

## Policy

# Consumer complaints management and resolution policy

*Please note this policy is mandatory and staff are required to adhere to the content*

### Summary

This policy articulates the DECD Complaints Management and Resolution System, and specifies how consumer complaints about DECD's service provision in education, early childhood, care and family support settings will be managed.

<b>Publication Date</b>	25 August 2015
<b>Review Date</b>	13 August 2018
<b>Related Legislation/Applicable Section of Legislation</b>	Information Privacy Principles Instruction – Sept 2013 Children's Protection Act 1993, s 58
<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	- AS/NZS 10002:2014 – Guidelines for Complaint Management in Organizations - DECD Consumer Complaints Management and Resolution Procedure - DECD Unreasonable Complainant Conduct Procedure
<b>Replaces</b>	Education Complaint Policy Families SA Client Feedback Policy
<b>Policy officer (position)</b>	Manager DECD Complaints Unit
<b>Policy officer (phone)</b>	1800 677 435
<b>Policy sponsor (position)</b>	Assistant Director, Incident Management Division
<b>Executive director responsible (position and office)</b>	Deputy Chief Executive, Resources Office for Resources, Operations and Assurance
<b>Applies to</b>	All DECD staff and sites
<b>Key Words</b>	Complaints, Concerns, Dispute Resolution
<b>Status</b>	Final
<b>Approved by</b>	Senior Executive Group
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## 1. Title

- Consumer Complaints Management and Resolution Policy

## 2. Purpose

- The purpose of the Consumer Complaints Management and Resolution Policy is to ensure that DECD manages complaints in a fair, efficient and effective manner.
- The Consumer Complaints Management and Resolution Policy provides the foundation for the DECD complaints management system, and a framework for subordinate procedures, guidelines and other documentation that complement this policy.

## 3. Scope

- The Consumer Complaints Management and Resolution Policy applies to complaints about decisions and actions undertaken in the provision of education, early childhood services, family support, and care services by DECD.
- This policy applies to all staff in DECD schools, preschools, early childhood, care and family support services.
- The policy does not apply to matters that are subject to judicial determination, or determination by a statutory authority including:
  - Child protection proceedings including court orders per the *Children's Protection Act, 1993*
  - Adoption proceedings per 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 Ombudsman SA, or the Health and Community Services Complaints Commissioner.
- The policy does not apply to decisions by the Minister, Chief Executive or delegated authority, made under a legislative instrument, such as:
  - Suspensions, exclusions and expulsions per the *Education Regulations 2012*
  - Control of trespass and misbehaviour on school premises per the *Education Regulations 2012*
  - Approval of foster carers per the *Family and Community Services Act 1972*
  - Approval of children's residential facilities per the *Family and Community Services Act 1972*
  - Family Care Meeting outcomes per the *Children's Protection Act 1993*
  - Determination of Freedom of Information applications per the *Freedom of Information Act, 1991.*
- The policy does not apply to non DECD staff and services even where there may be an interface with DECD, such as:

- The decisions, services, members and employees of Governing Councils
- The decisions, services, members and employees of external agencies who may be utilising DECD premises
- The policy does not apply to employee disputes and grievances, or complaints of misconduct by staff, volunteers and services providers. Employee grievances are managed through the [Complaint Resolution for Employees Procedures \(staff login required\)](#).
- The policy does not apply to matters that are subject to civil litigation.
- Where it becomes apparent that the issue relates to a matter that is out of the scope of this policy, the complainant will be advised, and assisted to redirect their complaint where possible.

## 4. Policy detail

### 4.1. Policy

- The Department for Education and Child Development will ensure that there is an effective complaints management system in DECD that supports the educational attainment and wellbeing of children and young people.
- The Department is open and responsive to receiving complaints from children, young people, parents, families and members of the community as a means of promoting continuous service improvement.
- Staff of the Department will make every effort to resolve complaints, preferably at the local level, in accordance with policy, procedures and guidelines.
- Where the Department is unable to resolve complaints internally, complainants will be provided with information about their avenues for seeking resolution and/or appeal externally.

### 4.2. Principles

DECD is committed to fair, effective and efficient complaint management, and DECD staff will demonstrate this commitment through their service delivery to children, families and community members.

DECD endorses a Three Level Model of Complaint Handling recognised as best practice in the Australian / New Zealand Standard (Guidelines for complaint management in organisations) AS/NZS 10002:2014.

The Department will **enable** complaints by ensuring:

- Information about how and where a complaint may be made is accessible and transparent. Complainants are able to raise complaints through different means, including face-to-face at DECD sites, via telephone and email.
- Vulnerable populations and individuals with special needs are assisted to make complaints. People from non-English speaking backgrounds and cultures with strong oral traditions (such as Aboriginal and TIS people), people with disabilities, people who struggle with literacy, and children (especially children in care) may require assistance to formulate and document their complaint. They may also need to be connected to an advocate or support person who is able to assist them to pursue their complaint.

- The right for individuals to raise complaints is acknowledged, and complainants are treated with respect.
- Complainants are not adversely affected because they have made a complaint.

The Department will **manage** complaints by ensuring:

- Complaints are promptly acknowledged, assessed and prioritised in accordance with the urgency of the issues raised.
- Complaints management and resolution occur at a local level where-ever possible, and are only escalated where local resolution has not been successful.
- Complainants are advised if their matter is out of the scope of the Policy and are redirected to appropriate authorities where possible.
- Complainants are advised of the complaint process, expected timeframes, how they are able to contribute to the complaints management process, the possible outcomes, and avenues of review and appeal.
- Procedural fairness, objectivity and fairness requirements are adhered to.
- Unless resolved at the first point of contact, complaints will be documented (including information about the issues raised, any supporting documentation provided, the enquiries undertaken, and the outcomes achieved).
- Personal information is treated confidentially and is only used and disclosed in accordance with the Information Privacy Principles, confidentiality requirements in the *Children's Protection Act 1993*, and other legal and ethical obligations regarding privacy.
- Records of complaints will be documented, stored and managed in accordance with the Department's obligations under the *State Records 1997*, the Information Privacy Principles (Cabinet Administrative Instruction 1/89), and the relevant General Disposal Schedules.
- The legal, policy, procedural and factual basis for decisions are provided in communications with complainants, staff and others.

The Department will **support** parties involved in complaint resolutions by ensuring:

- The roles, responsibilities and expected behaviour of complainants and staff managing complaints are communicated.
- Policies and practices are established to ensure the health and safety of staff involved in complaint management.
- Policies and practices are established to manage unreasonable complainant conduct.
- Consultation and advice is provided to Site Leaders managing complex and intractable disputes

The Department will utilise the complaints management system to ensure **continuous learning** and accountability by:

- Collecting complaints data (including the number and types of complaints received, sources of complaints, time taken to respond) to support performance monitoring, analysis and evaluation of complaint trends.
- Providing internal and public reporting on key performance indicators in complaints management on regular basis.
- Utilising complaints data on a continuous basis to inform policy and programmatic development

## 5. Roles and responsibilities

Role	Authority/Responsibility for
Chief Executive	<ul style="list-style-type: none"> <li>• Ensuring the establishment, maintenance and promotion of an effective complaints management system in DECD.</li> <li>• Ensuring that information about the policy is accessible to members of the public</li> <li>• Ensuring the appointment of a Complaints Manager with clearly defined responsibilities and authority</li> <li>• 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.</li> <li>• Ensuring that there is a process for regular reporting on the complaint management system and data.</li> </ul>
DECD Complaints Unit Manager	<ul style="list-style-type: none"> <li>• Ensuring that information about the complaint management system is easily accessible by staff, clients and members of the public, especially vulnerable populations (including Aboriginal people, people from CALD background, people with disabilities).</li> <li>• Ensuring that complaints are responded to in a fair and consistent manner, in accordance with the policy and procedures.</li> <li>• Ensuring that appropriate records and documentation are kept of complaints received by the Complaints Unit.</li> <li>• Establishing a process of performance monitoring, evaluation and reporting of complaints data including the number and types of complaints received, sources of complaints, and time taken to respond to complaints.</li> <li>• Reporting to Senior Executive on the operation of the complaint management system, including significant complaints, systemic issues, service trends and recommendations for improvement.</li> <li>• Reporting to staff and other stakeholders about issues of concern identified through the complaint management system</li> <li>• Implementing and maintaining the complaint management system, including recruitment and training of staff, implementing infrastructure, provision of guiding documents, setting performance indicators.</li> <li>• Implementing internal and external escalation mechanisms for unresolved disputes.</li> <li>• Providing advice, consultation and support to Site Managers to respond to complex and contentious complaints, and unreasonable complainant conduct.</li> </ul>

Role	Authority/Responsibility for
Site Managers including Families SA Managers, Principals, Early Childhood Directors (or their delegate)	<ul style="list-style-type: none"> <li>• Ensuring that information about the complaint management system is easily accessible by staff, clients and members of the public, especially vulnerable populations (including Aboriginal people, people from CALD backgrounds, people with disabilities).</li> <li>• Ensuring that complaints are responded to in a fair and consistent manner, in accordance with the policy and procedures.</li> <li>• Ensure the complaint management system is implemented at their site, including any subordinate local policies and procedures</li> <li>• Ensuring that appropriate records and documentation are kept of complaints received by their site.</li> <li>• Working with the Complaints Unit staff to resolve any disputes that have been escalated to the Complaints Unit.</li> <li>• Ensuring that complaint management data is kept and available for review by Senior Management and others.</li> </ul>
DECD Senior Managers (Directors, Executive Directors)	<ul style="list-style-type: none"> <li>• Ensuring the promotion of an effective complaints management system within DECD.</li> <li>• Supporting Site Managers to respond effectively to complaints</li> <li>• Considering complaints data and systemic issues arising from complaints as a part of DECD's strategic planning.</li> <li>• The Chief Education Officer and Executive Directors have the authority to approve formal reviews that have been escalated to them, and oversee the review and its outcomes.</li> </ul>
Staff	<ul style="list-style-type: none"> <li>• Ensuring that they are familiar with the DECD complaints management system, and their local site's procedures.</li> <li>• Ensuring that complaints raised with them are acknowledged and responded to in a fair and consistent manner, or referred to the appropriate party for a response, in accordance with the policy and procedures.</li> <li>• Enabling clients and community members to make complaints through the provision of information and advice.</li> </ul>

## 6. Monitoring, evaluation and review

- This policy will be reviewed every three years (in accordance with the DECD Policy Framework) or earlier if required by legislative or organisational imperatives.
- Site Managers will provide ongoing monitoring of their site's/service's compliance with this policy.

- The DECD Complaints Unit Manager will provide ongoing monitoring of compliance with the policy across sites and assist sites to comply with the policy.
- The DECD Complaints Unit Manager will monitor and evaluate the adequacy of the policy in meeting legislative, Departmental and other requirements on an ongoing basis.

## 7. Definitions and abbreviations

Term	Meaning
Carer	Family members, guardians or friends who have an interest in, or are responsible for the care of a client
Client	Someone who receives, relies upon, is the subject of, or benefits from DECD education, early childhood, care and family support services. Interchangeable terms used are “consumer” and “customer”.
Complainant	Person or their representative making a complaint
Complaint	Expression of dissatisfaction made to or about DECD related to its services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly required.
Complaint Management System	Encompasses all aspects of the policies, procedures, practices, staff, and infrastructure used by DECD in the management of complaints.
DECD	Department for Education and Child Development
Disputes	Unresolved complaints escalated within DECD or externally, or both.
Feedback	Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about DECD, its services, staff or its handling of a complaint.
HCSCC	Health and Community Services Complaints Commissioner
Open Disclosure	The approach and principles used within the Complaint Management System to communicate with clients who have experienced harm. The main elements of Open Disclosure are: <ul style="list-style-type: none"> <li>- An acknowledgement and factual explanation of what has occurred</li> <li>- An expression of regret or apology for harm experienced</li> <li>- An opportunity for the client to recount their experience of the event</li> <li>- A discussion of the steps being taken to manage the event and its potential consequences, and to prevent recurrence.</li> </ul>
Procedural fairness	Procedural fairness requires a fair and proper process be used with making decisions that may adversely affect the interests of an individual. The rules of procedural fairness require: <ul style="list-style-type: none"> <li>- a hearing appropriate to the circumstances</li> <li>- lack of bias</li> </ul>

Term	Meaning
	<ul style="list-style-type: none"> <li>- evidence and reasons to support a decision</li> <li>- inquiry into matters of dispute</li> </ul> <p>Used interchangeably with “natural justice”.</p>
Vulnerable populations vulnerable complainants /	<p>It is recognised that some sections of the community may find it difficult to make complaints. This may be due to:</p> <ul style="list-style-type: none"> <li>- language barriers (including not speaking, reading or writing English proficiently, oral traditions being stronger),</li> <li>- cultural barriers (lack of familiarity with making complaints, lack of experience or fear in dealing with government departments, cultural inhibitions about making complaints or discussion personal matters)</li> <li>- developmental barriers (eg. Children, adults with intellectual disabilities and delays)</li> <li>- Other issues such as some mental health conditions.</li> </ul>

## 8. Supporting documents

- DECD Consumer Complaints Management and Resolution Procedure
- DECD Unreasonable Complainant Conduct Procedure
- Guide to raising a complaint in DECD brochure

## 9. References

- Directive Documents
  - Information Privacy Principles Instruction – September 2013
  - AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations
  - DECD Strategic Plan 2014 – 2017
    - Children, young people, families and the wider community will be included in our planning and decision making processes
    - The South Australian public education and care system will be effective, efficient and transparent, with high public trust and credibility.
  - Building a High Performing System – a business improvement plan for the Department for Education and Child Development
    - Change Priority 11: Education System Performance
  - Families SA Service Plan
    - Safety and Quality of Services