

Complaints and Appeals

This policy relates to the following standards of the NSW Standards for Statutory Out-of-Home Care:

Standard 1 – Children’s Rights

Standard 5 – Families and Significant Others

Policy

Burrun Dalai welcomes and encourages information and feedback from clients. Any person affected by a decision made about a child or young person in care has the right to make a complaint or seek a review of that decision.

Burrun Dalai is committed to enacting a fair complaints and appeals process that is carried out free from bias, following the principles of natural justice. Through this policy and procedure, Burrun Dalai ensures that complaints and appeals:

- Are responded to in a consistent and transparent manner.
- Are responded to promptly, objectively, with sensitivity and confidentiality
- Ensure that any disclosure or allegation is treated seriously, professionally and lawfully
- Are used as an opportunity to identify potential causes of the complaint or appeal and take actions to prevent the issues from recurring as well as identifying any areas for improvement.

All clients are made aware of their rights to complain and are helped to understand the complaints procedure and the use and availability of advocates. The client has the right to have an advocate of their choice to negotiate on their behalf with the staff and/or Chief Executive Officer of Burrun Dalai. This includes information about making an appeal through the NSW Civil & Administrative Decisions Tribunal (hereafter referred to as NCAT).

Clients have a right to complain about the service they are receiving without fear of retribution and can expect complaints to be dealt with fairly and promptly.

Children, young persons, their families or carer/s are encouraged to access the complaints system. Burrun Dalai recognises that when children or young persons and their carer/s and families are actively involved in case planning or case conferences, formal complaints are less likely. Burrun Dalai actively promotes the complaints system by placing information in the service’s pamphlet or posters or signs in the waiting area. Information about the complaint’s procedure is included in the initial training for carers and in staff orientation packages. Children and young people are provided with their complaint’s options in written form, where age appropriate.

The Chief Executive Officer takes steps to ensure that clients feel comfortable to continue accessing the service after making a complaint.

Burrun Dalai's complaint system is accessible to the child, young person, carers, staff and families. Information on the complaint's procedure of Burrun Dalai and Family Support Service is posted on the Burrun Dalai website and presented to and explained to clients at the time of assessment.

Burrun Dalai staff affected by the complaint will be fully informed of the complaint. The staff member will be given the opportunity to discuss and resolve the complaint.

Complaints are to be dealt with as soon as possible and within set time frames. Burrun Dalai will make every attempt to resolve a complaint internally within 21 working days. Complaints taken to an external body may take longer to resolve.

All external complaints are to be referred immediately to the Chief Executive Officer who has the responsibility to handle and respond to them. The Chief Executive Officer will refer the complaint to the Board of Governance if it cannot be resolved at management level or if the complaint is about the Chief Executive Officer.

For Internal complaints clients are encouraged to raise their complaints with the staff member concerned in the first instance. If it cannot be resolved in the first instance clients are encouraged to escalate unresolved or complex complaints to the next line manager.

Burrun Dalai will ensure that staff are trained and supported to resolve complaints and collate and file accurate information as required to support internal investigation within their area of their responsibility and ensure the timely provision of complaints information to the CEO's office.

Burrun Dalai will ensure that when a child or young person makes a serious complaint, they have access to a support person or an advocate (forms for advocates can be obtained from Burrun Dalai). Burrun Dalai will assist children or young people to identify someone they would like to act as a support person or advocate.

Burrun Dalai will ensure that children or young persons and their families and carer/s are informed of their rights to appeal against any decisions that they are not happy with. Burrun Dalai will ensure that the service supports and assists them to access the NSW Civil & Administrative Tribunal (NCAT).

Burrun Dalai will investigate any allegations of misconduct or criminality against staff, carer/s or other individuals engaged by the Service to provide services for children. Burrun Dalai will:

- Ensure the immediate safety of the child or young person in out-of-home care until the allegation is investigated and resolved.
- Inform the carer/s of the allegation and obtain their account of the situation or an immediate report is to be made to the Family and Community Services (reportable conduct) or to the police if it is a criminal allegation.
- Allow the carer/s and their family to have an independent person or advocate present when interviewed

- Ensure fair, competent and speedy assessment of the allegation
- Link the carer/s and their family to support services while the allegation is under investigation

Burrun Dalai will ensure that when allegations are not substantiated, the Burrun Dalai takes steps to repair any damage that has been caused to the carer/s reputation or family relationships through the investigation processes. Burrun Dalai will ensure that the carer/s and their family are:

- Provided with a debriefing session if so, required by the carer/s
- Provided with counselling services if so, required by the carer/s
- Provided with a clear statement of the allegations and their lack of substance to the carer/s, also making the statements public if needed or desired by the accused
- And that the child or young person is appropriately debriefed and supported.

Burrun Dalai will ensure that the Service regularly reviews the complaints and the outcomes to assess the need for changes in service practice and procedures.

The Chief Executive Officer is required to make a notification to the Ombudsman within 30 days of becoming aware of a reportable allegation or conviction.

The Chief Executive Officer is required to ensure that there is an investigation into the allegation. At the end of the investigation the Chief Executive Officer must send a report to the Ombudsman concerning the investigation. This report is to include the agency's finding in relation to the allegations, details of any action taken and copies of documents on which the report is based.

The Ombudsman Act (1974) stipulates procedures for handling and responding to reportable allegations or convictions involving staff, carers and individuals engaged by Burrun Dalai to provide services to children. Guidelines for responding to reportable allegations are found on the Ombudsman's website at www.nswombudsman.nsw.gov.au. Burrun Dalai's complaint system follows these procedures which broadly outlined in the procedure section of this policy.

The Chief Executive Officer is also required to inform the Office of the Children's Guardian when relevant employment proceedings have been completed.

Burrun Dalai staff are required to maintain the confidentiality of any person associated with the Service. Whenever a complaint is lodged, as far as possible, the details of that complaint will be kept confidential amongst staff directly concerned with strategies being discussed and implemented to resolve the complaint. The complainant's permission will be obtained prior to any information being given to other parties involved.

Procedure

1. The Chief Executive Officer is to ensure that staff are given a copy of Burrun Dalai's complaint procedures during their orientation to the Service. This includes information about appealing a decision made.
2. The allocated Case Worker is to ensure that children, young people and their family are given a copy of Burrun Dalai's complaint procedures within the first two weeks of becoming involved with the Service.
3. The Chief Executive Officer is to ensure that Burrun Dalai's complaint procedures are displayed publicly in the office
4. Clients are encouraged to raise their complaints with the staff member concerned in the first instance.
5. If a child or young person makes a complaint, the Case Worker is to discuss with them the option of having a support person and help them ask the person they choose.
6. Complaints Record Form is to be completed and recorded on the Complaints database and provided with a unique number.
7. If the client is not satisfied with the outcome, or not happy to discuss the issue with the staff member concerned, they should contact the Chief Executive Officer or use an advocate to discuss their concerns on their behalf (Advocate forms can be obtained at Burrun Dalai).
8. If the issue is still not satisfactorily resolved, the Chief Executive Officer will raise the issue with the Board of Governance. The Board of Governance will try to resolve the issues of concern.
9. If after approaching the above people, the issue is still not resolved, the client is informed of their right to complain to the NSW Ombudsman.
10. If the complaint is resolved, the client must be informed of the outcome of their complaint and asked for their feedback on the complaint's procedure. If the complaint is not proven, the child, young person and/or the carer are to be appropriately debriefed. This is to be done by the Chief Executive Officer or by a person directed to do so by the Chief Executive Officer.
11. All reportable allegations are handled by the Chief Executive Officer or the Reportable Conduct Manager, or the Board of Governance. The Ombudsman's notification form is used to detail the nature of the allegation, the details of the people involved and Burrun Dalai's initial response. Part A of this form must be sent to the Ombudsman's Office within 30 days of the Chief Executive Officer becoming aware of the reportable allegation or conviction against an employee.
12. The Chief Executive Officer must inform the Office of the Children's Guardian if appropriate, when relevant employment proceedings have been completed. Procedures for this are found on the Guardian's website at [http:// www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)



**Burrun Dalai Aboriginal Corporation Inc.
Out-of-Home Care Policies and Procedures**

Children and Young People – Care and Wellbeing

Contact Information

Office	Phone	Address
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Tamworth Executive Officer: Casework Managers:	02 6761 3436 Mykol Paulson Gaye Green, Tjanara Corbett	Unit 3, 180-182 Peel Street, Tamworth 2340
Taree Executive Officer: Casework Managers:	02 6552 4194 Amanda Bridge Brett Cook, Riahannon Paulson	86-88 Albert Street, Taree 2430