

Complaints

Policy

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1. Policy Statement

The Department of Territory Families, Housing and Communities (the Department) (encompassing the Chief Executive Officer (Housing)) receives complaints to:

- provide clients with an accessible pathway to report their concerns to the Department;
- continue to build and promote and the community's confidence in the Department's processes, practices, and accountability; and
- support continuous improvement in policy, practice, business systems, and service delivery.

2. Policy Purpose

The policy guides the management of complaints received by the Department regarding the:

- standard of services provided to a client;
- providers contracted by the Department to provide services;
- conduct of employees of the Department; and
- Department's policies, procedures, and practice.

3. Scope

The policy applies to all complaints received or referred to the central Departmental complaints team (Complaints Resolution).

4. Principles

The Department is committed to acknowledging all complaints.

Staff responding to complaints will:

- act reasonably and impartially;
- investigate thoroughly and professionally;
- focus on resolution at the lowest level possible;
- declare any perceived or actual conflict of interest, and if needed, remove themselves from the complaint process;
- communicate with careful regard to the complainant's age, level of literacy, disability, or cultural factors;
- demonstrate procedural fairness to the complainant; and
- ensure confidentiality.

5. Source of complaints

Everyone has the right to make a complaint. Complainants may be clients of the Department and their families, members of the public, legal representatives, client advocates or community organisations, or statutory oversight bodies. Complaints received by the Department from an oversight body such as the

Office of the Children's Commissioner or the NT Ombudsman will be referred to Complaints Resolution for appropriate management.

A complaint may be about a range of matters including but not be limited to a specific or ongoing incident, allegations about a staff member, breach of privacy, or a concern about adherence with legislation or policy. Complaints Resolution may also receive requests for information, as well as compliments or other feedback.

Complaints or feedback may be received verbally or in writing. If the complaint is received verbally, a file note will be created close to the time of the conversation, to ensure accuracy.

For information about complaints received about the Department's Youth Detention Centres from young people currently detained, see *Youth Justice Policy Determination 3.3 Complaints*.

Complaints received about Departmental procurement are managed in accordance with this policy as well as the *Procurement Complaint Management Policy*, which was established under the *Procurement Act 1995*.

6. Complaints

A complaint is defined as an expression of dissatisfaction.

6.1. Response

The response and contact will be empathetic and professional.

Complaints received directly or by referral to the Complaints Resolution team will be recorded, triaged, managed, and monitored. Investigation, information gathering, communication with the complainant and other resolution tasks may then be allocated to the relevant operational division, including when the complaint involves a staff member. The response may include initial efforts to resolve complaints immediately or make attempts to de-escalate emotive or aggressive complainants. The response may also include drafting formal responses and seeking appropriate delegate approval.

Where appropriate, the Complaints Resolution team may liaise with the relevant program area regarding the final response to ensure accuracy, create opportunities to add value, and capture any recommendations and actions.

Complaints Resolution may make recommendations to any operational division regarding policy or practice that may require review.

6.2. Referral

If a complaint received is regarding a potential criminal matter it may be referred to the Northern Territory or Australian Federal Police. Matters may also be referred to the Office of the Independent Commissioner Against Corruption or the Office of the Commissioner for Public Employment.

If a complaint is regarding child harm or exploitation (abuse or neglect), the matter will be referred to the Central Intake Team.

Other referral or escalation will be actioned as appropriate.

7. Managing conduct by people making complaints

Most complainants present reasonably and behave responsibly in their interactions with the Department, even when they are experiencing high levels of distress, frustration, and anger.

7.1. Unreasonable conduct

Features of unreasonable conduct may include false complaints, or complainants who make unnecessary and excessive contact. Unreasonable conduct may also include inappropriate demands on staff time and Department resources, the refusal to accept formal decisions and recommendations, or demands of priority treatment. When complainants behave in these ways (and where there are no reasonable factors that could explain their behaviour), Complaints Resolution will consider the conduct to be 'unreasonable'. In these cases, complainants may be referred to alternative dispute resolution mechanisms, for example the NT Ombudsman.

If the complainant's conduct is determined as unreasonable, the Executive Director, Families Programs, or their delegate, in collaboration with the relevant region or program area, has the discretion to declare the complainant as an unreasonable complainant. If unreasonable conduct by a complainant is identified, a modified response to either the complainant generally or the specific complaint will be implemented, with consideration given to limiting or changing the way staff respond to a complainant by applying a formal restriction for a period of time. This is called an Alternative Service Arrangement.

Following the declaration, the complainant, staff and other relevant stakeholders or representatives will be advised in writing about the Alternative Service Arrangement, including a timeframe, specific conditions of engagement, which Departmental teams are affected, and any review period.

Declaration that a complainant is unreasonable is a last resort. It is not to be used without a process of natural justice, appropriate warnings, and a full explanation of its meaning to the complainant.

7.2. Unacceptable conduct

Some complainants can be aggressive and abusive towards staff, which may include threats of harm and violence.

Threats of and abusive behaviour are unacceptable and will not be tolerated under any circumstance. Any interaction should cease immediately if there is perceived unacceptable conduct. Staff must not be exposed to threats and abuse.

Staff who receive targeted threats of violence are encouraged to report the matter to the police. Depending on the perceived severity of the threat, the Department may make a police report on behalf of the staff member.

7.3. Anonymous complainants

Anonymous complaints may be considered for investigation whilst recognising that the provision of a response or the ability to fully investigate the complaint may be limited.

8. Appeal

If the complaint results in a decision, and the complainant is unsatisfied with the decision made, the complainant has the right to appeal to ensure natural justice has occurred. The complainant may be able to appeal the decision through various departmental mechanisms.

The formal appeal process should not be used as a routine option for complainants, and every attempt to resolve complaints and disputes at the first point of contact should be made.

9. References

Care and Protection of Children Act 2007

Children's Commissioner Act 2013

Housing Act 1982

Information Act 2002

Independent Commissioner Against Corruption Act 2017

Procurement Act 1995

Residential Tenancies Act 1999

Youth Justice Act 2005