



Commissioner for Children and Young People
Western Australia

Monitoring of complaints systems 2021

January 2022

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Recognising Aboriginal and Torres Strait Islander peoples

The Commissioner for Children and Young People WA acknowledges the unique contribution of Aboriginal peoples' 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 Torres Strait Islanders who live in Western Australia. 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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Introduction

The Commissioner for Children and Young People (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.

Consistent with these statutory functions, the Commissioner 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, 2015 and 2018. Table 1 summarises the incremental, though limited, improvement from 2010 to 2018 in agency recognition of children and young people as potential or actual complainants.

Table 1: Summary of previous complaints monitoring processes

| Year | Key findings |
|-------------|--|
| 2010 | Agencies were unable to report separately on complaints made by children and young people. |
| 2013 | Agencies identified some provision for recognising children and young people in their complaints processes. |
| 2015 | 40% of agency policies identified children and young people as potential complainants. Half of the agencies recorded the number of complaints received by, or on behalf of, children and young people. |
| 2018 | 58% of agency policies identified children and young people as potential complainants. Almost half of the agencies recorded complaints received by, or on behalf of, children and young people. |

This report provides information on the activities undertaken by the Commissioner during 2021 to monitor the progress of agencies towards implementing child friendly complaints systems. A full list of government agencies engaged in this process is available in Appendix A.

Child friendly complaints systems

Complaints systems are a fundamental part of ongoing organisational development to meet the needs of an organisation's intended consumers. Many government agencies currently review their complaints management processes against AS/NZS 10002:2014 which sets out a range of guiding principles.¹ In 2019 the Commissioner's *Monitoring of complaints systems* report² identified that government agencies had largely aligned complaints systems with this Standard rather than tailoring mechanisms to children and young people.

Attendance to the guiding principles within the Standard does not automatically equate to complaints systems being child friendly. The Royal Commission into Institutional Responses to Child Sexual Abuse 2013–17 (Royal Commission)³ 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 them.

The Royal Commission recommended that all organisations who work with children and young people adopt child safe approaches. Child safe organisations establish mechanisms for listening and responding, individually and at a systemic level, to children and young people about all types of concerns, complaints, disclosures, or suspicions of harm. Adopting child safe approaches provides the basis for a child friendly complaints system.

In responding to the recommendations of the Royal Commission, National Principles for Child Safe Organisations (National Principles) were agreed to by the Council of Australian Governments in February 2019.⁴ Each of the 10 principles (outlined in Appendix B) are essential for organisations to attend to and implement.

In 2018–19 the Commissioner evaluated agencies against the National Principles, particularly National Principle 6: *Processes to respond to complaints and concerns are child focused*. Since this time, the Commissioner has published new resources to help government and non-government organisations understand and implement the expectations of the National Principles, particularly regarding National Principle 6.

¹ Australian/New Zealand Standard, *Guidelines for complaints management in organisations* (AS/NZS 10002:2014), SAI Global 2014 Chapter 5.

² Commissioner for children and Young People WA 2019, *Monitoring of complaints systems*, Commissioner for Children and Young People WA, Perth.

³ Commonwealth of Australia 2017, *Royal Commission into Institutional Response to Child Sexual Abuse: Final report*, Commonwealth of Australia, Barton.

⁴ Commissioner for Children and Young People WA 2019, *National Principles for Child Safe Organisations WA: Guidelines*, Commissioner for Children and Young People WA, Perth.

Table 2: National Principle 6 related resources

| Year | Resources |
|--------------------|--|
| 2019 | Updated guidelines and resources to support organisations to implement all the National Principles. ⁵ The National Office for Child Safety (NOCS) also published detailed guidelines for organisations on implementing National Principle 6. ⁶ |
| 2020 – 2021 | The Commissioner was appointed by NOCS to develop resources for children and young people explaining their right to speak up and outlining steps they can take to raise concerns or make a complaint within an organisation. The Commissioner published multiple resources arising from this project including: <ul style="list-style-type: none">• <i>Speak up</i> leaflet and poster for children and young people• <i>Helping children and young people to speak up and make a complaint</i> resource for adults• <i>Speak up</i> poster by Aboriginal young people• Two <i>How to help young people make a complaint</i> videos for adults. |
| 2021 | Updated <i>Child Friendly Complaints Guidelines</i> ⁷ that outline how organisations' complaints systems should respond to concerns of children and young people. |

The Commissioner revised the 2021 complaints monitoring process to further align with National Principle 6. Due to changes made to the complaints monitoring process in 2021, some results are not directly comparable to the Commissioner's previous complaint monitoring reports. These changes are explained in the following section.

⁵ Commissioner for Children and Young People WA 2019, *National Principles for Child Safe Organisations WA: Guidelines*, Commissioner for Children and Young People WA, Perth.

⁶ National Office for Child Safety 2019, *Complaint handling guide: Upholding the rights of children and young people*, Commonwealth of Australia.

⁷ Commissioner for Children and Young People 2021, *Child Friendly Complaints Guidelines*, Commissioner for Children and Young People, Perth.

Complaints monitoring process 2021

In 2019 the Commissioner outlined that future monitoring of government agency complaints mechanisms would move to a more detailed and robust process. The 2021 complaints monitoring process gave effect to this through:

- risk based categorisation of agencies into three tiers with different monitoring expectations of agencies in the different tiers
- expanded agency engagement in the complaints monitoring process
- a new electronic platform for agencies to enter complaints information
- development of a performance monitoring framework strongly aligned with National Principle 6 to support continuous improvement efforts of agencies
- engagement with children and young people about complaints systems
- individual feedback to agencies who completed the self-evaluation.

A brief summary of some of these changes is provided below, with further detail outlined in Appendix C.

While all agencies are expected to have in place an effective complaints system that is accessible and responsive to children and young people, in 2021 the Commissioner implemented a risk-based approach to monitoring and agencies were placed in tiers according to their level of direct engagement with children and young people:

- Tier one - agencies with lower direct engagement with children and young people
- Tier two - accountability (oversight) agencies
- Tier three - agencies in child related work, as defined in the Royal Commission recommendation 6.9, that will be expected to comply with Child Safe Standards.⁸

Appendix A outlines agency categorisation as well as the requirements of Royal Commission recommendation 6.9. Regardless of tier, all agencies were required to enter information into an electronic complaint monitoring platform which contained two modules. Table 3 outlines the differing requirements of agencies depending on their tier.

⁸ Commonwealth of Australia 2017, *Royal Commission into Institutional Response to Child Sexual Abuse Final Report Volume 6: Creating child safe institutions*, Commonwealth of Australia, Barton.

Table 3: Complaints monitoring platform modules

| Module | Description | Required agencies |
|---------------|---|--|
| Module one | Two short sets of questions about: <ul style="list-style-type: none">- how agencies engage with children and young people- the number and main issues of complaints from, or on behalf of, children and young people. | Tier one, two and three agencies |
| Module two | Self-evaluation against 13 performance indicators aligned with National Principle 6. A performance monitoring framework was provided with specific criteria for each indicator against five rating levels: starting point, developing, meets requirements, strong or proactive. | Tier three agencies - required Tier one and two agencies - encouraged |

Tier three agencies were subject to more rigorous monitoring due to the greater situational and vulnerability risks⁹ faced by children and young people engaged with their services. The Commissioner evaluated their performance by comparing the performance rating, evidence, and commentary they provided in their self-evaluation against specific criteria for each indicator contained in the performance monitoring framework. Their responses were rated as either aligned, overestimated or unable to be assessed.

The Commissioner also sought young people’s input to the monitoring process by collaborating with CREATE Foundation WA to consult some of their young members. CREATE Foundation is the consumer body representing the voices of children and young people with out-of-home care experience.

Young people participated in a range of activities focused on National Principle 6 and their feedback has been integrated in this report against the relevant areas. More detailed information about engagement with young people in the 2021 monitoring process is provided in Appendix D.

⁹ Situational risk arises from the opportunities for abuse that the environment offers, including the nature of activities provided and interactions between adults and children and young people, and between children and young people themselves. Vulnerability risk arises from the characteristics of the children and young people engaged with by the organisation.

Complaint monitoring results 2021

The Commissioner invited 27 government agencies to participate in the complaints monitoring process with the final participation numbers outlined in Table 4. The Departments of Health, Transport, and Training and Workforce Development requested that entities related to their agency participate by submitting individual responses, resulting in 13 additional participants.

Table 4: Agency participation

| Tier | Number of invited agencies | Agency participation and completion |
|--------------|----------------------------|--|
| One | 11 | Module one: 6 completed, 5 did not complete ¹⁰ Module two: 2 voluntarily completed |
| Two | 8 | Module one: 7 completed, 1 did not complete Module two: 1 voluntarily completed |
| Three | 21 | Module one: 21 completed Module two: 19 completed, 1 partially completed, 1 declined to complete |
| Total | | Module one: 34/40 agencies completed as requested Module two: 20/21 agencies completed or partially completed as requested, and a further 3 agencies voluntarily completed. |

Findings: Agency engagement with children and young people

Thirty-four agencies from across tiers one, two and three completed module one. The majority of these agencies identified they either had a specific section that works with children and young people (16 of 34 agencies) or that working with children and young people was their core business (6 of 34 agencies). Overall, 91 per cent (31 of 34 agencies) identified working with the community in general, including children and young people.

Additionally, half of the agencies who completed module one (17 of 34 agencies) reported that they contract, or otherwise fund, external organisations to provide services for children and young people. Only 30 per cent of these (5 of 17 agencies) stated that they have a requirement for the contracted organisation to establish some form of complaints system. Fewer still reported that they:

¹⁰ One of these agencies provided a response to the Commissioner in January 2022, their data is not included in this report.

- include any instructions regarding complaints from children and young people for contracted organisations (3 of 17 agencies)
- require contracted organisations to report back to the agency about complaints from children and young people (2 of 17 agencies).

This is a concerning finding as the National Principles require 'organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people' (National Principle 8: Action area 8.4).¹¹ The Commissioner thus recommends all agencies monitor the approach to complaints from children and young people by their contracted organisations.

Findings: Trends in complaints concerning children and young people

As outlined in Table 5, in 2021 across the 34 agencies from tiers one, two and three who completed module one:

- more reported they record the number of complaints received from, or on behalf of, children and young people
- more reported that they had received complaints from, or on behalf of, children and young people
- a greater total number of complaints received from children and young people, or adults on their behalf was reported
- an increased proportion of total complaints received were directly from children and young people (rather than adults on their behalf).

Table 5: Complaints data comparisons

| | 2018/19 | 2021 |
|--|----------------|-------------|
| Agencies who record the number of complaints concerning children and young people | 46% | 65% |
| Of the above, agencies who received complaints concerning children and young people in the monitoring period | 56% | 82% |
| Proportion of complaints received directly from children and young people | 32% | 37% |
| Total complaints received | 1,169 | 1,628 |

¹¹ Commissioner for Children and Young People WA 2019, *National Principles for Child Safe Organisations WA: Guidelines*, Commissioner for Children and Young People WA, Perth, page 27.

In 2021, 35 per cent of all agencies (12 of 34) who completed module one indicated they do not record the number of complaints they receive from, or on behalf of children and young people. Two of these 12 agencies indicated that while they did not specifically record such data, they were nevertheless aware that one or two complaints had been made by young people. It was concerning that of these 12 agencies 50 per cent (6) do not record the number of complaints they receive from, or on behalf of children and young people and are tier three agencies, who by their very nature are involved in child-related work. One of these identified that working with children and young people is their core business. Agencies should refer to the National Office of Child Safety Complaint Handling Guideline Appendix N for tips about recording key complaints data.¹²

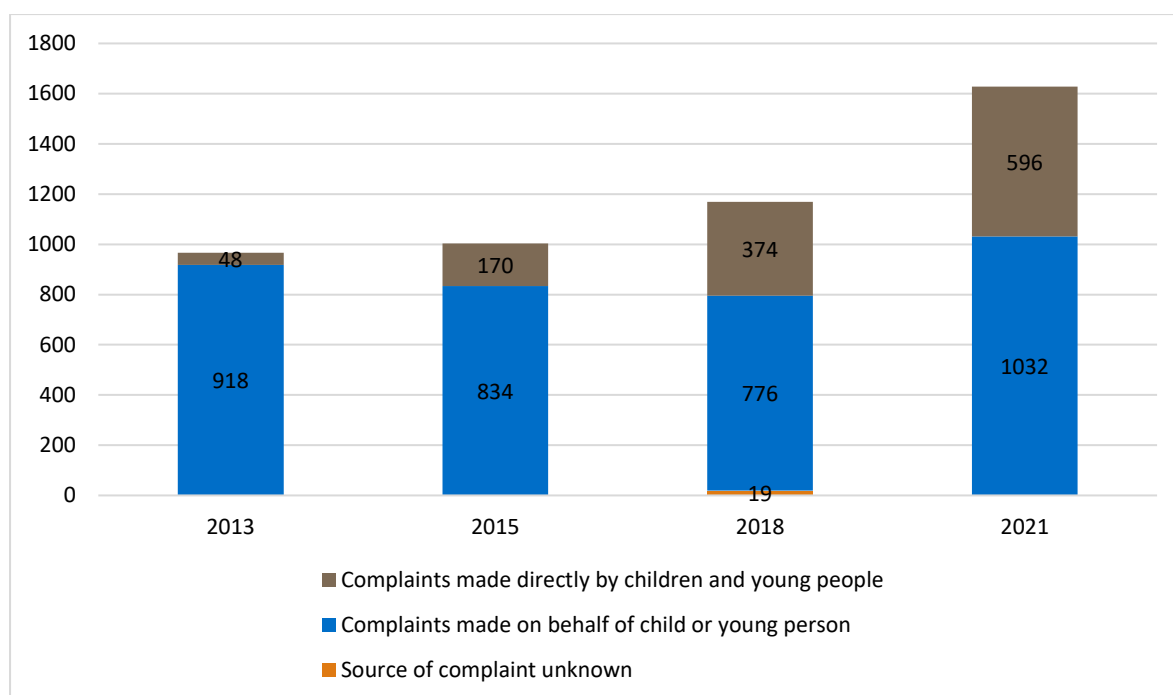
Sixty-five per cent of all agencies (22 of 34) who completed module one reported they record the number of complaints concerning children and young people. Of these 22 agencies in the 2019–20 financial year:

- Seven reported they received no complaints from, or on behalf of, children and young people **about their agency**. Three of these were tier one agencies and four were tier two agencies (oversight agencies).
- Some oversight agencies also have mandates to respond to complaints from community members, including children and young people, **about other government agencies**. Three oversight agencies received a total of 216 complaints about other government agencies:
 - 56 were received directly from children and young people
 - 160 were received on behalf of children and young people.
- Fifteen agencies from tiers one and three reported they received a total of 1,412 complaints either from or on behalf of children and young people **about their agency**:
 - 540 complaints were received directly from children and young people
 - 872 complaints were received on behalf of children and young people.

The proportion of complaints received directly from children and young people has increased in each monitoring period since 2013 (see Figure 1). Potential reasons for this include changes or improvements to complaints handling systems by some agencies, which may have increased the accessibility of complaints mechanisms for children and young people or enabled complaints received directly from them to be more accurately recorded.

¹² National Office for Child Safety 2019, *Complaint handling guide: Upholding the rights of children and young people*, Commonwealth of Australia.

Figure 1: Source of complaints



Most agencies reported that the ages of complainants ranged up to 18 years, however, did not differentiate further.

The 2021 data indicates that of the 1,628 complaints received by the 18 agencies across tiers one, two and three, 793 were to the Department of Communities and 487 to government health service providers (6 health agencies in total). It is encouraging that these departments have complaints monitoring systems capable of recording complaints concerning children and young people. These agencies' complaints numbers could also indicate efforts undertaken by them to offer complaints mechanisms to children, young people and their families and carers.

Another nine government agencies from tiers one and three received a total of 132 complaints about their own agency. These included Department of Biodiversity, Conservation and Attractions; Department of Justice; North Metropolitan TAFE; North Regional TAFE; South Metropolitan TAFE; South Regional TAFE; Western Australian Police Force; and the Western Australian Museum.

Notably, there was variability across all participating agencies in what they classified as a complaint, with some clearly having narrower definitions than others. Therefore, some agencies are likely to be unintentionally underreporting complaints data concerning children and young people. This issue is explored later in this report in analysis of tier three agency performance against National Principle 6.

The subject of the complaints varied and generally related to education, accommodation, health, and recreation, reflecting similar concerns to previous monitoring periods.

Complaints included concerns about:

- quality of care
- communication (inappropriate verbal and/or non-verbal communication by staff; child or young person not being involved in the decision-making process)
- inconsiderate service/lack of courtesy to child or young person
- safety
- accessibility (e.g. poor access to service, lack of services available, refusal to provide services, wait times for services)
- inadequate staff numbers, unprofessional behaviour by staff
- inadequate facilities or equipment.

Finally, the three oversight agencies that received the remaining 216 complaints about other government agencies included the Ombudsman (123 complaints), the Health and Disability Services Complaints Office (HaDSCO; 91 complaints) and the Equal Opportunity Commission (EOC; 2 complaints).

The main subjects of complaints to the Ombudsman were related to juvenile detention, child protection, public education, public housing, and police. Complaints received by the EOC both related to concerns about discrimination in the public education system, one relating to race and one to disability. In line with HaDSCO's mandate, the complaints they received related to health, mental health, and disability services.

Findings: National Principle 6 performance by tier three agencies

While several tier one and two agencies voluntarily completed the National Principle 6 self-evaluation tool in module two, the following analysis is based on responses by tier three agencies only. These are the agencies engaged in child related work, as defined in the Royal Commission recommendation 6.9, that will be expected to comply with Child Safe Standards in the future.

Some caution should be applied when interpreting agency self-ratings and the Commissioner's evaluation of their ratings in this report. While the Commissioner's performance monitoring framework aimed to provide agencies with specific and concrete criteria to reduce ambiguity as much as possible, there remained the potential for subjective application of criteria by agencies. The Commissioner's evaluation of agency responses was also limited by what information agencies shared to support their self-evaluation and much of this was theoretical and policy based, with few supplying practice-based evidence such as de-identified case studies.

It is also acknowledged that agencies failing to provide information to support their self-evaluation does not necessarily mean they are not actively working to progress the implementation of child friendly complaints processes.

It is clear that agencies have not uniformly improved the child focus and friendliness of their complaints systems since 2018. Table 6 highlights that only 16 per cent of agencies met or exceeded more than half of the 13 performance indicators, with the majority of agencies meeting requirements for only two indicators. It is also evident that, where complaints systems have improved, this has been the result of the focus or energy of particular organisational units that have internally championed the issue. Some agencies have shown limited or no progress.

Table 6: Number of agencies meeting or exceeding requirements for the 13 performance indicators

| Number of indicators met or exceeded¹³ | 1 | 2 | 5 | 8 | 10 |
|--|---|----|---|---|----|
| Number of agencies | 4 | 10 | 2 | 1 | 2 |

It was not possible to conclude that agencies collectively performed better in any particular National Principle 6 action area. Broadly, Action area 6.1 relates to complaints policy content and accessibility, Action area 6.2 relates to stakeholder understanding of complaints processes, and Action area 6.3 speaks to complaints handling processes in action. The analysis of Action areas 6.1 to 6.3 identified that agencies had more of a tendency to overestimate their performance in Action area 6.3, while in Action area 6.1 agencies tended to evaluate their performance more accurately (see Appendix E for detailed results).

Given Action area 6.1's greater focus on policy content, and Action area 6.3's stronger practice orientation, this represents a disconnect between agencies' level of understanding of their policy settings with their awareness of how these policies bear out in practice. This highlights the importance of agencies engaging with diverse children, young people and their families and carers as well as agencies' own staff and volunteers to determine how these stakeholders experience their complaints system.

Encouragingly, there were a number of agencies who consistently self-evaluated their performance in a realistic way that accorded with the Commissioner's evaluation. While many of these did not meet requirements, the realistic nature of their self-evaluation and identification of continuous improvement actions provided some confidence that they may be able to align their complaints systems with

¹³ Met or exceeded includes 'meets requirements'; 'strong' and 'proactive' ratings assessed by the Commissioner's staff to be aligned or corrected (for agencies who overestimated performance as strong or proactive). It also includes all 'yes' responses by agencies to indicators 6.4.1 and 6.5.1.

National Principle 6 in the future. In contrast, a small handful of agencies consistently overestimated their performance and did not identify relevant continuous improvement actions. These agencies demonstrated lower awareness of what their agency needs to do to align with National Principle 6.

Generally, agencies who rated themselves from 'starting point' to 'meets requirements' were found to have more realistically assessed their performance and tended to be aware of areas for improvement.

Ratings of 'strong' and 'proactive' often required some form of practice-based evidence and/or evidence of having engaged children and young people in the design or review of an agency's complaints system. Few agencies supplied such evidence and agencies who rated themselves as 'strong' or 'proactive' were mostly found to have overestimated their performance. They were also less likely to identify improvement actions, which reduces the likelihood of them improving their complaints systems.

There were positive examples of how some agencies aligned their complaints systems with the National Principles, and how some demonstrated strong performance, or planned on improving performance. These are reflected in the analysis that follows of each action area.

The performance of 17 per cent of agencies was unable to be assessed for Action areas 6.1 to 6.3 due to four agencies who consistently did not provide commentary or evidence to support their ratings. However, in completing the self-evaluation these agencies will have gained an appreciation of the expectations of a child friendly complaints system and their agency's strengths and areas for improvement.

The redesigned complaints monitoring process was focused on supporting agencies to continuously improve. Some agencies utilised the self-evaluation as a process to develop agency improvement plans, to identify new focus areas for action and/or to reaffirm some existing planned actions. Other agencies who were starting to apply National Principle 6 appeared to use the opportunity to identify the initial steps they would take to commence implementation.

Findings: Action area 6.1

Action area 6.1: The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.

Performance indicators:

6.1.1 Policy and other information about making a complaint is available and easily accessed by children and young people.

6.1.2 Policy is child focused.

6.1.3 Policy identifies roles and responsibilities of leadership, staff, and volunteers.

6.1.4 Policy identifies what constitutes a complaint and approaches to dealing with different types of complaints.

Agency performance snapshot

- 20 agencies completed self-evaluation of this action area
- Most common agency self-rating: starting point
- Indicator with weakest performance: 6.1.2
- Indicator with better performance: 6.1.1
- Indicator with greatest performance overestimation: 6.1.4 and 6.1.1
- On average 45% of agencies identified continuous improvement actions.

Availability of complaints information

Similarly to 2018–19, the Commissioner’s evaluation of agency responses and evidence showed that only 20 per cent (4 of 20) of agencies provided evidence, indicating they take a more intentional approach to sharing complaints information with children and young people by explaining complaints processes face-to-face in addition to sharing this information in other ways. The majority of agencies indicated they made information about complaints available to children and young people through passive means only via their websites and/or through the presence of hard copy information such as posters or pamphlets.

Young people consulted during the monitoring process were given the names of agencies that had completed module two. They were asked to rate the ease of locating the complaints information, understanding this information, and how welcomed they felt by the information to make a complaint (see Appendix D for further detail).

To replicate the way young people would find complaints information for an agency online, the participants started from the search engine of an electronic device. In 2018–19, young people searched for complaints information from the agency’s homepage, therefore this data is not comparable to the 2021 results.

The Commissioner’s staff observed that search parameters used by children and young people included the word ‘complaints’ along with the agency name. In many cases, this took the young person more directly to the complaints section of the agency’s website. Most young people therefore agreed that it was relatively easy to locate complaints information on some agency websites, though for a couple of agencies young people noted they could not find any information. However, as discussed further in Action area 6.2, more young people identified they didn’t feel encouraged to make a complaint.

Agency complaints policies

Agencies performed least well against performance indicator 6.1.2, with the vast majority indicating they did not think their agency's complaints policy had a child focus. This showed little change from 2018–19, however it was encouraging that in 2021 most agencies had insight into the need to improve their performance, with 55 per cent (11 of 20 agencies) identifying actions they could undertake to strengthen the child focus of their policy.

A couple of agencies demonstrated strong performance in ensuring their complaints policy and procedures explicitly identified the functions of different staff roles in the complaints handling process, with one providing examples of regular internal briefings for senior executives about young people complaints trends. Another agency explained action was underway to establish an internal complaints governance committee which would support identifying and addressing complaints trends and continuous improvement.

However, most agencies' complaints policies did not establish clear differentiation of roles and responsibilities of leadership, staff and volunteers in the complaints handling process and did not indicate that senior leadership had oversight of complaints concerning children and young people. The architecture of some agencies' complaints handling processes was spread across many different internal and external documents which also made it difficult to evaluate the coherency of some agency's approaches.

Agencies were also challenged by performance indicator 6.1.4, with almost one-third (6 of 20 agencies) being found to have overestimated the extent to which their complaints policies identified what constitutes a complaint according to National Principle 6 and approaches to dealing with different types of complaints. Very few agency complaints policies explicitly identified that a concern raised by a child or young person about another child or young person's behaviour or conduct can be addressed through the formal complaint process. The themes in complaints data provided by agencies (presented earlier in this report) also failed to identify whether this was an issue. It is concerning that agencies do not appear to have identified the importance of this issue within their processes given the Royal Commission identified that 41.9 per cent of private session attendees reported they were abused by another child or children.¹⁴

Given many agencies perceived they performed better than the Commissioner's evaluation found them to be, fewer agencies identified continuous improvement actions. Most agencies would therefore benefit from ensuring their policy identifies multiple ways for staff, volunteers, children, young people, and parents/carers to provide

¹⁴ Commonwealth of Australia 2017, *Royal Commission into Institutional Response to Child Sexual Abuse Final Report Volume 10: Children with harmful sexual behaviours*, Commonwealth of Australia, Barton.

feedback, raise concerns or complaints. Agencies should also ensure the following issues are covered by the complaints policy:

- The organisation's equipment, facilities, activities, services (problems with these, or lack of these).
- The way children and young people are treated by other children and young people engaged with the organisation, including bullying, or being hurt in anyway.
- Behaviour online or feeling unsafe online by adults or other young people engaged with the organisation.
- The way children and young people are spoken to or treated by adults in the organisation.
- The behaviour of an adult towards a child or young person, or other children and young people.
- Breaches of the code of conduct by staff or volunteers, including 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.

Findings: Action area 6.2

Action area 6.2: Effective complaint handling processes are understood by children and young people, families, staff, and volunteers, and are culturally safe.

Performance indicators:

6.2.1 Complaints handling processes are understood by children and young people.

6.2.2 Complaints handling processes are understood by families, carers, and the community.

6.2.3 Complaints handling processes are understood by staff and volunteers.

6.2.4 Complaints handling processes are culturally safe.

Agency performance snapshot

- 19 agencies completed self-evaluation of this action area
- Most common agency self-rating: starting point to developing
- Indicator with weakest performance: 6.2.4
- Indicator with better performance: 6.2.2
- Indicator with greatest performance overestimation: 6.2.4
- On average 37% of agencies identified continuous improvement actions.

Children and young people's understanding of complaints policies

The majority of agencies accurately reflected that they are still either at the starting point or in the developing stages of ensuring their complaints handling processes are

understood by children and young people (14 of 19 agencies). No agency felt their performance was strong or proactive, meaning all agencies agreed they had not proactively asked children and young people for feedback on the agencies complaints process. Only one agency was found to meet requirements.

More agencies identified actions to improve the understanding of children and young people of their complaints processes than they did for other stakeholder groups (families/carers and staff/volunteers). Forty seven per cent of agencies (9 of 19) identified actions to improve children and young people's understanding.

As outlined in Action area 6.1, while young people consulted during the monitoring process agreed that agency information about complaints was relatively easy to locate online, less young people felt welcomed or encouraged by that information to provide feedback or complaints.

Echoing the concerns and suggestions raised by young people consulted in the 2018/19 complaints monitoring process, the young people provided the following views and suggestions on how agencies could improve the information on their website about complaints:

"Words too complicated and hard to understand, words too small, too many words, not colourful."

"Add a complaints section please."

"Make the button or link for complaints a bit bigger."

"Try to make the complaints section more interesting to young people."

"Train staff to respond to complaints."

"Use more simple language."

"Be a little more friendly about it."

"Make the complaints page more obvious."

Family and carer understanding of complaints policies

Overall agencies tended to perform slightly better at supporting families and carers to understand complaints handling processes than they did children and young people. Despite this, most agencies still did not meet requirements and fewer (5 of 19 agencies) identified ways to improve. It is very important that agencies ensure families and carers understand complaints processes given that children and young

people have told the Commissioner they often rely on these trusted adults help to make a complaint.¹⁵

Staff and volunteer understanding of complaints policies

The Royal Commission identified the importance of complaints policies being intelligible to staff and volunteers in order to improve institutional responses to concerns related to the child safety.¹⁶ However, agencies generally rated their performance lowest with regard to how complaints processes are understood internally by their own staff and volunteers. This included that only two of 19 agencies believed their staff felt empowered and supported to draw attention to breaches of the code of conduct within the organisation and to challenge unsafe behaviours exhibited by other staff or volunteers. While the Commissioner could not verify this specific claim, the overall evaluation of agency responses identified only one agency met requirements for indicator 6.2.3.

The majority of agencies provided staff and volunteers with information and/or training about their complaints process at induction to the organisation only or when there is an amendment to the complaints policy or related documents. Only two of the 19 agencies identified they provide ongoing information to staff about the complaints process, through regular scheduled updates to staff or via agreed stages of individual professional learning plans. Many agencies indicated they believed that the complaints policy and procedure availability on their website implied that staff and volunteers understood and complied with the complaints handling process. Agencies should refer to the Commissioner's *Child Friendly Complaints Guidelines* which discuss how to equip staff and volunteers to manage complaints.¹⁷

Cultural safety in complaints handling policies

A minority of agencies judged their complaints handling processes to meet requirements of cultural safety and the Commissioner's staff found that agencies performed least well in this area compared to other Action area 6.2 indicators. This was partly owing to seven of 19 agencies overestimating their performance. Only one agency was evaluated to meet requirements. This agency provided complaints data disaggregated by the Aboriginal and/or Torres Strait Islander status of complainants. The same agency also reported that in a recent review of their

¹⁵ Commissioner for Children and Young People 2021, *Child Friendly Complaints Guidelines*, Commissioner for Children and Young People, Perth.

¹⁶ Commonwealth of Australia 2017, *Royal Commission into Institutional Response to Child Sexual Abuse Final Report Volume 7: Improving institutional responding and reporting*, Commonwealth of Australia, Barton.

¹⁷ Commissioner for Children and Young People 2021, *Child Friendly Complaints Guidelines*, Commissioner for Children and Young People, Perth.

complaints system, they identified actual, potential and perceived barriers for Aboriginal people in making complaints and are planning how to address some of these barriers. They noted further investigation is required to determine if the same barriers are experienced by Aboriginal children and young people.

The Commissioner recommends agencies familiarise themselves with guidance released in 2021 by the National Office for Child Safety in collaboration with SNAICC and the Victorian Aboriginal Child Care Agency. Together they developed a resource to support organisations' understanding of cultural safety in the context of the National Principles, including considerations about National Principle 6.¹⁸

Findings: Action area 6.3

Action area 6.3: Complaints are taken seriously and responded to promptly and thoroughly.

Performance indicators:

6.3.1 Complaints are taken seriously.

6.3.2 Complaints are responded to promptly.

6.3.3 Complaints are responded to thoroughly.

Agency performance snapshot

- 19 agencies completed self-evaluation of this action area
- Most common agency self-rating: developing to meets requirements
- Indicator with weakest performance: 6.3.2
- Indicator with better performance: 6.3.1
- Indicator with greatest performance overestimation: 6.3.2
- On average 18% of agencies identified continuous improvement actions.

Complaints are taken seriously

Indicator 6.3.1 required agencies to demonstrate that complaints from children and young people are taken seriously by evaluating their performance against four elements and how they applied these to complaints concerning children and young people. The elements included fairness and objectivity, risk management, investigation procedures, and provision of remedies.

While agencies performed slightly better on this indicator than on other Action Area 6.3 indicators, the Commissioner found they nevertheless did not perform well and

¹⁸ National Office for Child Safety, SNAICC and VACCA 2021, *Keeping Our Kids Safe: Cultural safety and the National Principles for Child Safe Organisations*, Commonwealth of Australia.

the vast majority did not evidence how they took complaints from children and young people seriously. Nearly half of the agencies (9 of 19) specified that while their complaints handling processes consider some of these elements, they have not related them to complaints concerning children and young people. Of the ten agencies who felt their complaints handling processes did relate these elements to complaints concerning children and young people, the Commissioner evaluated that only three of these provided sufficient or relevant evidence to support this assertion. Only a very small number of agencies (3 of 19) identified continuous improvement actions.

Young people consulted during the monitoring process rated their perception of how easy or hard they felt it was (or would be) to make a complaint to agencies. A three-point rating scale was used (hard, okay, easy). None of the young people felt that it was easy to make a complaint to any of the agencies, with most stating they believed it was (or would be) hard to make a complaint. Only one young person felt the experience of making a complaint would be okay. Young people believed it was (or would be) hard to make a complaint because:

"It's not always easy to know how or where to make a complaint."

"They won't listen as they will judge a book by its cover."

"May get hate for make a complaint."

Young people also shared experiences they (or a friend) had of attempting to raise concerns to services provided or funded by agencies including police, education, and child protection. Circumstances where they felt unhappy about decisions made by services included escaping unsafe living situations, peer to peer bullying because of the way they look, their out-of-home care status or their sexuality. Most young people advised that if they did raise concerns about these situations, they did not feel listened to by adults in the respective service. Some young people also felt agencies blamed them for these situations, rather than investigating the concern.

"I tried to complain, but they didn't listen."

"They blamed the bullying on me."

"The agency didn't listen to me."

A common theme among these young people was that they felt negatively pre-judged by services and organisations because of their status as a young person in care and that they felt this meant their worries were not taken seriously. This raises concern about how the principles of fairness and objectivity are applied by some agencies to children and young people with experiences of marginalisation.

Complaints are responded to promptly

Forty seven per cent of agencies (9 of 19) overestimated their performance for indicator 6.3.2, and consequently a very limited number (2 of 19) identified ways they could improve. This represented the largest rate of performance overestimation for any of the performance indicators across the whole self-evaluation.

Performance rating descriptors for indicator 6.3.2 were practice-oriented and required that the complaints data collected by agencies is disaggregated by age in order to determine if, in practice, they met requirements for not exceeding the agency's own response and resolution timeframes for complaints from children and young people or adults on their behalf.

Despite this implicit requirement, four tier three agencies who specified in module one that they did not collect data on children and young people's complaints, overestimated their performance against indicator 6.3.2 by selecting ratings requiring complaints data analysis which they could not demonstrate given their earlier responses.

It was positive to note that one agency was evaluated as performing strongly in this space, including through the regular provision of information back to young people about changes the agency was making owing to their feedback and complaints.

Complaints are responded to thoroughly

Components of a thorough response set out by the Commissioner in the performance monitoring framework included: how agencies provide support to children, young people and other stakeholders impacted by a complaint; options provided to them for being informed about progress and outcomes of a complaint; facilitation of the right to review; analysis of systemic trends and agency public reporting of de-identified complaints data.

Several agencies overestimated their performance on this indicator and this appeared to be in part due to agencies not appreciating the difference between offering supports to children and young people on request, versus proactively offering these supports as a routine part of complaints handling practice. All agencies should consider the power dynamics inherent in a child or young person raising a complaint about a government agency and that many children or young people will not be aware they have a right to receive support during a complaints process or may not feel confident to ask for support.

Most agencies would also benefit from embedding processes that routinely offer support, assistance and feedback to children, young people, and their families when they raise concerns or make a complaint. This should include ensuring that complaints handling processes do not prioritise adult opinions over a child or young person's and that risks to children and young people from raising a concern are monitored and reassessed during investigation processes.

Findings: Action areas 6.4 and 6.5

Action area 6.4: The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.

Performance indicator:

6.4.1 Complaints and concerns are reported to relevant authorities, whether or not the law requires reporting.

Action area 6.5: Reporting, privacy and employment law obligations are met.

Performance indicator:

6.5.1 Reporting, privacy and employment law obligations are met in policy and practice.

Agency performance snapshot

- 79% (15 of 19) agencies indicated they **met both** of the above performance indicators.
- Almost 11% (2 of 19) agencies indicated they **only met one** of the above performance indicators.
- Almost 11% (2 of 19) agencies indicated they **met neither** of the above performance indicators.

Agencies were required to answer 'Yes' or 'No' to whether they met indicators 6.4.1 and 6.5.1. A binary rating scale was used to reflect the long-standing nature of these obligations that are well-defined in law, compared to the requirements of Action areas 6.1, 6.2 and 6.3.

Agencies who provided commentary on why they did not meet the performance indicators in Action areas 6.4 and 6.5 identified that their response was because they did not have specific policies outlining legal reporting obligations for child safety concerns. This appears to be a misunderstanding of Action area 6.4 where the obligation to report is derived from the moral imperative to protect children and young people and not just legal obligations such as mandatory reporting applicable to particular occupational groups.

One of these agencies did state that it is standard practice to escalate concerns for child safety within their organisation, despite a lack of written guidance. This is still concerning as the lack of formal guidance creates the opportunity for variable understanding or practice across staff within an agency.

Another of these agencies indicated that in activities involving children and young people delivered by agency staff, reporting obligations are in place. However, the nature of Action areas 6.4 and 6.5 specifies that this obligation should be considered more broadly. This includes through occasional contact that staff from non-child

serving roles might have with children and young people, as well as thinking about how these obligations are considered in contract arrangements if the majority of the agency's contact with children and young people is via funding external organisations. Only one of these agencies identified continuous improvement actions against indicators 6.4.1 and 6.5.1.

To improve alignment with National Principle 6, agencies should carefully assess whether they have any legal reporting obligations and ensure documented guidance addresses these. The moral, professional and ethical obligations to report child safety concerns must also be uniformly messaged to staff and volunteers.

Many of the agencies who responded affirmatively to both these action areas cited policies, frameworks and staff code of conducts that contained information outlining legal reporting obligations if child safety concerns arose. Promisingly a couple of agencies identified that staff have moral, ethical and professional reporting obligations regardless of whether they are mandatory reporters.

One of the 19 agencies who responded yes to these action areas provided detailed information outlining the phased, whole-of-organisation process they are undertaking to ensure they meet all the requirements of the National Principles.

Concluding comments

The 2021 review of complaints mechanisms for children and young people has shown limited and uneven progress by agencies in ensuring the concerns of children and young people, including some of the most vulnerable children in WA, are heard and acted upon.

The small sample of young people who were consulted as part of the monitoring process echoed these concerns. While some found easier ways of locating agency information about complaints, the consultation also demonstrated there is much work to be done by agencies to improve the experience of young people making a complaint. The young people particularly highlighted the importance of agencies ensuring they do not pre-judge young complainants with experiences of marginalisation. The Commissioner thanks these young people for their courage and generosity in sharing their difficult experiences.

The Commissioner acknowledges the openness of many agencies who frankly shared their limited progress, while simultaneously identifying and committing to continuous improvement. The limited progress is disappointing, however a commitment to continuous improvement is encouraging. It was also pleasing to identify some practical examples of strong progress by several agencies. This provided a degree of confidence that, in at least some areas of public sector service provision, children and young people who raise concerns may be taken seriously and be supported to make complaints.

The Commissioner holds significant concern regarding agencies who identified they do not have line of sight to the volume or nature of concerns and complaints raised by children and young people across the breadth of agency service provision; or of how the agency is performing against National Principle 6. More work needs to be undertaken by many public sector agencies to align complaints systems with National Principle 6.

Furthermore, this monitoring report provides a timely call for government agencies to critically reflect on their preparedness for a future child safe regulatory scheme if their performance against National Principle 6 is representative of their progress against each of the ten National Principles

Continuous improvement actions for government agencies

Based on the Commissioner's findings, agencies should ensure the following items are addressed across National Principle 6 action areas.

Action area 6.1:

- Active means of communicating information about agency complaints processes are prioritised, as well as continuing to ensure such information is readily available and accessible to children and young people who go looking for this on their own initiative.
- Policy content covers the key areas suggested by Action area 6.1, including ensuring less restrictive conceptions of what constitutes a complaint so that complaints raised across the organisation, and not just those that make it to a formal central complaints process are addressed.
- A whole of agency approach to complaints from children and young people is taken such that it is not seen as the exclusive domain of specific organisational sub-units such as complaint, quality assurance, integrity or staff misconduct units.
- Measures are put in place to ensure contracted and/or otherwise funded service provision to children and young people has the same requirements for child friendly complaints systems as does direct service provision by government agencies.

Action area 6.2:

- Understand how agency complaints systems are experienced by the stakeholders who use them. This includes parents and carers, staff, and volunteers and particularly children and young people with specific regard for diverse young people, including Aboriginal children and young people, and others who have experiences of marginalisation such as young people in care.
- Data management systems are in place that enable the agency to record and systemically analyse complaints received from, or on behalf of, children and young people.

-
- Systems are in place to assure themselves that staff and volunteers understand and are able to implement complaints related policies on an ongoing basis.

Action area 6.3:

- Complaints systems establish timeframes not only for initial response, but also for timely resolution of complaints relating to children and young people.
- Children and young people are proactively offered support options during complaints processes, rather than only making these available on request.
- Risks to children and young people are not only assessed at the beginning of managing a complaint, but also re-assessed during the investigation.
- Children and young people are meaningfully involved in the review and improvement of current complaints information and processes.
- Senior leadership is engaged in review of complaints data and determining how systemic themes arising from this review will be addressed.

Action area 6.4 and 6.5:

- The higher standard expected by the National Principles that reporting obligations are informed by a moral imperative to protect children and young people, and not just compliance with legal obligations, are reflected in their policies and understood by staff and volunteers.

Next steps for the Commissioner

The Commissioner will continue to support WA government organisations to improve their child-safe practices and child friendly complaints mechanisms by:

- providing this report to the Directors General or Commissioners of all participating agencies as well as to the Department of Premier and Cabinet and the Public Sector Commission
- providing individual feedback to each agency who self-evaluated their progress against National Principle 6
- engaging with agencies for their feedback on the 2021 complaints monitoring process to inform future monitoring
- reviewing the 2021 complaints monitoring process to enhance future monitoring processes. This may include:
 - reviewing the performance monitoring framework
 - further integrating the voice of young people in the monitoring process
 - identifying enhancements to the electronic platform, including exploring the capacity for agencies to use the platform to track performance over time
 - considering complaints monitoring expectations and processes for the range of funding arrangements used by government agencies for service provision to children and young people

-
- continuing to support agencies to implement child friendly complaints systems through the Commissioner's targeted National Principle 6 resources and broader resources about the National Principles for Child Safe Organisations.

Appendix A: Agencies invited to participate

| Tier one Agencies with lower direct engagement with children and young people | Tier two Accountability (oversight) agencies | Tier three* Agencies in child related work, as defined in the Royal Commission recommendation 6.9, who will be expected to comply with Child Safe Standards | |
|---|---|--|--|
| Art Gallery of WA Children’s Court of WA Department of Biodiversity Conservation and Attractions Department of Jobs, Tourism, Science and Innovation Department of Planning Lands and Heritage Department of Transport Family Court of WA Main Roads WA Office of the Director of Public Prosecutions State Library of WA Western Australian Museum | Corruption and Crime Commission Equal Opportunity Commission Health and Disability Services Complaints Office Legal Aid Commission of WA Office of the Chief Psychiatrist Office of the Information Commissioner Office of the Inspector of Custodial Services Ombudsman Western Australia | Department of Communities Department of Education Department of Fire and Emergency Services Department of Health Department of Justice Department of Local Government, Sport and Cultural Industries Department of Training and Workforce Development Department of Transport - Public Transport Authority Mental Health Commission Western Australian Police | Central Regional TAFE North Metropolitan TAFE North Regional TAFE South Metropolitan TAFE South Regional TAFE Child and Adolescent Health Services East Metropolitan Health Service North Metropolitan Health Service Pathwest South Metropolitan Health Service WA Country Health Service |

*Recommendation 6.9 of the Royal Commission identified that institutions providing the following services should be subject to legislative requirements to comply with child safe standards:

- a. accommodation and residential services for children, including overnight excursions or stays
- b. activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children
- c. childcare or childminding services

-
- d. child protection services, including out-of-home care
 - e. activities or services where clubs and associations have a significant membership of, or involvement by, children
 - f. coaching or tuition services for children
 - g. commercial services for children, including entertainment or party services, gym or play facilities, photography services, and talent or beauty competitions
 - h. services for children with disability
 - i. education services for children
 - j. health services for children
 - k. justice and detention services for children, including immigration detention facilities
 - l. transport services for children, including school crossing services.

Appendix B: The National Principles for Child Safe Organisations

National Principles for Child Safe Organisations

-  **1** Child safety and wellbeing is embedded in organisational **leadership, governance and culture**.
-  **2** Children and young people are informed about their **rights, participate** in decisions affecting them and are taken seriously.
-  **3** Families and communities are **informed and involved** in promoting child safety and wellbeing.
-  **4** **Equity** is upheld and **diverse needs** respected in policy and practice.
-  **5** People working with children and young people are suitable and **supported** to reflect child safety and wellbeing values in practice.
-  **6** Processes to respond to **complaints and concerns** are child focused.
-  **7** **Staff and volunteers** are equipped with the knowledge, skills and awareness to keep children and young people safe through **ongoing education and training**.
-  **8** **Physical and online environments** promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
-  **9** Implementation of the national child safe principles is **regularly reviewed and improved**.
-  **10** **Policies and procedures** document how the organisation is safe for children and young people.

National Principles for Child Safe Organisations, Australian Human Rights Commission – childsafe.humanrights.gov.au

Appendix C: Complaints monitoring process changes in 2021

Expanded agency engagement

In previous years, the Commissioner found some agencies provided information about the complaints handling approach of only a specific organisational sub-unit, rather than the agency as a whole. In 2021, the Commissioner wrote to Directors General and heads of agencies requesting they nominate a key contact who was in a position to effectively coordinate timely input from across the agency, including all relevant organisational units or linked entities of the agency.

This request was intended to reinforce the expectations inherent in National Principle One: *Child safety and wellbeing is embedded in organisational leadership, governance and culture*. It was also intended to model Royal Commission recommendation 6.9 which identifies that the institution, not the specific sub-service provided or funded by the institution, will be subject to child safe standards/principles.

Agencies were expected to collaborate internally to provide a coherent picture of the totality of their engagement with feedback, concerns and complaints from children and young people, regardless of the organisational sub-unit they or their adult supporters approach in the first instance.

All agency key contacts were invited to in person or online briefings for their relevant tier. These briefings included further orientation to National Principle 6, a virtual tour of the electronic platform and the opportunity for questions and answers about the monitoring process and more broadly about child friendly complaints systems.

Key contacts were also encouraged to engage with the Commissioner's staff throughout the complaints monitoring process as needed. The Commissioner's staff provided additional information about the monitoring process via email to key contacts and provided individualised support to multiple agency key contacts when requested to enable their completion of the monitoring process.

Revised tool and electronic platform

In 2021, the Commissioner piloted an electronic monitoring platform which was divided into two modules as outlined in table two on page five of this report. Agencies were required to enter all data and self-evaluation information into the electronic complaints monitoring platform. All agency key contacts were provided with a unique log-on to the platform and had the capacity to invite other staff in their agency into the platform to assist them with completing modules one and two. Agencies had the capacity to log in and out of the platform an unlimited number of times to progressively complete modules one and two over an approximately six-week time period.

An instructional video and a user guide were also created to support agencies in using the platform.

National Principle 6 self-evaluation

The self-evaluation of agency complaints systems was designed to be consistent with Principle 6 of the National Principles for Child Safe Organisations. Performance indicators were developed against each of the five action areas of National Principle 6. Thirteen performance indicators were identified and are outlined below.

Action area 6.1: The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.

Performance indicators:

6.1.1 Policy and other information about making a complaint is available and easily accessed by children and young people.

6.1.2 Policy is child focused.

6.1.3 Policy identifies roles and responsibilities of leadership, staff, and volunteers.

6.1.4 Policy identifies what constitutes a complaint and approaches to dealing with different types of complaints.

Action area 6.2: Effective complaint handling processes are understood by children and young people, families, staff, and volunteers, and are culturally safe.

Performance indicators:

6.2.1 Complaints handling processes are understood by children and young people.

6.2.2 Complaints handling processes are understood by families, carers, and the community.

6.2.3 Complaints handling processes are understood by staff and volunteers.

6.2.4 Complaints handling processes are culturally safe.

Action area 6.3: Complaints are taken seriously and responded to promptly and thoroughly.

Performance indicators:

6.3.1 Complaints are taken seriously.

6.3.2 Complaints are responded to promptly.

6.3.3 Complaints are responded to thoroughly.

Action area 6.4: The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.

Performance indicator:

6.4.1 Complaints and concerns are reported to relevant authorities, whether or not the law requires reporting.

Action area 6.5: Reporting, privacy and employment law obligations are met.

Performance indicator:

6.5.1 Reporting, privacy and employment law obligations are met in policy and practice.

A performance monitoring matrix was also developed that provided specific performance rating descriptors for each of the 13 indicators against five performance increments¹⁹ which included:

1. Starting point: Clear gaps evident
2. Developing: Some strengths with many areas for improvement
3. Meets requirements: Acceptable performance with potential for improvement
4. Strong: Good performance in virtually all aspects; no weaknesses of any real consequence
5. Proactive: Clear example of exemplary performance or best practice; focus on continuous improvement.

The Commissioner's staff supplied the monitoring matrix to each agency to enable them to self-evaluate their performance, and to also provide practical examples of how agencies could strengthen alignment of their complaints system with National Principle 6.

Completing the self-evaluation was also designed to assist agencies with continuous improvement of the child friendliness of their complaints systems. To encourage agencies to utilise the monitoring process in this way, they were informed the Commissioner would evaluate agencies' ability to identify any areas for improvement as a strength, particularly where they developed a robust plan to address these issues.

To complete module two agencies were asked to:

- Assign a performance rating for each performance indicator

¹⁹ A simple binary rating scale of 'yes' or 'no' was used for Action areas 6.4 and 6.5 to reflect the long-standing nature of these obligations that are well-defined in law compared to the requirements of Action areas 6.1, 6.2 and 6.3.

-
- Provide commentary and/or upload relevant evidence supporting their chosen rating, for example policies and procedures, descriptions of practices, examples of complaints and the agency's response
 - Identify actions to support continuous improvement of their agency's performance against that indicator.

To evaluate agencies' performance, the Commissioner's staff compared the performance rating, evidence and commentary provided by agencies for each performance indicator against the relevant performance rating descriptor and applied one of the below rating evaluations:

Aligned - evidence and commentary provided by the agency:

- clearly aligned with the selected performance rating descriptors
- was specific and addressed all, or almost all, aspects of the performance rating descriptor.

Overestimation - evidence and commentary provided by the agency:

- aligned to an earlier stage of performance
- was generalised and not specific to the performance rating descriptors
- evidenced some, but not all, aspects of the performance rating descriptor.

Unable to assess - agency neither supplied commentary nor attached any evidence to support the rating.

To moderate and provide confidence in the evaluation rating, a second staff member from the Commissioner's office reviewed the agencies' evidence and self-selected ratings and in cases where the second reviewer believed a different designation should be selected, this was discussed and the best fitting rating evaluation applied.

Appendix D: Consultation with young people - further information

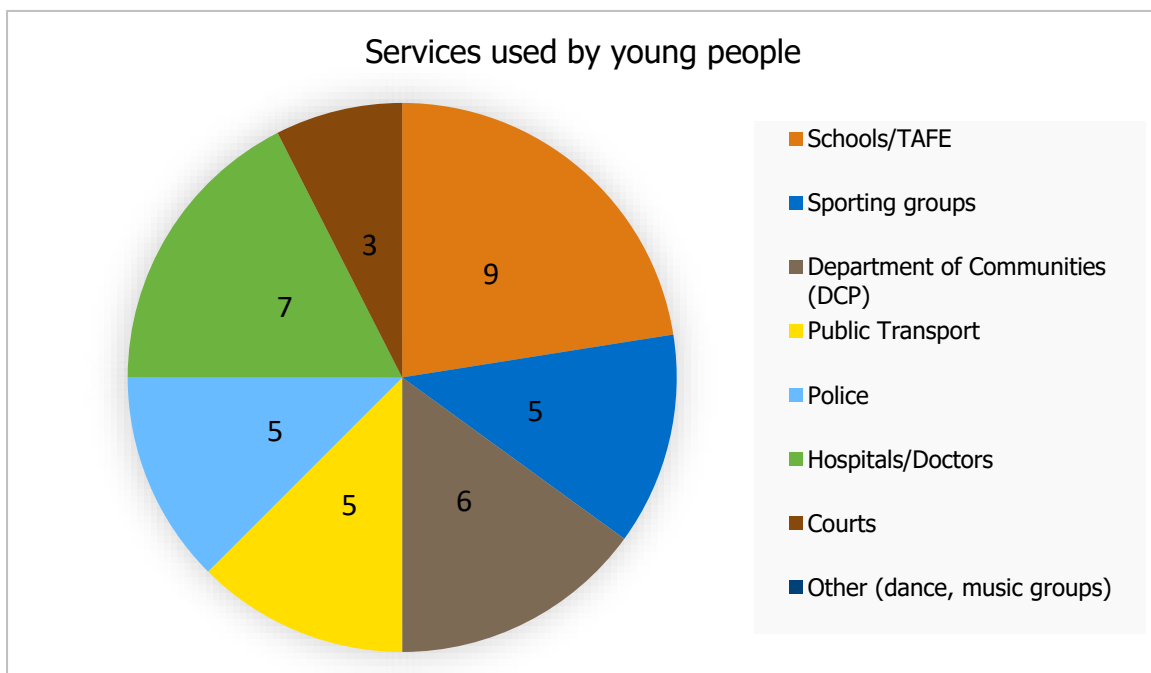
A group of eight young people aged 12 to 17 years participated in a consultation in September 2021. The group of young people were diverse in gender (4 female, 3 male and 1 non-binary), four identified as Aboriginal or Torres Strait Islander, one was from a culturally and linguistically diverse background and four had a diagnosed disability.

The consultation included a range of activities to support the Commissioner to understand:

- the range of agencies and services young people engaged with and experiences of raising complaints with these organisations
- young people’s perceptions about ease of making a complaint
- young people’s views on suitability of information about complaints found on agency/service websites.

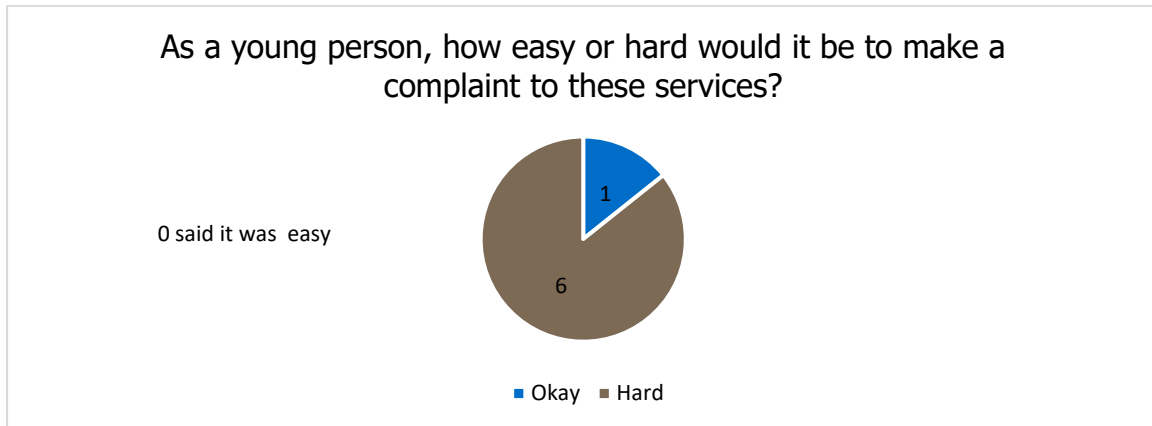
Services used by young people

Young people were asked to identify which services they have previously, or currently use. Young people could identify as many services as needed. The top three services identified were schools/TAFE, hospitals/doctors, and Department of Communities (child protection). It should be noted that all the young people in this consultation group were in out-of-home care.



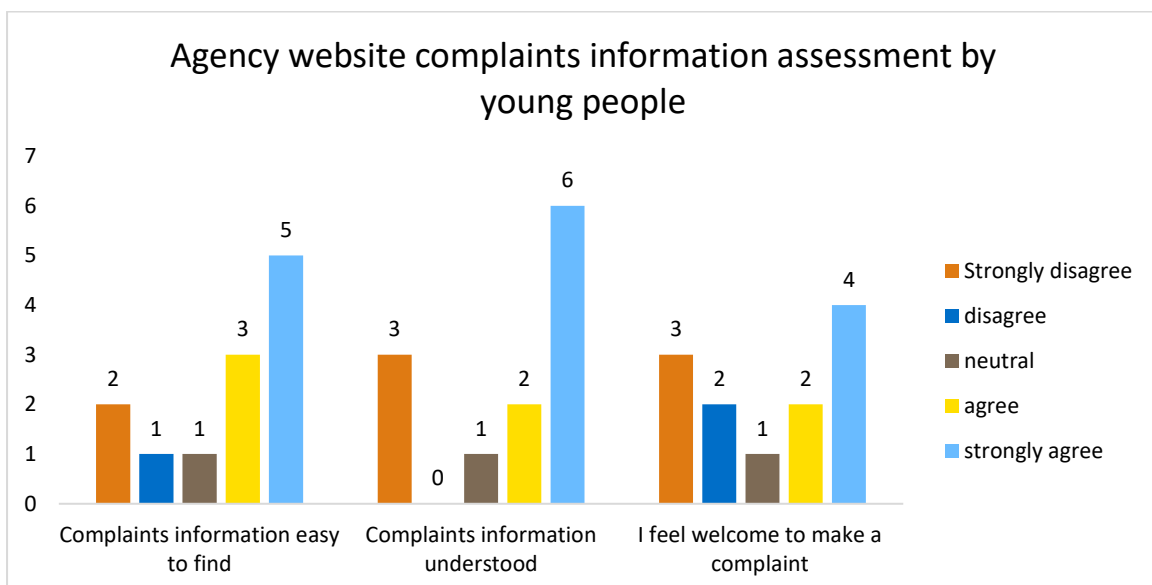
Perception of complaints experience

This activity asked young people to rate their, or a friend's, perceived or actual experience of making a complaint to one of the aforementioned agencies. Three signs with easy, okay, and hard were placed in a continuum across the room and young people were asked to place themselves along the continuum according to either their or a friend's, perceived or actual experience of making a complaint.



Agency website complaints information

Young people were asked to search two (of the aforementioned) agency websites to rate their complaints information. Young people were then asked to complete a simple worksheet containing four questions for each agency website reviewed (see the template worksheet at the end). They rated the ease of finding the complaints information, understanding of the complaints information, and how welcoming the agency website was to make a complaint. In addition, young people were asked to provide suggestions for improving agencies' complaints information.



Conclusion of consultation with young people

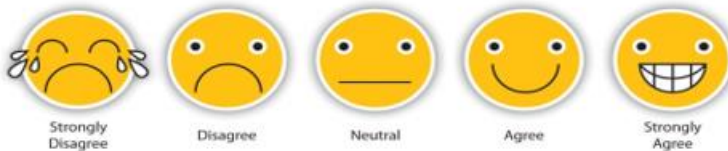
At the conclusion of the consultation, information about young people's right to speak up and complain was provided. Tips on how to make a complaint were discussed and resources reinforcing this information were distributed. Participating young people were provided with vouchers to thank them for their involvement in the consultation. A summary of information about the results of the consultation has already been provided back to the young people.

Worksheet used by young people

Website name: _____

Please answer each of these questions about the website you are testing:

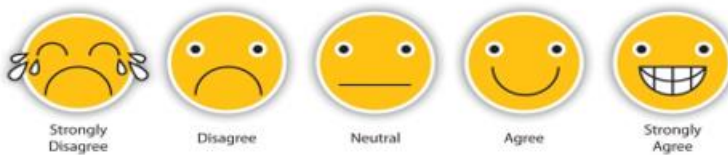
1. I found it easy to find information on the website about making a complaint



2. I understood the complaint information on the website



3. I would feel welcome to make a complaint or talk up about something to this service/organisation based on their website information



4. How could they improve the information?

Appendix E: National Principle 6 self-evaluation detailed results

Summary of tier three agency performance

| | | Action area 6.1 Complaints policy content and accessibility | Action area 6.2 Stakeholder understanding of complaints processes | Action area 6.3 Complaints handling processes in action |
|---------------------------------------|-------------------------|---|---|---|
| Median self-rating | | Starting point | Starting point/developing | Developing/meets requirements |
| Rating evaluation²⁰ | Aligned | 66% ²¹ agencies | 55% agencies | 53% agencies |
| | Overestimated | 20% agencies | 26% agencies | 30% agencies |
| | Unable to assess | 14% agencies | 19% agencies | 17% agencies |
| Identified improvement actions | | 45% agencies | 37% agencies | 18% agencies |

²⁰ Rating evaluation of all ratings selected by agencies, not just in relation to the median self-rating.

²¹ All percentages have been rounded and are averages across all indicators within an action area.

Action area 6.1 detailed results

| | Number of agencies | Rating evaluation | | |
|----------------|--------------------|-------------------|--------------|------------------|
| | | Aligned | Overestimate | Unable to assess |
| | | 6.1.1 | | |
| Starting point | 5 | 5 | 0 | 0 |
| Developing | 7 | 6 | 0 | 1 |
| Meets Req | 4 | 1 | 3 | 0 |
| Strong | 3 | 1 | 2 | 0 |
| Proactive | 1 | 0 | 1 | 0 |
| | | 6.1.2 | | |
| Starting point | 13 | 11 | 0 | 2 |
| Developing | 4 | 3 | 0 | 1 |
| Meets Req | 2 | 1 | 1 | 0 |
| Strong | 1 | 0 | 1 | 0 |
| Proactive | 0 | 0 | 0 | 0 |
| | | 6.1.3 | | |
| Starting point | 6 | 4 | 0 | 2 |
| Developing | 5 | 5 | 0 | 0 |
| Meets Req | 6 | 3 | 1 | 2 |
| Strong | 2 | 2 | 0 | 0 |
| Proactive | 1 | 0 | 1 | 0 |
| | | 6.1.4 | | |
| Starting point | 7 | 7 | 0 | 0 |
| Developing | 6 | 3 | 1 | 2 |
| Meets Req | 3 | 0 | 2 | 1 |
| Strong | 2 | 1 | 1 | 0 |
| Proactive | 2 | 0 | 2 | 0 |

Action area 6.2 detailed results

| | Number of agencies | Rating evaluation | | |
|----------------|--------------------|-------------------|--------------|------------------|
| | | Aligned | Overestimate | Unable to assess |
| | | 6.2.1 | | |
| Starting point | 7 | 6 | 0 | 1 |
| Developing | 7 | 6 | 0 | 1 |
| Meets Req | 5 | 1 | 3 | 1 |
| Strong | 0 | 0 | 0 | 0 |
| Proactive | 0 | 0 | 0 | 0 |
| | | 6.2.2 | | |
| Starting point | 4 | 2 | 0 | 2 |
| Developing | 6 | 4 | 1 | 1 |
| Meets Req | 5 | 2 | 2 | 1 |
| Strong | 2 | 1 | 1 | 0 |
| Proactive | 2 | 0 | 2 | 0 |
| | | 6.2.3 | | |
| Starting point | 11 | 9 | 0 | 2 |
| Developing | 2 | 2 | 0 | 0 |
| Meets Req | 4 | 0 | 2 | 2 |
| Strong | 2 | 0 | 2 | 0 |
| Proactive | 0 | 0 | 0 | 0 |
| | | 6.2.4 | | |
| Starting point | 8 | 7 | 0 | 1 |
| Developing | 6 | 1 | 4 | 1 |
| Meets Req | 5 | 1 | 3 | 1 |
| Strong | 0 | 0 | 0 | 0 |
| Proactive | 0 | 0 | 0 | 0 |

Action area 6.3 detailed results

| | Number of agencies | Rating evaluation | | |
|----------------|--------------------|-------------------|--------------|------------------|
| | | Aligned | Overestimate | Unable to assess |
| | | 6.3.1 | | |
| Starting point | 1 | 1 | 0 | 0 |
| Developing | 8 | 7 | 0 | 1 |
| Meets Req | 6 | 2 | 2 | 2 |
| Strong | 4 | 0 | 3 | 1 |
| Proactive | 0 | 0 | 0 | 0 |
| | | 6.3.2 | | |
| Starting point | 0 | 0 | 0 | 0 |
| Developing | 6 | 5 | 1 | 0 |
| Meets Req | 8 | 2 | 3 | 3 |
| Strong | 3 | 0 | 3 | 0 |
| Proactive | 2 | 0 | 2 | 0 |
| | | 6.3.3 | | |
| Starting point | 7 | 6 | 0 | 1 |
| Developing | 4 | 4 | 0 | 0 |
| Meets Req | 7 | 3 | 2 | 2 |
| Strong | 1 | 0 | 1 | 0 |
| Proactive | 0 | 0 | 0 | 0 |

Action areas 6.4 and 6.5 self-evaluation ratings table

| | Indicator 6.4.1 | | Indicator 6.5.1 | |
|------------|------------------------|---|------------------------|--|
| | Agency response | Performance rating descriptors | Agency response | Performance rating descriptors |
| Yes | 16 | <ul style="list-style-type: none"> • The agency has policies in place to ensure complaints and concerns related to child safety are reported to relevant authorities. • The agency's policies have been communicated to staff and are readily available. • The agency has processes in place to identify and remedy deviations from these policies in a timely manner. | 16 | <ul style="list-style-type: none"> • The agency has policies in place that reflect its legal obligations in relation to reporting child safety concerns, information sharing and record keeping. • The agency's policies have been communicated to staff and are readily available. • The agency has processes in place to identify and remedy deviations from these policies in a timely manner. |
| No | 3 | None of the above are in place. | 3 | None of the above are in place. |