



Commissioner for Children and Young People
Western Australia

Monitoring of complaints systems

August 2019

Recognising Aboriginal and Torres Strait Islander people

The Commissioner for Children and Young People WA acknowledges the unique contribution of Aboriginal people's culture and heritage to Western Australian society. For the purposes of this report, the term 'Aboriginal' encompasses Western Australia's diverse language groups and also recognises those of Torres Strait Islander descent. The use of the term 'Aboriginal' in this way is not intended to imply equivalence between Aboriginal and Torres Strait Islander cultures, though similarities do exist.

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“A... way to improve [your complaints process] is to write repeatedly that complaints and feedback are welcome and will be listened to and improvements will be made to a service, product or organisation.” 13 year-old

Introduction

The Commissioner for Children and Young People in Western Australia (the Commissioner) has a statutory responsibility to monitor the wellbeing of children and young people under the age of 18 years in WA. The functions of the Commissioner as set out in the *Commissioner for Children and Young People Act 2006* include two that are directly related to complaints made by children and young people:

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.

This report provides information on the activities undertaken by the Commissioner during 2018–2019 to meet these responsibilities.

Child-friendly complaints systems

Complaints systems are a fundamental part of ongoing organisational development to meet the needs of an organisation’s intended consumers. Receiving complaints can have very positive outcomes for organisations, they can identify vital areas for service improvement, challenge the status quo or how things are done, test internal systems and processes, keep senior management informed about service issues important to consumers and provide a catalyst for positive changes. They are also an important mechanism for improving consumer communication, correcting mistakes and for protecting people from abuse and mistreatment.

It is a requirement of the Western Australian Public Sector Commissioner’s Circular 2009-27¹, issued in March 2004 and last reviewed in July 2018, that all government agencies review their complaints management processes against AS/NZS 10002:2014 and determine what action is needed to meet or exceed the Standard.

This Standard sets out a range of guiding principles such as: people focus; visibility and transparency; accessibility; responsiveness; objectivity and fairness; communication; empowerment of staff; and continuous improvement.²

Attendance to these guiding principles within the Standard does not automatically equate to the complaints systems being child-friendly. It is recognised that children and young people experience significant unique barriers to using complaints systems

and therefore additional strategies are required to make complaints systems accessible and responsive to children and young people.

In the past decade the Commissioner has undertaken extensive work to build the understanding in organisations, in the community and among children and young people of the rights of children and young people to speak up and make complaints, and to build the capacity of organisations to tailor and improve their complaints systems to meet the needs of children and young people.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) has also recommended that all organisations who work with children and young people adopt child safe approaches. Child safe and friendly organisations establish mechanisms for listening to children and young people about all types of concerns or complaints. These may include issues or problems with equipment, facilities, activities, services, the behaviour towards a child, or between children, as well as responding to disclosures or suspicions of harm or abuse.

In responding to the recommendations of the Royal Commission, National Principles for Child Safe Organisations were agreed to by the WA Premier and the Council of Australian Governments in February 2019³. Each of the 10 principles are essential for organisations to attend to and implement. Principle six states 'processes to respond to complaints and concerns are child focused'.

A complaints system that is not informed by the needs of children and young people, or the principles of a child safe organisation is unlikely to be effective for them. A child-friendly complaint system must provide children and young people with a variety of safe ways to share concerns; respond appropriately to any complaints, disclosures or suspicions of harm; and review all complaints from children and achieve systemic improvements. In practice this means:

Provide children and young people with a variety of safe ways to share concerns.

- Leaders create an organisational culture where the barriers children experience in making complaints are understood and overcome.
- The complaints system is easily accessible and is understood by children, young people, families, staff and volunteers.
- The complaints policy clearly outline roles and responsibilities, and approaches to dealing with different types of complaints.
- Children and young people and their families are empowered to speak up if they have a problem, concern, need help or are not feeling safe.
- The differing developmental needs, cultures, lives and identities of children and young people are considered with flexible and supportive options for sharing concerns being made available.
- Advocates and peers are supported to assist children or young people in making complaints.

- Staff and volunteers are proactive in checking in with children and young people.

Respond appropriately to all complaints, disclosures or suspicions of harm.

- Staff and volunteers are trained and feel confident to respond sensitively to all types of concerns including disclosures of harm.
- Complaints are listened to respectfully, taken seriously and the boundaries of confidentiality carefully explained to avoid breaches of trust.
- Complaints are responded to impartially and with objectivity. Information is shared appropriately with the primary consideration being the safety and wellbeing of all children who may be involved in a complaint.
- Communication with parents/carers of the child who has made the complaint is clear and support is offered, including connecting them to support services to assist them in navigating the service system.
- Fairness is afforded to the person about whom the complaint has been made and privacy and legal obligations are met. Support for the person and their family is offered particularly when the person about whom the complaint is made is also a child.
- Efforts are made to restore or preserve relationships between the child, family and organisation while a complaint is being reviewed or investigated. This includes checking in, providing any information that is possible, updating timeframes, reoffering support options and agreeing on any possible interim actions.
- Information is given to all children, young people and their families involved in a complaint about the role of external bodies or avenues for independent review or appeal.
- Recordkeeping of complaints meets best practice principles and children and young people and their families are informed about the records, what is kept, for how long, and how they can access records, including in the future.

Review all complaints from children and achieve systemic improvements.

- Organisations demonstrate complaints are taken seriously by determining a fair remedy appropriate for each complaint, using complaints to inform continuous improvement and informing children and young people about the ways in which services, activities, or the behaviour of others have changed, because of children speaking up.
- Feedback is sought from children and young people who use the complaints process about the process itself and how it can be improved.

More information on the elements of a child focused complaints system is included in Table B in the Attachments.

Monitoring of complaints systems

Consistent with its statutory functions, the Commissioner's office has previously surveyed government agencies in relation to their complaints systems and the complaints they have received from children and young people in 2010, 2013 and 2015.

These surveys relied on self-reporting by agencies about the accessibility and responsiveness of their complaints systems to children and young people, the nature of complaints they received from and on behalf of children and young people, and their awareness of and use of the Commissioner's guidelines and resources.

In 2010 it was found that agencies generally had a high standard of complaints handling processes, but few made special provision to address the barriers particular to children and young people, or could report separately on complaints made by children and young people.

Responses to the 2013 survey showed some improvement in the number of agencies recognising children and young people as service users and making provision for them in their complaints processes.

In 2015, 90 per cent of agencies reported they had documented complaints policies and procedures, however, only 40 per cent of these identified children and young people as complainants and about half of the agencies recorded the number of complaints from children and young people. Just over 40 per cent of agencies stated they provided some additional steps and support to encourage children and young people to make complaints.

In July 2017 the government announced public sector renewal changes including changes of duties for some agencies and amalgamation of others. In light of this announcement the Commissioner wrote to government agencies postponing the scheduled complaints monitoring survey for one year and encouraging agencies to utilise the Commissioner's child-friendly complaints guidelines and the Child Safe Organisations WA resources released in 2016 to ensure their systems are accessible and responsive to the needs of children and young people.

Complaints monitoring survey 2018

The monitoring survey questions for 2018 were revised to more directly reflect the core components of a child-friendly complaints system outlined in the Child Safe Organisations WA resources, particularly the Guidelines and Self-Assessment and Review Tool which are consistent with the work of the Royal Commission.

Due to the changes made to the survey questions and to government agency structures since previous surveys, most results are not directly comparable to the Commissioner's previous complaint monitoring reports.

Additional activities were also undertaken as part of the 2018 monitoring process, these included:

- a review by the Commissioner's office of agency websites for information about their complaints systems
- a review of publicly available complaints policies and
- a workshop with children and young people to test information about complaints found on agency websites.

Trends in complaints from or on behalf of children and young people

A child-focused complaints system reviews all complaints to achieve systemic improvements.

In 2018, the Commissioner invited 27 government agencies to complete a survey on their child-friendly complaints systems.

A total of 16 agencies (46%) reported that they recorded the number of complaints received from, or on behalf of, children and young people. Of these 16 agencies in the 2017–18 financial year:

- nine agencies reported they received a total of 1,169 complaints either from or on behalf of children and young people
- four agencies received no complaints from children and young people
- one agency did not provide the number of complaints received
- 374 complaints were received directly from children and young people (with the number of complaints to an individual agency ranging from 1 to 320)
- 776 complaints were received on behalf of children and young people (with the number of complaints to an individual agency ranging from 2 to 293 complaints)
- one agency received 19 complaints about children's issues but did not distinguish if they were made by children or on behalf of children.

The 2018 data indicates that of the 1,169 complaints collated by 12 government agencies, 592 were to the (then) Department of Child Protection and Family

Support⁴, 315 to government health service providers, 123 to the Ombudsman and 89 to the Health and Disability Services Complaints Office (HaDSCO). Four agencies that collate data had no complaints and the remaining 50 complaints were across six government agencies.

Fifty-four per cent of agencies indicated they do not record the number of complaints they receive from, or on behalf of children and young people.

Across all respondents only four (11%) said that complaints received from, or on behalf of, children and young people are analysed separately from complaints concerning adults, two agencies said this could be done if required, and 57 per cent of respondents said all complaints were analysed together. Depending on how thorough and reflective each of these approaches are, it may be the majority of organisations could be missing significant feedback from children and young people in their review mechanisms. The remaining agencies indicated it was either not possible to analyse complaints from children separately, complaint information is not analysed at all, or they did not answer the question.

The number of complaints recorded as directly from children and young people has increased from 47 complaints in 2013 to 170 in 2015 and to 374 in 2018. This is largely due to a change in the recording system within the Department of Child Protection and Family Support made prior to the 2015 survey which allowed complaints made by children and young people directly to be separated from complaints made on behalf of children and young people. The 320 complaints to the Department of Child Protection and Family Support directly from children and young people in 2017–18 were made to the Advocate for Children in Care via phone, email and Viewpoint, an electronic questionnaire.

The Department of Health Complaints Management Policy 2015 requires individual health service providers to establish complaints mechanisms. The data on the number of complaints provided by this department does not include private contractor facilities providing publicly-funded services. The data was drawn from the complaint management system used by the five health providers who recorded 318 complaints involving children and young people, 22 of which were made directly by a child or young person.

The Ombudsman and HaDSCO each have mandates to respond to complaints from community members, including children and young people, about other government agencies. The Ombudsman received 101 complaints on behalf of children and young people, and 22 complaints directly from young people in the 2017–18 financial year. In the same period, HaDSCO received 84 complaints on behalf of children and young people and five complaints directly from young people.

The remaining six agencies to provide data on the number of complaints received in 2017–18 received 50 complaints, 26 on behalf of children and young people, five

from children directly and for 19 complaints it is unknown if they were direct or on behalf of children and young people.

Most agencies reported that the ages of complainants or subjects ranged up to 18 years, however, did not differentiate further. The youngest complainant specifically recorded was five years old.

The subject matter of complaints varied, as would be expected from the range of agencies involved. Complaints generally related to matters including education, accommodation, health and recreation, reflecting similar concerns to the 2013 and 2015 surveys. Complaints included:

- concerns about treatment by professionals, communication, being heard, getting information, attitude/manner, a failure to listen
- action of agencies and appeal processes, inadequate treatment, the quality of clinical care, placement arrangements and quality of care
- universal accessibility, customer services, costs and financial assistance
- availability of services and agency processes and procedures
- services provided, injuries, updating of products and information.

Complaints system monitoring

Self-reported compliance with child-focused complaints systems

All 27 government agencies invited to participate in the 2018 survey provided a response. Three agencies submitted multiple responses: two organisations have amalgamated their agencies, however, the complaints systems within these agencies are still functioning separately; and one agency submitted five responses reflecting their organisational structure. In total 35 surveys were received.

The agencies were in key service provision areas for children and young people, including health, education, justice, child protection and housing, as well as others with a broader scope, such as culture and the arts, sport and recreation, transport and planning.

Positive responses within the survey are largely attributable to agencies meeting the Australian Standard for complaints mechanisms than to specific efforts to tailor their mechanisms to children and young people. While the Standard has a people focus and requires organisations to ensure that their complaints management system is accessible to everyone, particularly people who might require assistance, children and young people are not mentioned in the Standard document until the guidance on accessibility in the Attachments.⁵

Agencies were asked if their agency complaints document explicitly identify children and young people, or adults acting on their behalf, as complainants – 58 per cent of agencies answered no.

Further, when asked about external contracting arrangements, 21 agencies reported contracting arrangements with external agencies for the delivery of services to children and young people. Of those that do contract services, 60 per cent required the contracting organisation to establish a complaints system however only four agencies included specific reference to children and young people within the complaints systems in their contracted agencies. Six agencies require contracted organisations to report back on complaints from children and young people.

Agencies were provided with the Royal Commission expectations of a child-focused complaints system, the Royal Commission stated in Child Safe Standard Six:

“A child safe institution has clear and detailed policies and procedures about how to respond to complaints. Staff and volunteers understand their responsibility for making a complaint promptly if they become aware of concerning behaviours, as well as their reporting obligations to external authorities. Complaint processes ensure procedural fairness for those whose interests are likely to be affected, have review mechanisms, and ensure any disciplinary action that is taken withstands external scrutiny in accordance with relevant employment law and other employer responsibilities.”⁶

Agencies were asked if their organisation had a child-focused complaints policy and procedure document, 74 per cent of agencies answered no.

Responses to other questions further suggest improvement in child-focused strategies within organisations are needed:

- Only seven agencies (20%) reported they undertake face to face activities to inform children and young people about their complaints process.
- Only five agencies (14%) clearly outline ways in which support and assistance is provided to children and young people in their complaint process.

Responses related to organisations appropriately responding to any complaints, disclosures or suspicions of harm from children and young people were mixed:

- Sixty per cent of agencies indicated that staff receive frequent supervisory support so they can discuss their responsibility for the safety of children and raise any concerns about the complaints process. This is a positive finding, all staff and volunteers should be clear about their reporting requirements and the complaints process and should feel confident in responding to all types of concerns from young people including disclosures of harm.

- Supervisory support is particularly important as only 11 agencies (31%) indicated that all staff and volunteers have the knowledge, skills and attitudes to effectively respond to complaints of child sexual abuse.
- The person who receives complaints is trained in working with children and young people in only 34 per cent of agencies. No information was sought on the type of training these staff have, comments made in survey responses suggest this training or skill level is variable, for example responses included: 'some sections of the agency only'; 'some staff have inherent skills'; or 'specific staff are trained'.

"By making sections on their websites where people can lodge complaints this process would be so much easier for people. Most people would prefer this process because some people would like to stay anonymous or wouldn't like to go in and make a complaint. This process would be especially easy for kids because sometimes they can't go in and make a complaint or they feel intimidated." WA young person

External review of complaints systems

In addition to the self-reporting survey findings, the Commissioner's office undertook an external review of agency website information on complaints systems and facilitated a focus group review by children and young people.

Website reviews

For the first time as part of the complaints monitoring process, the websites of all government organisations participating in the survey were reviewed. A total of 32 websites were part of this review as some agencies have more than one access point for the general public⁷.

As part of the self-reporting survey, agencies were asked a number of questions that elicited responses about their websites:

Question: Does your agency make its complaints systems visible to children and young people?

Of the 35 responses, 28 answered yes (83%), five answered no and two did not respond to the question. Of the 28 who answered yes and provided more detail in the comment area, 65 per cent of them indicated they did so by providing information on their website.

Are the policies and procedures accessible to all children and adults who may have varying communication and support needs?

Sixty-six per cent of agencies said yes. Examples included 'our website says upon request alternative formats provided' and 'youth space on website'.

Are there online environments to help children make a complaint safely?

Eighty per cent responded yes, eight per cent responded no, and three did not respond to the question.

In order to assess the accessibility of information provided to children and young people on the websites, a review was undertaken by staff of the Commissioner's office and by a group of eight young people aged 11 to 16 years.

Both staff and the young people were asked to find out how to make a complaint to an agency based on website information and to download a complaints policy if it was available. The following table is a summary of the findings of the review by staff of the 32 websites.

Website review of government agency complaint information, as at January 2019		
Contact Us is the main platform used for the public to provide or seek information, feedback, compliments, complaints	Yes Other mechanism No mechanism	23 (72%) 5 4
Complaint information could be found using search function	Yes No	10 22 (69%)
Specific information for children and young people about making a complaint	Yes: Easy to find Yes: Hard to find No	0 4 28 (87.5%)
Information on website could be understood by families and carers <i>(NB some adults may need assistance)</i>	Yes	100%
Accessibility options <i>(NB most sites had an Accessibility tab and stated they either meet or are aiming to meet the WA Government Web Content Accessibility Guidelines 2.0 Level AA. Options offered varied and included: changing text size, voice recorded information, different languages, access to phone/typewriters)</i>	Accessibility tab At least 1 option 2 options 3 options	27 27 8 2
Specific offer on website of additional support to anyone who needs it to make a complaint	Yes No	7 25 (78%)
Age of complainant clearly sought on the website or form <i>(ie. complaints from children or young people could be clearly identified if collated)</i>	Yes No	5 27 (84%)
Clear information about the complaints process itself <i>(ie. timeframes, who deals with complaints, process of review)</i>	Yes No Some only	4 19 (59%) 9 (28%)

Complaints policy could be downloaded	Yes	10
	No	22 (69%)
Complaints policy is child-friendly (10 policies found)	Yes	0
	No	10 (100%)

Accessibility

Sixty nine per cent of agencies in the survey indicated their website was the main method used to promote their complaints system to children and young people.

Of the 32 websites reviewed only four were found to have content about complaints specifically designed for children and young people. The majority of agencies rely on a feedback mechanism under the About Us or Contact Us tab on their website as a way to make a complaint. Sometimes it is not clear that a complaint is welcomed through this mechanism or detail on how a complaint will be responded to is not provided.

In general it was felt that most adults could understand the complaints information on websites although there was great variability in language used from plain English, for example “you can comment on or complain about the service you received by speaking directly to us” to bureaucratic “if you believe your problem or dissatisfaction can be resolved by talking with a departmental representative, visit or contact your local office to discuss the issues and come to an agreement you are both satisfied with.”

Options for information in multiple languages were available on some websites. While most parents and carers may be able to find this information and/or persist and use an accessibility option if they need assistance, this does not equate to the information being readily accessible and understandable information to children and young people.

Only seven out of the 32 agencies made an explicit offer on their website of assistance to anyone who needed help to make a complaint.

Two agencies have clear specific information for young people on their websites. In one instance the information has been adapted in one section (where the agency assists young people to complain about the services of other organisations) but not in the section of the website about making complaints about their agency’s own services. The other agency provided information and advocacy for a major cohort of children in their service, but it is not clear how children and young people receiving other services from the agency may make a complaint.

Complaints policy

Each of the 32 websites was searched for a complaints policy, either through the Contact Us process and/or the search mechanism. A policy could be downloaded from 10 agencies.

In using the standards set within the Child Safe Organisation WA Guidelines⁸ and Self-Assessment and Review Tool⁹ (2016) and by the Royal Commission the following features were sought to classify a policy as child-friendly:

- Identifies children and young people explicitly.
- Outlines approaches to dealing with different types of complaints.
- Identifies children and young people making complaints about other children and young people.
- Advises children and young people of their further right of review.
- Specifies how children and young people will be informed about the complaints process.
- Outlines ways in which support and assistance are provided to children and young people who make complaints.
- Informs parents, guardians and carers of children and young people who are the subject of a complaint of the progress and actions of the complaint handling process, where appropriate.
- Notes the person who receives complaints will be trained in working with children and young people.
- Is accessible to those with communication and support needs.
- Reflects need for complaints process to be culturally safe, and cognitively and developmentally appropriate.
- Complaints received from, or on behalf of, children and young people are analysed separately from complaints concerning adults.

In reviewing each of the 10 policies, none were considered to have most or all of the above inclusions.

It is acknowledged in reviewing website content and policies that failing to find information does not immediately indicate that child-friendly complaints processes are not in place within agencies. It is evidence only that a policy or clear information could not readily be found by an external professional.

Complaints systems review by young people

As part of the 2018 review process, young people were invited to be involved in a workshop to discuss complaints processes and review complaints systems information. The Commissioner sought their input to provide added insights to the website reviews carried out by office staff, and also to explore ways in which children and young people can potentially be involved in monitoring activities and in making suggestions for improvements.

A group of eight young people aged 11 to 16 years were involved in three activities in January 2019. The group of young people were diverse in gender, none had difficulty with reading or speaking English, nor had any apparent physical or cognitive disability. Two of the young people identified as Aboriginal.

Activity One: Review of Resource - Top tips for making a complaint

This activity involved discussion and information about making a complaint to provide context for subsequent activities. The young people reviewed the Commissioner's resource [Top tips when making a complaint](#)¹⁰ This resource outlines six tips and ideas for young people (and their parents or advocates) when they are seeking to make a complaint.



The six tips for young people (and/or their parents or advocates) when making complaints are:

1. Get support: ask someone you trust to help you.
2. Find out how: what are the different ways you can complain?
3. Plan what you want to say: what you are not happy about and how it has affected you.
4. Be calm and ask questions: What will happen next? When will you hear? Will it be kept private? What is the next step if you are still not happy?
5. Keep notes: these will help you remember things, note down who you talk to and what they promise to do.
6. Keep at it: don't be afraid to complain further if things are not resolved fairly or you are still unsafe.

The workshop participants agreed that generally they would follow Tip 1 and get someone to help them if they needed to speak up about something. Younger children in the group said they would talk to their parents if they needed help with something and made the following comments:

"Children might want support from their parents."

"I would approach my school leader or speak to my parents to make a complaint."

"Complaints are generally more safer and easier to make online rather than in person or on the phone."

"Anonymous complaints will be safer for children who are scared of getting in trouble."

When reviewing the top tips information sheet the young people said:

"There is enough information on the tips sheet and it was interesting."

"The information is easy to understand."

"It is very helpful."

"It helped me understand how to make complaints."

They found Tip 4: Be calm and ask questions as the most helpful tip with one of the young people who had experience of making a complaint saying:

"I didn't know that I could ask questions."

Two participants, both aged 16, described their experiences of making a complaint and what that had been like for them. The two young people had made very different types of complaints:

A complaint about racist language - help was sought from the school counsellor:

"The principal made me feel safe and comfortable, I had support from someone at school and from my family and I never had to have that teacher again."

A complaint about a product - an online feedback form was used:

"They did reply but it was very 'robotic' with how they wrote back so I don't think they really took my complaint into account."

All of the young people were very positive about the Commissioner's complaint resources and made no suggested changes to the text. It was noted by the Commissioner's staff that the younger children did not seem to read all the text, just the headings.

Activity Two: Finding out how to make a complaint

This activity involved the young people trying to find information from agency websites about making a complaint, actioning *Tip Two: Find out how*. The Commissioner's staff observed their efforts and asked the young people questions while they were searching or when they found information. Prompt questions included:

- It is easy to find the information?
- Do you understand the information?
- Does it tell you different ways you can make a complaint?
- Is it clear who is responsible for the complaints?
- Is there enough information or too much?
- Do you have questions after reading the website?
- How could they improve the information?
- Would you be encouraged to make a complaint or talk up about something by the website information?

The participants reviewed their own school websites, websites of organisations they attend (out-of-school care, sport clubs) and some government services. The Commissioner's staff observed that navigating most websites required a lot of persistence from the young people before they could find anything about complaints, and that the young people did not intuitively use search boxes or bars. They were seen to scroll over feedback links and tabs, not considering them as potential links to complaints sections.

Of the websites none of the participants found any specific information that related to children and young people about raising concerns and complaints. This included the five different school websites, and one government agency that does specifically have information for children on its website two clicks from the home page.

The experiences of young people in the workshop confirmed the findings of the website reviews conducted by the Commissioner's team. While the majority of government agencies stated that information is accessible to children and young people via their website, the content usually relies on feedback mechanisms from the 'About Us' or 'Contact Us' tabs. The young people participating in this activity primarily did not use these tabs to look for information.

The below feedback from young people has been collated under two key areas.

Finding information

"Most of the websites didn't have a page for complaints, just had contact us."

"Complaints should have a separate and clear section on the websites."

"If it is put under the Contact Us page, complaints information and forms should be clearly labelled."

"They had the compliments and complaints in the same box and I think they should be separate, otherwise you could get confused."

"There should be information on where to complain as well as how to complain."

"Websites should be easy to navigate."

"Some websites were easy to navigate however there was no complaints information."

"There is no clear information on complaints or how they are processed once received."

"The form asks for personal address of the person making the complaint which can be scary for children to do."

"It doesn't say who you will be talking to when you make a complaint."

Understanding complaint information

"It would help to have a step-by-step information on how to complain."

"Live support online can be used as a tool to help people navigate the website and complaints information."

"Complaints information and forms don't have to be specially made for children but they should just be clear and easy to understand."

"They had a pdf link about complaints and other services you can call like helplines or police, which I think is very good."

"There was too much information and I felt like it was dull."

"They had complaints they can't deal with and I thought that was good."

"It had good information about how to make a complaint. It gave you different options of other places if you weren't happy."

"Easy to find website, does have numbers and emails and an enquiry page and addresses. The information is more adult directed, so if I was going to make a complaint I wouldn't come here. It doesn't state anything about who handles complaints or when they will be met as all other websites at least say when the complaint will be replied to."

The children and young people involved in the workshop provided clear and considered insights into making information accessible and readily understood. In empowering children and young people to share their experiences and views, to

describe what helps them to make complaints, what information they need and how that could be made available to them, the young people reported that they felt more confident to use complaints systems in the future.

The children and young people in the workshop also demonstrated a clear interest and capacity to be involved in reviewing and monitoring functions, particularly within a well-structured environment and with appropriate support and information.

As noted within the Commissioner's participation guidelines¹¹, taking the time to involve children and young people in the review of current information and processes, and in planning improvements is important – it empowers the children and young people involved and provides a wealth of information that can be utilised by agencies to enhance their practices.

It also demonstrated clearly the benefits of creating opportunities for young people to meaningfully contribute to policy and service development.

Findings

The 2018 review of complaints mechanisms for children and young people within government agencies in WA is sobering. There has been what can be only described as a small or mild self-reported improvement in most agencies in the decade since the introduction of the *Are you Listening? Guidelines*¹² in 2009. A small number of agencies have made more substantial improvements in this time, with these improvements largely occurring between the 2010 and 2015 surveys.

1. Only 26 per cent of the participating government agencies describe their complaints policy as child-focused and only 42 per cent of the agencies report that children and young people are specifically mentioned in their standard complaints policy. All agencies required to comply with child safe recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse will need to develop a child-focused complaints policy.
2. Implementation of the child-focused complaints policy will require particular attention to improving accessibility of mechanisms to make a complaint, additional training of staff to ensure appropriate responsiveness to receiving and responding to complaints, and how children and young people can be better supported to make a complaint or provide feedback on services and issues that concern them.
3. Consideration of the particular needs of children and young people who may not have a parent or trusted adult who can advocate on their behalf is critical for those agencies working with vulnerable children and young people.

4. Recording and reporting on complaints received from children and young people is an area in need of urgent attention. Organisations should be in a position to report on the number of complaints received from children and young people and to articulate how these complaints are reported on internally, considered by senior leaders and used as part of the continuous improvement processes.

It is challenging for organisations to provide a child-focused complaints system, one that responds to all types of feedback and concerns raised by children and young people, that is sensitive to their developmental stages, diversity and preferred ways of seeking help or speaking up. However it is possible, and many guidelines and examples of good practice exist.

Organisations must identify and address barriers children and young people have in talking about and making complaints, be responsive to what they have to say, take them seriously and address their needs. The complaints systems and the professionals within the organisation need to be proactive, well-prepared and confident to respond to any type of complaint from a young person in a supportive and proportionate way.

Concluding comments

The Royal Commission found that since the first nationally-agreed framework to promote child safe organisations in Australia was released in 2005¹³, approaches to child safety in institutions (including child-friendly complaints mechanisms) at the national, state and territory, and sector levels have varied in scope and content. Therefore in 2017 the Royal Commission recommended national child safe standards that are mandatory for institutions that engage in child-related work and that these standards be embedded in legislation¹⁴ and be monitored in order to drive cultural change.

The Commissioner's own efforts to promote child friendly complaints mechanisms since 2009 and monitoring the way in which a government agency investigates or otherwise deals with a complaint made by a child or young person concur with these findings of the Royal Commission. The Commissioner supports the need for more capacity building of organisations in this area, accompanied by firmer oversight and monitoring of complaints processes to ensure they become child focused in principle and in practice.

The WA Government has accepted the recommendations of the Royal Commission and has commenced planning for their implementation. The move towards mandated standards and monitoring of these by an oversight agency will be the catalyst for much-needed enhancement of complaints processes within agencies to ensure they are child-friendly.

The Commissioner will continue to support organisations in WA to improve their child-safe practices and child-friendly complaints mechanisms. The Commissioner's actions include:

1. Providing individual agencies who participated in the 2018 survey with
 - individualised feedback on their survey responses and the observations of the website review
 - feedback from children and young people on website information
 - the Child-Focused Complaint Handling table (Attachments - Table B) in this report. The table collates information from the *Are you listening*¹⁵ guidelines, the Child Safe Organisations WA resources and the work of the Royal Commission to bring together the broad strategies involved in building a responsive and child-friendly system that is proactive and encourages children to express their concerns and that is robust and responsive to all complaints including the most serious such as any type of harm a child or young person experiences.
 - the *Top tips for making a complaint* resource for children and young people as a tool for organisations to provide their young service users.
2. Promoting on the Commissioner's website examples of positive practices that have been implemented in agencies, including not-for-profit agencies, federal government agencies or agencies in other state and territory organisations.
3. Consulting with organisations to identify other strategies to support their efforts to improve their complaints systems.

Organisations that utilise the Child-Focused Complaint Handling table and make changes to their complaints system will be well placed to meet the National Principles for Child Safe Organisations WA Principle Six: processes to respond to complaints and concerns are child-focused.

The Commissioner will continue to work with the WA Government to plan for future monitoring of all of the child safe principles embedded with the agreed National Principles for Child Safe Organisations WA, including specifically complaints systems given the Commissioner's statutory obligations in this area.

The Commissioner anticipates future monitoring of complaints mechanisms by the office will move away from the self-report survey responses from agencies to a more detailed and robust process that:

- examines and tests the child focus of each complaints system
- is inclusive of children and young people in the monitoring process
- seeks feedback from children and young people about their actual experience in speaking up about concerns to organisations
- reviews the timeliness of complaints processes

- assesses the appropriateness of responses to different types of complaints
- reviews the remedy or responses to complaints and involvement of children and young people in these
- examines processes for children and young people who seek further review of their complaint and their experience of those systems
- seeks evidence of how complaints are used in continuous improvement processes of organisations
- examines the specific data kept on complaints from children and young people or those made on their behalf
- considers how complaints mechanisms contribute to making organisations and children and young people safer.

“Make it more apparent. Make the complaint forum/section obvious to the user and draw attention to it instead of hiding it from users under the Contact Us section.”

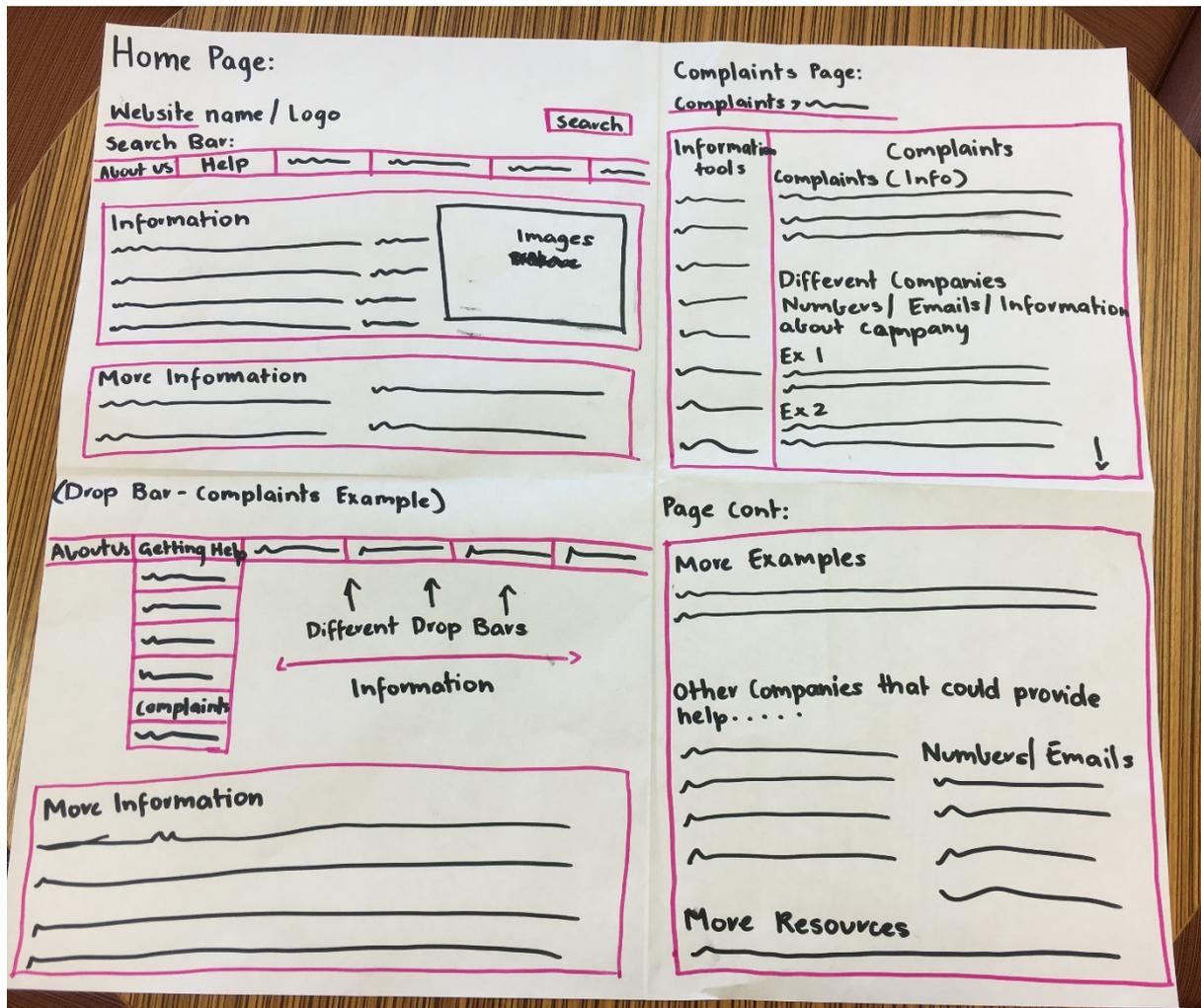
“Organisations should have a way to complain on their websites as some young people might want to be anonymous.”

“Organisations can improve by having their websites improve their complaints department, by having a page especially designed for complaints and having this link on their homepage in large fonts. Another way to improve is to write repeatedly that complaints and feedback are welcome and will be listened to and improvements will be made to a service, product or organisation.”

“Let them know which area to contact and how to contact e.g. email, text.”

Comments by WA young people involved in website review

This young person designed a webpage, with headings for information to be clearly displayed, as part of their feedback to the Commissioner.



Attachments

Table A

List of participating agencies in 2018 survey

Art Gallery of WA
Children's Court of WA
Corruption and Crime Commission
Department of Biodiversity Conservation and Attractions
Department of Communities
Department of Education
Department of Fire and Emergency Services
Department of Health
Department of Jobs, Tourism, Science and Innovation
Department of Justice
Department of Local Government, Sport and Cultural Industries
Department of Planning Lands and Heritage
Department of Training and Workforce Development
Department of Transport
Equal Opportunity Commission
Family Court of WA
Health and Disability Services Complaints Office
Legal Aid Commission of WA
Mental Health Commission
Office of the Chief Psychiatrist
Office of the Director of Public Prosecutions
Office of the Information Commissioner
Office of the Inspector of Custodial Services
Ombudsman Western Australia
State Library of WA
Western Australian Museum
Western Australian Police

Table B

Child-Focused Complaint Handling Core Components 2019	
Strategies to encourage and respond to complaints	<p>A. Provide children and young people with a variety of safe ways to share concerns.</p> <p>B. Respond appropriately to any complaints, disclosures or suspicions of harm.</p> <p>C. Review all complaints and achieve systemic improvements.</p>
A. Provide children and young people with a variety of safe ways to share concerns.	
Leadership, governance and culture	<p>Leaders create and maintain an organisational culture where:</p> <ul style="list-style-type: none"> • the prevention of child abuse is the responsibility of all staff and volunteers • children, parents, carers, staff and volunteers, feel confident to safely discuss any child safety concerns. ¹⁶ • barriers children experience in making complaints are understood and overcome. ¹⁷ <p>Organisations should have a clear code of conduct that:</p> <ul style="list-style-type: none"> • outlines behaviours towards children that are unacceptable, including concerning conduct, misconduct or criminal conduct • requires staff to report any concerns, breaches or suspected breaches of the code to a person responsible for handling complaints in the institution or to an external authority when required by law and/or the institution's complaint process • outlines the protections available to individuals who make complaints or reports in good faith. ¹⁸
Empowering children to participate and involving their families	<p>Children and young people know it is their right to feel safe at all times, and that the organisation has a responsibility to promote their safety and wellbeing. Organisations do this by:</p> <ul style="list-style-type: none"> • building children and young people's confidence and assisting them to develop skills in participation and speaking up • identifying any barriers experienced by vulnerable children and young people, such as those with a disability, gender diversity, Aboriginal children and young people or from culturally and/or linguistically diverse backgrounds, in residential or care settings and those who have experienced trauma, and by developing and implementing strategies for promoting the empowerment of these children • encouraging children and young people to speak up if they have a problem, concern, need help or are not feeling safe and ensuring they are clear about the ways they can do so • providing education such as child sexual abuse prevention programs to empower children to speak up and to persist in talking to safe adults about any concerns • involving children and young people in the design of complaints processes and options, website information, or written materials/posters

<p>Prepared workforce</p>	<ul style="list-style-type: none"> • seeking feedback from children who use the complaints process about the process itself and how it can be improved. <p>Professionals are adequately informed and able to identify risk factors for child abuse, to recognise harmful sexual behaviours in children and young people and unsafe behaviours by staff and volunteers. Staff:</p> <ul style="list-style-type: none"> • understand the different ways children and young people express concerns or distress such as changing their behaviour or circumstances • are proactive in checking in with young people and making sure they are able to raise issues • discuss and invite feedback and complaints with young people • are trained and feel confident to respond to all types of concerns from young people, including disclosures of harm • are clear how informal concerns and complaints contribute to and link to the formal complaints processes • are clear about their own obligations to raise concerns and make reports within their organisation.
<p>Policy and processes</p> <p>Clear accessible system</p>	<p>The core components of a complaint handling policy in child safe organisations are:</p> <ul style="list-style-type: none"> • a child-focused complaint-handling process that is understood by children, young people, families, staff and volunteers • an effective policy and procedures which clearly outline roles and responsibilities, and approaches to dealing with different types of complaints, and covers: <ul style="list-style-type: none"> ○ making a complaint – including anonymous and historical complaints ○ responding to a complaint ○ investigating a complaint ○ providing support and assistance ○ resolving the complaint and providing feedback ○ achieving systemic improvements following a complaint • all complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met. <p>The organisation:</p> <ul style="list-style-type: none"> • provides information about its complaint handling process, including how to make a complaint and what to expect • provides information in accessible, age-appropriate and meaningful formats to children and families, mindful of their diverse characteristics, cultural backgrounds and abilities • ensures children understand the code of conduct for staff, volunteers and rules of behaviour for other young people in the organisation and children know they should be speak up if these are not met • offers a variety of avenues for children to make complaints • has an open culture that supports safe disclosure of risks of harm to children.

	<p>Children and young people are aware they may speak up or make complaints about:</p> <ul style="list-style-type: none"> • equipment, facilities, activities, services (problems with these, or lack of these) • the way they are treated by other children and young people, including bullying or being hurt in any way • behaviour online (cyberbullying) or feeling unsafe online (being approached for special favours or relationships) by adults or other young people • the way they are spoken to or treated by adults in the organisation • the behaviour of an adult towards themselves or other children and young people.
B. Respond appropriately to any complaints, disclosures or suspicions of harm.	
Appropriate responses to all types of complaints	<p>Staff and volunteers:</p> <ul style="list-style-type: none"> • are aware when children and young people are encouraged to speak up about feeling safe and respected or to make complaints they may raise concerns about something happening within the organisation, within their home, within the community, online, through mobile devices or in another organisation and be clear how to progress each of these • are confident to respond to any concerns raised by children and young people and/or are aware of specialist staff/support people within the organisation they can contact to assist in progressing any type of complaint • are aware children and young people will seek advice from their friends, parents, and others and involve the natural advocates of the child in the process • offer the child a support person to help them in the complaint process. <p>Child focused responses to complaints emphasise the needs of the child during the process whilst attending to reporting obligations.</p>
Disclosures of harm (about other children, staff or volunteers in families, online, anywhere)	<p>Staff are confident to respond to disclosures of harm in a child-focused manner. Staff are clear about reporting obligations and processes for different types of disclosures and can provide an appropriate level of information about next steps to the child. Staff will:</p> <p>Listen¹⁹</p> <ul style="list-style-type: none"> • move to suitable space for the child to talk free of distractions • listen calmly, patiently, supportively, letting the child use their own words • avoid leading questions, only asking questions needed to inform the next steps. <p>Reassure</p> <ul style="list-style-type: none"> • believe the child, take them seriously and acknowledge their bravery to speak up emphasise what occurred was not their fault • address any concerns about the child's safety • respond appropriately to the child's questions. <p>Respect</p> <ul style="list-style-type: none"> • respect the child may only reveal some details • manage the child's expectations and avoid making promises you can't keep

	<ul style="list-style-type: none"> • ask the child what outcome they are hoping for and what they need from your organisation so they can feel safe and involved in the process²⁰ • explain the next steps in how the complaint will be followed up • support their involvement in decision-making about the complaint process to the extent that is appropriate given their age and development • be clear that to keep them safe others will need to be told about their experience • discuss the boundaries of confidentiality to avoid breaches of trust • talk with them about support people, an independent advocate or services ²¹ • talk with them about involving parents or carers cognisant of any safety concerns that may have been identified • talk with them about your ongoing role in the complaints process, how you will be able to support them and provide continuity where possible • write down the disclosure in the child's words at the first opportunity to form part of reporting requirements • take action and follow through on any commitments made to the child.
<p>Reporting requirements</p>	<p>Staff follow reporting obligations and processes for different complaints or disclosures:</p> <ul style="list-style-type: none"> • equipment, facilities, activities, services (problems with these, or lack of these) • breaches of the code of conduct by staff or volunteers including: <ul style="list-style-type: none"> ○ concerning conduct ○ misconduct or ○ criminal conduct • harmful sexual behaviours or physical harm by other children and young people within the organisation or outside the organisation • harm occurring within the family environment • harm occurring in the community or in another organisation • harm or unsafe behaviours occurring online or through mobile devices.
<p>Responses and investigations</p>	<p>Staff receive support and guidance in following internal and external reporting procedures and are aware of alternative reporting mechanisms if they have concerns about the process or complaints not being progressed.</p> <p>Complaints are responded to impartially and with objectivity. Staff are aware of the potential for bias, or discounting the views of children and manage any conflicts of interest.</p> <p>Investigations are carried out by the appropriate internal or external body and are planned, proportionate, child focused, thorough and quick²².</p>
<p>Information sharing</p>	<p>Information sharing obligations and related processes are clearly set out in the complaint handling policy and understood by staff and volunteers. The primary consideration in sharing of information and communicating with stakeholders is the safety and wellbeing of children, this includes the child who may have complained and other children potentially impacted by the complaint.</p>

<p>Communication fairness and privacy</p>	<p>Communication with parents/carers of the child who has made the complaint is clear and support is offered, including warm referrals to support services to assist them in navigating the service system.</p> <p>Communication and support for others is considered e.g. other children identified in the complaint or in the organisation, their parents/families, staff, and the media.</p> <p>Risks arising from a complaint, particularly to children, but also to relationships, investigations and the agency are identified and managed.</p> <p>Fairness is afforded to the person subject to the complaint, and privacy and legal obligations are met. Support for the person and their family is offered particularly when the person is also a child. Advice about appeal options is also provided.</p>
<p>Outcomes and review</p>	<p>Some complaints take time to investigate and resolve, efforts need to be made to restore or preserve relationships between the child, family and organisation by regular checking in, providing any information that is possible, updating timeframes, reoffering support options and agreeing on any possible interim actions.</p> <p>Information is given to children, young people and their families about the role of external bodies or avenues for independent review.</p>
<p>Record keeping</p>	<p>Best practice principles for institutional records and record keeping are implemented²³ and children and young people and their families are informed about the recordkeeping, what is kept, for how long, how they can access records, including in the future.</p>

C. Review all complaints and achieve systemic improvements.

<p>Complaints review and monitoring</p>	<p>Complaints processes will identify who is responsible for:</p> <ul style="list-style-type: none"> • the oversight of all complaints made and analysis of <ul style="list-style-type: none"> ○ any systems issues within an organisation ○ all complaints made previously about individuals (multiple concerns over time) • tracking implementation and completion of actions arising out of complaints. <p>Organisations will demonstrate complaints are taken seriously by:</p> <ul style="list-style-type: none"> • determining a fair remedy appropriate for each complaint • using complaints to inform continuous improvement • informing children and young people about the ways in which services, activities, behaviour of others have changed, because of children speaking up, give examples • seeking information from those who use the complaints processes to gain feedback and improve the complaints processes themselves • monitoring the efficacy of the policy and procedures • being open to external independent review of their complaints systems and responses to individual complaints.
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References

- ¹ Public Sector Commissioner's Circular: 2009-27 Complaints Management <https://publicsector.wa.gov.au/document/public-sector-commissioners-circular-2009-27-complaints-management>
- ² Australian/New Zealand Standard, *Guidelines for complaints management in organisations* (AS/NZS 10002:2014), SAI Global 2014 Chapter 5
- ³ Australian Human Rights Commission (2018) *National Principles for Child Safe Organisations* Australian Government
- ⁴ The Department of Child Protection and Family Support is now part of the Department of Communities however at this stage complaints processes remain separated.
- ⁵ Australian/New Zealand Standard, *Guidelines for complaints management in organizations* (AS/NZS 10002:2014), SAI Global 2014 5.1.5 and Appendix B.
- ⁶ Royal Commission Into Institutional Responses to Child Sexual Abuse, 2017, *Final Report Volume 6 Making Institutions Child Safe* pg. 183 Commonwealth of Australia
- ⁷ The review was not exhaustive of all access points, for example, the general website of the Department of Education was reviewed, but not websites of all schools, and the Department of Health website was reviewed but not all health locations.
- ⁸ Commissioner for Children and Young People WA 2016, *Child Safe Organisations WA: Guidelines* Commissioner for Children and Young People
- ⁹ Commissioner for Children and Young People WA 2016, *Child Safe Organisations WA: Self-assessment and Review Tool* Commissioner for Children and Young People
- ¹⁰ Commissioner for Children and Young People 2017, *Top Tips for making a complaint* Commissioner for Children and Young People
- ¹¹ Commissioner for Children and Young People 2009, *Involving Children and Young People Participation Guidelines* Commissioner for Children and Young People.
- ¹² Commissioner for Children and Young People 2009, revised 2013, *Are you listening? Guidelines for making complaints systems accessible and responsive to children and young people* Commissioner for Children and Young People.
- ¹³ Community and Disability Services Ministers' Conference 2005, *Guidelines for Building the Capacity of Child-Safe Organisations*.
- ¹⁴ Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final Report Volume 6, Making Institutions Child Safe* Recommendations 6.8, 6.9 and 6.13 Commonwealth of Australia.

¹⁵ Commissioner for Children and Young People 2009, revised 2013, *Are you listening? Guidelines for making complaints systems accessible and responsive to children and young people* Commissioner for Children and Young People.

¹⁶ Commissioner for Children and Young People WA 2016, *Child Safe Organisations WA: Guidelines* pg. 11 Commissioner for Children and Young People.

¹⁷ NSW Ombudsman (n.d.), *Guidelines for dealing with youth complaints* Ombudsman New South Wales.

¹⁸ Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final Report Volume 7, Improving institutional responding and reporting* Recommendation 7.8 Commonwealth of Australia

¹⁹ Commissioner for Children and Young People WA 2016, *Child Safe Organisations WA: Self-assessment and Review Tool* pg. 11 Commissioner for Children and Young People.

²⁰ NSW Ombudsman (n.d.), *Guidelines for dealing with youth complaints* Ombudsman New South Wales.

²¹ Australian Government (n.d.), *Responding to children and young people's disclosure of abuse* Australian Institute of Family Studies, Child Family Community Australia, Australian Government.

²² Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final Report Volume 6, Making Institutions Child Safe* Appendix A pg. 428i Commonwealth of Australia.

²³ Royal Commission into Institutional Responses to Child Sexual Abuse 2017, *Final Report Volume 8, Recordkeeping and information sharing* Commonwealth of Australia.