



Commissioner for Children and Young People
Western Australia

Complaints Monitoring Survey Report 2013



Background

The *Commissioner for Children and Young People Act 2006* sets out the Commissioner's functions which include:

19 (d) to monitor the way in which a government agency investigates or otherwise deals with a complaint made by a child or young person and the outcome of the complaint;

19 (e) to monitor the trends in complaints made by children and young people to government agencies.

It is also the role of the Commissioner to promote the participation of children and young people in the making of decisions that affect their lives (s19(b)).

In undertaking these statutory obligations the Commissioner has published guidelines for agencies on making complaints systems child-friendly. The *Are you listening? Guidelines for making complaints systems accessible and responsive to children and young people* guidelines were reviewed in 2013.

In 2010 the Commissioner surveyed relevant government agencies in regards to the accessibility and responsiveness of their complaints systems to children and young people, the nature of complaints they received from children and young people, and their awareness and use of the *Are you listening?* guidelines. The Commissioner also collaborated with the Ombudsman of Western Australia in his survey of government agencies complaints handling practices in 2009 - 10, to include questions on any special assistance agencies provided to children and young people.

The findings of the Commissioner's 2010 survey and the Ombudsman's report indicated that whilst agencies generally had a high standard of complaints handling processes, few made any adaptations to tailor their systems to the needs of children and young people and few could report on complaints from children and young people due to a lack of separate data. For example in the Ombudsman's report only 15% of agencies who provided services to children and young people, made any special arrangements to assist children and young people to make a complaint.

In the 2013 survey, the Commissioner revised the survey questionnaire to assist agencies to provide the required information and to align more closely to the Australian Standards¹ on complaints handling. The survey was provided as an online survey tool and distributed to 28 key government agencies that provide services

¹ Standards Australia. Australian Standards: Customer satisfaction – Guidelines for complaints handling in organizations (ISO 10002-2006). www.standards.com.au

either directly or indirectly to children or young people. This included agencies that provide independent review to the public such as, the Ombudsman of WA and the Health and Disability Services Complaints Office. A list of the agencies surveyed is attached at Appendix 1. All 28 (100%) agencies returned a completed² survey.

Overall, the survey shows encouraging trends in the development of child-friendly complaints systems. Whilst there is still room for improvement a number of agencies are undertaking strategies to improve their recognition of children and young people as service users and ensure that they obtain their feedback and facilitate their ability to make complaints where necessary.

Key findings

All of the 28 agencies surveyed indicated that they provided services to children and young people. This service was provided either directly or indirectly through adult carers. Some agencies provided services both directly and indirectly. All agencies except one, indicated they had a documented complaints policy and procedure document.

Key findings from the survey show:

- 37% (10) of agencies take additional steps to encourage children and young people, or adults acting on their behalf, to make a complaint. This included strategies such as child-friendly posters and brochures, having specific personnel to engage with children and young people, and online resources targeted at different age groups.
- 29% (8) undertook specific outreach activities to directly inform children and young people of complaints processes.
- 48% (13) would provide special assistance to children and young people³ who wanted to make a complaint. This included completing written complaints on behalf of the child, face to face meetings, permitting support persons to attend, providing specific advocates, and training personnel to work with children and young people.
- 53% (14) had clear policies and procedures for managing confidentiality issues with children and young people.

² Note: some agencies did not answer all questions

³ Some agencies referred to special strategies that are available to all ages where the person's requires assistance because of a special need such as disability or English language comprehension.

- Of the 59% (16) of agencies who contracted other organisations to provide services to children and young people, only 37% (6) required the contracted organisation to establish a complaints procedure, and only 10% (1) of those included specific instructions in regards to complaints from children and young people.
- The vast majority (95%) of the 966 reported complaints made by children and young people in the 2012 financial year, were made by adults acting on their behalf with only 5% (47) made by the child or young person directly.⁴
- Complaints concerned a broad range of issues including, discrimination, access to services and facilities, treatment by agency personnel including poor communication, lack of information and allegations of abuse.
- 44% of agencies specifically sought feedback from children and young people in their continual improvement activities, such as satisfaction surveys.
- The majority of agencies (76%) were aware of the *Are you listening?* guidelines with 40% reporting they found the guidelines useful in improving their complaints systems.

Findings in full

Section 1: Profile of agencies

All of the agencies provided services to children and young people either directly or indirectly through their adult carers, or both. Agencies included key service providers to children and young people such as, education, health, housing, justice and child protection services, in addition to agencies with a broader, community wide, remit such as culture and the arts, recreation, planning and commerce.

The percentage of children and young people who used agencies services directly varied. For the majority of agencies children and young people were less than 50% of their client group, with 29% of agencies stating that they made up less than 10%. 25% of agencies did not know how many children or young people used their services.

For indirect use, the majority (47%) of agencies did not know how many of the people who used their services had children or young people in their care. The

⁴ Note: not all agencies maintain separate data for children and young people therefore this figure does not include all complaints made by, or on behalf of, children and young people.

remaining agencies indicated that in most cases it was less than half of their customers with only 8% indicating that it was between half and three quarters.

Section 2: Profile of complaints systems

Only one agency indicated that it did not have a documented complaints policy and procedure. More than two thirds (69%) of these agencies did not specifically identify children and young people as complainants.

Of the 30% who stated their complaints policy and procedures did specifically refer to children and young people, some also indicated that this was part of recognising a range of people with special access needs.

Fewer agencies (55%) had customer service charters and only 17% of these identified children and young people as service users.

Some agencies indicated that their systems were currently under review and that they would consider including children and young people more specifically as a part of this review process.

Section 3: Complaints systems in services contracted to provide services to children and young people

The majority (59%) of the agencies contracted other organisations to provide services to children and young people. Only 37% of these agencies required the organisation to have in place a complaints system as a part of the contract requirements and only one agency (10%) of these included instructions in regards to complaints from children and young people. Some agencies indicated that complaints would be made directly to them rather than through the contracted organisation.

35% of agencies required contracted organisations to report back to them on complaints received although a range of different criteria were applied with some agencies only requiring complaints received in writing or unresolved complaints to be reported back.

Section 4: The nature of complaints relating to children and young people

The majority (57%) of agencies do not record the number of complaints received by, or on behalf of, children and young people.

Of the 12 agencies that did record this data, in the 2012 financial year a total of 966 complaints were received, with 4 agencies recording nil complaints from children and young people. Of these, 47 complaints were received directly from a child or young person (range 2 – 23) and 919 complaints were received from an adult acting on behalf of a child by (range 3 – 459).

The complaints were made by, or on behalf of, children and young people from a broad range of age groups from 5 years to 17 years. The majority of agencies reported complaints from children and young people aged over 10 years.

Reflective of the agencies who participated in the survey, complaints involved a broad range of issues relating to access to services and facilities such as, education, accommodation, and recreation opportunities. Complaints included concerns about treatment by security personnel, discrimination, lack of action on issues raised, poor communication and lack of information.

Agencies indicated that a range of resolutions might be offered as an outcome to a complaint, depending on the nature of the complaint made. Predominantly an explanation or clarification was sufficient to satisfy the person making the complaint. An apology and/or an amendment to the decision were also commonly cited by agencies as outcomes.

Section 5: Visibility and Accessibility

Most agencies had a broad range of methods by which a complaint could be made including, in writing (100%), by email (92%), by phone (92%), online (70%) and in person (85%). Two agencies (7%) offered complaints by SMS.

37% of agencies took additional steps to encourage children and young people specifically to make complaints. This included developing child-friendly resources such as posters and brochures, having specific personnel trained to work with children and young people, and online resources for different age groups. Some agencies actively involved children and young people in the development of these resources. Attention to where resources were placed, such as at eye level for young children, and catering for the different needs of different age groups were also mentioned as strategies used to increase accessibility to children and young people.

29% of agencies undertook outreach activities to directly inform children and young people of their complaints processes. These agencies had a higher rate of complaints made directly by children and young people (on average 10 complaints per annum) and indirect complaints (on average 125 per annum) than agencies who received complaints but did not undertake outreach activities (who received on average 4 direct and 70 indirect complaints).

Nearly half (48%) of the agencies indicated that they would provide special assistance to children and young people who wanted to make a complaint. This included training staff to work with children and young people, completing required written information on behalf of the child or young person, offering face to face lodgement, and ensuring processes and information are clearly and simply explained.

37% of agencies had policies and procedures in place to receive complaints from

adults on behalf of a child or young person.

Section 6: Responsiveness

40% of agencies indicated that the person who received complaints in their agency was trained in working with children and young people. For some agencies it depended on where the complaint was raised as to the level of training and experience in working with children and young people. Agencies also spoke about complaints being referred to someone with the necessary skills and experience to manage the nature of the complaint and the person making the complaint accordingly.

The majority (56%) of agencies agreed that children and young people could decide how often and by what method they would be kept in touch with the progress of their complaint.

Agencies reported a variety of timeframes for acknowledging and responding to complaints. Most commonly, five working days was cited as the standard time for responding to the initial complaint. Some agencies stated that they tried to respond immediately or with 48 hours or less.

Due to the spectrum of complaints, with some involving protracted investigations and, at times, legal proceedings such as in cases of misconduct, the timeframes for resolution varied considerably. Target timeframes for the resolution of complaints was, in most cases, 20 to 30 days with a range of 3 days to 12 months. These timeframes were met on average 75% of the time (range 100% - 43%).

Section 7: Confidentiality

Whilst 53% of agencies stated that they had clear policies and procedures in relation to confidentiality and complaints from children and young people, there was some variation in the nature of how this was considered. Most agencies stated that the confidentiality provisions they had in place applied generically across all complaints and did not include special provisions for children and young people.

Agencies had a wide range of standards for advising children and young people about confidentiality provisions. Some relied on the information on the complaints form or brochure, others advised verbally and some used written confirmation letters. Some agencies indicated that they did not provide any advice about confidentiality.

In regard to the use of advocates to make a complaint on behalf of a child or young person, the vast majority of agencies had no policies or procedures in place. Some agencies indicated that they would require written consent from the child or young person in order for someone to act on their behalf. Due to legal requirements some specific agencies require that the parent or guardian lodge the complaint on the child

or young person's behalf as it is not possible for a person under the age of 18 years to lodge a complaint independently.

Section 8: Accountability & continuous improvement

The documentation and reporting of complaints from children and young people was, in most cases, part of the broader record keeping processes for complaints systems. 81% of agencies indicated that they kept records of complaints lodged and the outcomes. However, less than half of the agencies (37%) kept separate records and could extract data in relation to complaints from children and young people specifically.

Most agencies (80%) analysed the information they received from complaints on a regular basis and this was often done at a very senior level. Only 18% of agencies analysed information on children and young people separately and this included agencies that have children and young people as the majority, if not all, of their clients.

76% of agencies advised people making complaints of their further rights of review if they were not satisfied with the outcome of a complaint. This included, further processes for internal review and options for external review, such as the Ombudsman, Corruption and Crime Commission and the State Administrative Tribunal, where appropriate. Different legislative requirements for some agencies also influenced the procedures for further review.

Agencies had a variety of ways of seeking feedback from their client group both as a part of the complaints process and as a separate 'client satisfaction' survey process. 44% indicated that they did seek input from children and young people in such continuous improvement activities. These agencies also had a higher rate of complaints from children and young people both directly (6 vs 4) and indirectly (96 vs 70).

Section 9: Training needs and resources

Most agencies (76%) were aware of the *Are you listening?* guidelines prior to receiving the survey. 40% indicated that the guidelines had been useful in improving their complaints systems for children and young people and 55% indicated that they had not used the guidelines. One agency indicated that the guidelines were not helpful however they indicated that it had only been considered at the State policy level which already embodied the principles of the guidelines and that they would be useful at a service delivery level to improve direct access and responsiveness for children and young people.

A number of agencies indicated that their systems were currently under review and that the guidelines would be used in that process.

In requesting further assistance to improve complaints systems agencies indicated that examples of strategies implemented in other agencies (77%), training for staff (40%) and template forms and policy documents (27%) would be helpful.

Discussion

The information provided by agencies gives an important insight into the management of complaints from children and young people by government agencies. In many cases, key agencies are implementing additional strategies to improve the accessibility and responsiveness of their complaints systems to children and young people. However, there are a number of key issues where improvements remain to be made.

Focus on children and young people

Importantly, all of the agencies surveyed agreed that children and young people used the services offered either directly or indirectly. In the Commissioner's previous survey⁵ in 2010, one third of the agencies said that they did not provide a service to children and young people. The recognition of children and young people as service user's is a critical first step in providing effective complaints systems and developing a culture where children and young people are a visible and valued stakeholder by agencies.

Despite these improvements in the recognition of children and young people as service user's the reflection of this in agencies complaints policy and procedures remained low, at less than two thirds. However, it is encouraging to note that a number of agencies said that their systems are currently under review and consideration of the needs of children and young people has been enhanced by the timing of this survey and the distribution of the *Are you listening?* guidelines.

Few agencies had requirements regarding the establishment and management of complaints systems for organisations they contracted to deliver services to children and young people. This is an important aspect if children and young people as users of services are to access complaints systems.

Monitoring trends in complaints

The percentage of agencies that kept separate data improved from 29% in the 2010 survey to 43% in the 2013 survey. The number of complaints reported as received from, or on behalf of, children and young people also more than doubled from 420 to

⁵ Due to changes in the survey questions and methodology only limited comparison of data can be made between the 2010 and 2013 surveys.

966. This may be more reflective of increased data being captured rather than an increase in complaints per se.

The nature of the complaints reported remained similar in both surveys with access to services and facilities, treatment by agency personnel, and communication matters most commonly reported. The range of solutions offered was also similar with a broad range of outcomes reflective of the nature of the complaints.

Visibility and accessibility

The range of methods agencies provided for accessing complaints systems saw some significant improvements since the 2010 survey. Email (71% to 92%), telephone, (71% to 92%) and face to face (79% to 85%) all increased and two agencies indicated that they would accept complaints via SMS.

Significant to improving access by children and young people was the indication by 29% of the agencies surveyed that they undertook outreach activities to inform children and young people of their complaints systems. Correspondingly these agencies received a higher rate of complaints, directly and indirectly, from children and young people.

It is encouraging that 48% of agencies indicated that they would provide special assistance to children and young people if they wanted to make a complaint, however, as demonstrated above, proactive efforts to engage with children and young people are critical to their access to complaints systems.

Responsiveness

Most agencies indicated they employed a degree of flexibility in responding to complaints to meet the needs of children and young people, however, the process of responding was sometimes necessarily governed by legislative and other procedural requirements. This was influenced by both the statutory requirements of the agency and the nature of the complaint being reported. This was also a similar issue with timeliness, with considerable variations described.

Confidentiality

Few agencies had considered issues of confidentiality in regards to complaints management for children and young people, with most stating that their standard confidentiality arrangements applied to all complainants. Children and young people often cite concerns about confidentiality as reason for not raising complaints and it is important that agencies consider the implications of confidentiality in relation to children and young people, particularly in regard to parental consent requirements, and that this matter is communicated effectively to children and young people.

Accountability and continuous improvement

Most agencies had established processes for reviewing complaints at a senior management level. In regards to children and young people this was hampered by a lack of separate data to note any particular issues or trends.

There is a relatively high rate of inclusion of children and young people in client satisfaction surveys. Such surveys can provide an opportunity for children and young people to raise issues of importance to them without the formality of making a complaint. It also provides children and young people with an important message of their recognition as service users.

Training needs and resources

Agencies clearly appreciated the opportunity to consider examples of work other organisations had undertaken to improve their complaints systems for children and young people. Opportunities to engage in training and providing some template documents were also considered helpful. Continuing to build the examples available on the Commissioner's website is a key strategy for assisting agencies.

Summary

The survey has provided some valuable information on the status of agencies complaints systems and their accessibility and responsiveness to children and young people. It is difficult to assess trends in actual complaints due to the limited data available and caution needs to be used in interpreting the increased numbers of complaints between the 2010 and 2013 surveys.

Feedback from agencies also indicates that they value opportunities to learn from examples of what is being done in other agencies and to participate in training events.

A number of agencies are implementing additional strategies to improve their recognition of children and young people as service users and ensure that they obtain their feedback and facilitate their ability to make complaints where necessary. It is evident from the increased number of complaints and feedback these agencies receive, both directly and indirectly from children and young people, that these strategies make a difference and allow children and young people to have their say and be heard as users of services that impact directly on their lives and wellbeing.

Appendix 1

Art Gallery of Western Australia
Corruption and Crime Commission
Department of Aboriginal Affairs
Department for Child Protection and Family Support
Department of Corrective Services
Department of Commerce
Department of Culture and the Arts
Department of Education
Department of Education Services
Department of Housing
Department of Health
Department of Local Government and Communities
Department of Parks and Wildlife
Department of Planning
Department of Sport and Recreation
Department of Transport
Drug and Alcohol Office
Disability Services Commission
Equal Opportunity Commission
Health and Disability Services Complaints Office
Legal Aid Western Australia
Mental Health Commission
Office of the Information Commissioner
Office of the Inspector of Custodial Services
Ombudsman of Western Australia

State Library of Western Australia

Western Australian Museum

Western Australia Police