complaints process and understand their role and responsibilities.
- Be open and responsive to receiving complaints and consider complaints as an opportunity to improve service delivery.

- Promote awareness of the complaints process with service users and providers and offer support to make a complaint if and as appropriate.
- Listen and respond to dissatisfaction in a way that is appropriate for the client and situation.
- When an expression of dissatisfaction cannot be resolved through discussion, or if a matter is serious or contentious, it will be referred to CMU for assessment to determine if it should enter the formal complaints process.

CMU can provide training and resources for staff to:

- Raise awareness of the complaints process.
- Promote the importance of complaints to continuous service improvement.
- Encourage support to individuals to make complaints, including anonymous complaints.
- Raise awareness of the external complaint avenues including the NDIS Quality and Safeguards Commission, HaDSCO, and the Ombudsman Western Australia.
- Develop skills for staff who undertake complaint investigations.

## 8.1 Disability staff training

A Compass training module 'Managing and Responding to Complaints', is required to be completed every two years by all staff within Supported Community Living, Intervention Support Services, and Business and Practice Improvement. The module is aligned with the NDIS Quality and Safeguards Commission requirement that all relevant staff must understand, comply, and be trained in the complaints management process.

## 8.2 Supporting employees subject to complaints

It can be distressing for an employee if a complaint is made about them, their work, or their team. The focus of the complaint process is on resolution.

- Any employee who is subject of a complaint must be informed of the substance of the complaint and provided with an opportunity to respond.
- Employees should seek and be provided with support from their line manager, colleagues, and/or Employee Assistance Program if required.
- Provide information, as requested, to inform the complaint investigation.
- Ensure any records or documentation are up to date.
- Continue with day-to-day work.

## 9 Unreasonable complainant conduct

CMU work with Districts, Regions, and Business Unit's to manage unreasonable complainant conduct. A complainant can be declared unreasonable if their conduct meets some or all of the following criteria:

- Continued, incessant, or unrelenting conduct.
- Demands (expressed or implied) that have a disproportionate and unreasonable impact on Communities time and/or resources.
- Unwilling or unable to cooperate with reasonable requests.
- Presenting arguments that are not based on reason or logic.
- Behaviours that compromise the safety, security and and/or wellbeing of staff.

Any decision to declare a complainant unreasonable must be approved by the Director General. CMU will assess if a complainant's conduct meets the criteria to be classified as unreasonable, in consultation with the District, Region, and/or Business Unit and other relevant parties. CMU prepare a briefing note and Communication Plan with a draft letter to the complainant, for the approval of the Director General. The complainant is advised in writing of the decision and informed of the strategies implemented to manage their unreasonable conduct. If the complainant disagrees with the decision, they can seek external review by the OWA.

## 10 Resources

- AS/NZS 10002:2014 Guidelines for Complaints Management in Organisations and ISO 10002:2018 Guideline for Complaints Handling in Organisations
- *The Children and Community Services Act 2004*
- *Disability Services Act 1993*
- *Health and Disability Services (Complaints) Act 1995*
- *National Disability Insurance Scheme Act 2013*
- National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018
- *Carers Recognition Act 2004*
- *Declared Places (Mentally Impaired Accused) Act 2015*
- *Housing Act 1980*
- *Residential Tenancies Act 1987*
- Housing Service Delivery Policies
- Casework Practice Manual

## Appendix 1 Declined Matters

Matter	Alternative ways to address the complaint
Matters subject to a current legal or court/tribunal process.	Seek legal advice
Decisions of a legal, court, or legislative process	Seek legal advice
Complaints assessed by an oversight mechanism such as HaDSCO, Ombudsman, DMIRS	Ombudsman Western Australia
Matters subject to an alternate appeal process	Examples: Housing Appeals Mechanism, Care Plan Review Panel, Working with Children / NDIS worker check clearance resolution process
Reporting Disruptive Behaviour	Disruptive Behaviour Reporting Line or online form
Reporting Housing Maintenance Issues	Housing Direct or online Maintenance Request form
Potential criminal matters	Report to police
Funding and purchasing decisions resulting from a tendering process	Seek legal advice
Complaints and/or grievances from Community employees	Line manager, Employee Relations, Misconduct Assessment Team,
Suspected employee misconduct	Misconduct Assessment Team
Death of a service user	Coroner's Court of Western Australia
Complaints over 12 months old without good reason for a delay in making the complaint	

## Appendix 2 Procedures

These procedures are supported by internal CMU Manuals.

### Tier One - Housing

- Housing complaints are recorded on the Feedback and Complaints System (FACS) and lodged by CMU.
- CMU email the complaint via FACS to the Region or Business Unit for delegation to a Designated Officer for investigation.
- The Region or Business Unit has ten (10) working days to respond to the complaint and the due date is recorded on FACS.
- The Region or Business Unit reviews the information relating to the complaint and considers relevant documentation, policy, procedures, and discusses with relevant staff.
- In most circumstances it is appropriate for the Region or Business Unit to discuss the complaint with the complainant as part of the complaint investigation.
- All communication with the complainant should consider their needs, preferred communication style, and capacity.
- CMU will monitor and escalate overdue complaints. The Region or Business Unit can request an extension of the complaint timeframe from CMU. CMU will confirm the extension with the complainant and update the due date on FACS.
- The Region or Business Unit prepare a complaint response and forward to CMU. The complaint response is finalised and sent to the complainant by CMU.
- The complainant is advised that, if they remain dissatisfied, they can contact CMU to request a Tier Two investigation.
- CMU can negotiate with the complainant and the Region or Business Unit to undertake further actions to resolve the complaint at Tier One, prior to progressing to Tier Two.

### Tier One- Child Protection, Disability and General complaints

- Child Protection, Disability and other complaints are recorded on the Complaints Handling a Resolution Module (CHARM) and the complainant's Objective complaints file.
- CMU email the Tier One Intake to the relevant Responsible Officer in the District, Region or Business Unit, who allocate the complaint investigation to a Designated Officer.
- The Designated Officer has 21 working days, from the date of lodgement, to complete the complaint investigation.
- The Designated Officer contacts the complainant and/or their advocate, within seven working days of allocation, to discuss their complaints.
- All communication with the complainant should consider their needs, preferred communication style, and capacity.
- The Designated Officer discusses the complaint/s with other relevant parties including staff, reviews documentation, and considers policy and procedures.
- The Designated Officer will provide an Outcome Letter to the complainant, using the Tier One Outcome Letter template, within 21 working days.

- The Designated Officer can request extension of the timeframe from CMU.
- The District Director or Business Unit Manager ensures that any complaint recommendations are implemented.
- The complainant is advised in the Outcome Letter that they can contact CMU and request a Tier Two Complaint Investigation if they remain dissatisfied.

## Tier Two - All complaints

- Tier Two complaints are recorded on CHARM with documentation saved to the complainant's Objective complaints file.
- CMU send a Confirmation Letter to the complainant, confirming a Tier Two complaint has been lodged and allocated, or is pending allocation to a SCI.
- The SCI will discuss the complaints with the complainant and/or their advocate and other relevant parties, review documentation, and consider policy and procedures.
- All communication with the complainant should consider their needs, preferred communication style, and capacity.
- The SCI will prepare an Outcome Letter and an internal Investigation Report.
- The District Director, Region or Business Unit Manager and other relevant staff will be provided an opportunity for input prior to finalisation of the findings, any Required Actions, and Opportunities for Service Improvement.
- The Outcome Letter will provide information on the external avenues of review available to the complainant if they remain dissatisfied.

## 11 Document control

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<b>Owner</b>	Executive Director – Professional Standards
<b>Custodian</b>	Director Complaints and Misconduct Assessment

## 12 Amendments

Version	Date	Author	Description
1	Month/year	[position title – not name]	
2	Month/year	[position title – not name]	
3	Month/year	[position title – not name]	