

Corrective Services NSW

Complaints Management Policy



POLICY

Introduction

All NSW government agencies are required to comply with the six Effective Complaint Handling Commitments which are part of the NSW Premier's Priority 12 - Improving government services.

The Commitments are service level agreements for complaint handling. The Commitments which are set out below are incorporated into this policy.

Commitment	Overview
Respectful Treatment	We treat you with courtesy and respect. We are responsive and will ensure you receive no detriment for having complained.
Information and Accessibility	We make it easy and accessible for you to make a complaint and if you need help to lodge a complaint we will help you. You can readily access information about our complaint processes in a variety of formats and across a range of media. This information includes available avenues to make a complaint, what you can expect, and examples of how complaints have helped improve services.
Good Communication	We keep you informed about the status of your complaint, including: acknowledging receipt and updating you at regular intervals (as specified in our procedures).
Taking Ownership	The staff who manage your complaint are appropriately trained and skilled. One person and/or a team is responsible for managing your complaint, and their contact details are made available to you. We will inform you if your complaint is transferred to another person or team.
Timeliness	We do our best to deal with your complaint as soon as possible. We have set timeframes for finalising complaints which recognise differing levels of seriousness, urgency and complexity of complaints received. If there are unavoidable delays in dealing with your complaint we will inform you and explain the reasons.
Transparency	We record and analyse data on our complaint handling to help improve our services. Data includes the number received and finalised, issues raised and systematic issues identified.

Corrective Services NSW (CSNSW) is committed to continuous organisational improvement. Responding to and managing complaints effectively contributes to improved outcomes. CSNSW is committed to the regular review and analysis of complaints to identify systemic issues and to continuously improve policy and service delivery.

A complaint is an expression of concern or dissatisfaction with:

- the quality of services provided by CSNSW or any individual or organisation engaged by it (eg, contractors, volunteers) to provide services
- the quality of products provided or sold by CSNSW
- a policy or procedure of CSNSW
- the behaviour of employees of CSNSW or any individual engaged by it.

Respectful
treatment

Wherever possible, complaints are to be resolved at the local level. CSNSW seeks to resolve complaints to the satisfaction of all parties on the basis of mutually agreed outcomes. Anyone making a complaint is entitled to do so free from reprisal or victimisation. Complaints are examined objectively and without bias. All parties to the complaint are treated fairly. All complainants are treated with courtesy and respect. In managing and resolving a complaint, sensitivity is shown to cultural, linguistic and religious needs.

PURPOSE/RATIONALE

The purpose of this policy is to set out the overarching principles that underpin complaints management within CSNSW and to provide guidelines to assist in their resolution.

SCOPE

CSNSW receives and seeks to resolve complaints from individuals or organisations.

Complaints can relate to the services and/or quality of services provided by CSNSW; its policies and procedures; service providers authorised to work with offenders; or the behaviour of employees or contractors of service engaged by it.

It is important to note that nothing in this policy precludes allegations about potentially criminal matters, including for example, theft or sexual or other assault being reported to the NSW Police Force.

STRATEGIC FOCUS

- Corrective Services NSW Business Plan
- Department of Justice Strategic Plan 2015-19
- State Priorities <https://www.nsw.gov.au/premiers-priorities>

RELEVANT LEGISLATION

Crimes (Administration of Sentences) Act 1999

Crimes (Administration of Sentences) Regulation 2014

Anti-Discrimination Act 1977
Independent Commission Against Corruption Act 1988
Ombudsman Act 1974
Privacy and Personal Information Protection Act 1998
The Government Sector Employment Act 2013

RELATED POLICIES

Australian Standard ISO 10002-2006: Customer Satisfaction – *Guidelines for Complaints Handling in Organisations* (ISO 10002-2004, MOD)
Community Corrections Policy and Procedures Manual
Corrective Services Support Line (CSSL) Policies and Procedures,
Code of Ethics and Conduct (Department of Justice)
Operations Procedures Manual
The Management of Professional Conduct Policy
Public Interest Disclosures Policy (Department of Justice)
Whole of Government Commitment to Effective Complaint Handling

RELATED MEMORANDA/INSTRUCTIONS

Department of Premier and Cabinet: Circular *C2003-28 Apologies by Public Sector Agencies and Officials*
http://www.dpc.nsw.gov.au/publications/memos_and_circulars/circulars/2003/c2003-28
Commissioner's Instruction No 12/2005 - New Signs for all Points of Entry to Correctional Centres and Other Places of Detention
Commissioner's Memorandum No 03-27 - Making Apologies in Response to Complaints

OTHER RELATED DOCUMENTS

The Complaint Handler's Toolkit (2nd ed), NSW Ombudsman, June 2004
Effective Complaint Handling, NSW Ombudsman, December 2010
Investigating Complaints – A manual for Investigators, NSW Ombudsman, June 2004
NSW Ombudsman website: www.ombo.nsw.gov.au
Fact Sheet: Avenues for Inmate Inquiries and Complaints
NSW Government Complaint Handling Reference Group – Terms of Reference (Revised August 2016)

PROCEDURAL GUIDELINES

While all complaints must be managed in accordance with this policy, certain types of complaints must also be dealt with in accordance with other relevant CSNSW policies. (Appendix A lists the types of complaints and the relevant CSNSW policy). All policies listed in Appendix A can be located via the Policy Directory on the CSNSW intranet at
<http://intranet.internal.justice.nsw.gov.au/PPG/Pages/ppg/csnsw/csnsw.aspx>

Receiving complaints

- Complaints can be made in person, by phone, by email, in writing or via the CSNSW page of the Department of Justice website
- Complaints may be made anonymously. While these complaints will be managed in the same way as other complaints, it should be acknowledged that examination of the complaint may be limited. Where possible, complainants should be made aware of this limitation.
- Complainants are to be offered all reasonable support to enable them to lodge a complaint. This may include services to meet their needs in relation to culture, disability, language, religion, age and gender.

Information &
Accessibility

Resolving complaints

- Complaints are to be dealt with promptly and addressed at the local level. As a guide, complainants should be able to expect complaints to be resolved within 21 days. If this is not possible complainants should be provided with a reasonable time frame in which to expect the complaint to be resolved.
- Where possible, the staff member who receives a complaint is responsible for resolving it. If this is not possible or appropriate, for example, if the complaint is about that staff member, the staff member must refer the complaint (and the complainant, if necessary) to the Officer in Charge of the area relevant to the complaint.
- If the Officer in Charge of the area cannot resolve the complaint they must refer it to the relevant senior manager, (eg, General Manager, Director) or their delegate.
- At this point complaints should be recorded and securely stored in an electronic file in the Electronic Document Records Management System (EDRMS). A paper file may also be retained. These documents may be required in the future for auditing or in the event there is further investigation or a review of the management of the complaint.
- All information gained during the course of receiving and examining complaints must be treated with respect and confidentiality.
- Details of complaints and complainants should be disclosed to others only on a need-to-know basis.

Timeliness

Taking
Ownership

Good
Communication

The complainant must be advised either verbally or in writing who has been given responsibility for managing the complaint, what action is proposed, and where possible, how long it will take to resolve the complaint.

- Once the complaint has been resolved, or addressed to the extent possible, the complainant must be advised.
- Complainants have the right to an independent internal review if they are dissatisfied with the response to their complaint. Within CSNSW this can be:
 - the Corrective Services Support Line (CSSL) – for inmates only;

- Senior local management of correctional centres, transitional centres, Community Corrections Offices or the Community Offender Support Program (COSP) centre;
- Branch/Division Heads;
- the Commissioner and/or other Executive members.

Dealing with difficult complainants

CSNSW staff should not be subject to abuse or disrespect when handling complaints. Staff should be aware however, that a complainant behaving in this way may nevertheless have a legitimate complaint. Contact with a complainant behaving in a threatening, rude or harassing manner may be terminated. Complainants who behave in such a manner should be advised to put their complaint in writing.

Apologies

Often a complaint can be managed simply by apologising. For example, if it is clear that there has been an error, oversight, misunderstanding or poor or inappropriate communication, the complainant may be satisfied if the complaint is acknowledged and an apology made. In limited circumstances, where an apology may be taken as an admission of liability, an apology should not be made until legal advice has been obtained (refer also to *NSW Ombudsman Apologies – A Practical Guide*, or contact the Office of the General Counsel, Department of Justice).

Roles and responsibilities

Staff

All CSNSW staff are responsible for accepting and addressing complaints where possible. If they cannot address a complaint, they must refer it to the most appropriate person.

Service providers and volunteers

Service providers and volunteers acting on behalf of CSNSW may accept complaints but must refer them to the local management for resolution. They may make complaints on their own behalf to local management in the first instance.

All managers

All managers are responsible for prompt and sensitive resolution of complaints in accordance with this policy.

They must inform complainants of the progress and outcome of their complaint. Where the complaint is likely to be ongoing, they must confidentially document the details and outcomes of complaints and retain them in a secure location for audit or further review if required.

Local management

Local management is responsible for ensuring this policy is followed. They should ensure appropriate procedures are in place for the receipt and management of complaints. They must monitor the resolution of complaints and must conduct regular audits on the implementation of this policy.

They must implement an internal review process for dissatisfied complainants.

They must regularly review and analyse complaints to identify and address systemic issues.

Complaints which cannot be resolved at the local level should be escalated to more senior management who may assist to resolve the complaint through mediation and general advice to local management and complainants. If appropriate, the complaint should be resolved in consultation with local management.

Director Corrections Executive Services & Complaints Management

Transparency

The Director Corrections Executive Services & Complaints Management is responsible for this policy and reporting to the Assistant Commissioner Strategy & Policy on trends in complaints and any systemic issues identified.

Support people

Support people may assist complainants to lodge a complaint and to understand the complaints process and any options for resolution. They may accompany complainants during interviews or discussions as part of the complaints management process. Support people must abide by the process as determined by the complaints handler.

Staff members who are the subject of complaints are entitled to involve a support person.

Review date: May 2018

**POLICIES OR COMPLAINT PROCESSES FOR
DEALING WITH SPECIFIC TYPES OF COMPLAINTS**

POLICY OR COMPLAINT PROCESS	TYPE OF COMPLAINT
<u>Management of Professional Conduct Policy</u>	Allegations of misconduct , allegations of criminal matters
<u>Public Interest Disclosures Policy & Procedures (Department of Justice)</u> <u>Code of Ethics and Conduct (Department of Justice)</u>	Allegations of corrupt conduct, maladministration and serious and substantial waste in the public sector in accordance with the <i>Public Interest Disclosures Act 1994</i>
<i>Merit Selection – Policy and Guidelines</i>	Decisions of CSNSW regarding a job application
Appeals processes set out in the tender documents	Complaints or appeals against a decision of CSNSW regarding the selection of tenders for contracts to supply its goods or services
Inmate complaint procedures as outlined in <u>Section 8.28 Ombudsman Operations Procedures Manual</u> . Access to, and role of Official Visitors in <i>Official Visitors' Handbook</i> , and in section 228 <i>Crimes (Administration of Sentences) Act 1999</i> , and clauses 155 & 156 of the <i>Crimes (Administration of Sentences) Regulation 2008</i> Corrective Services Support Line (CSSL). CSSL procedures in <u>Section 8.34 Operations Procedures Manual</u> .	Complaints from inmates For follow up of action taken regarding complaints from inmates if the complaint is not resolved locally
Visitor Complaints <u>Section 15.26 Operations Procedures Manual</u> .	Complaints from visitors to correctional facilities
Correspondence is registered and response coordinated by the Corrections Executive Services & Complaints Management Unit.	Complaints in writing to the Commissioner of Corrective Services
Complaint is dealt with as if it were correspondence (see above). Response is provided by email.	Complaints via the CSNSW website
Dispute resolution clauses in contracts or Memoranda of Understanding	Disputes under a contract with CSNSW