



## client complaint investigation policy

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<b>Approved by</b>	Chief Executive Officer	<b>Review Date</b>	10 October 2024
<b>Document owner</b>	Advocacy and Policy Lead		
<b>Applies to</b>	All <b>yourtown</b>		

### purpose

This policy sets out **yourtown**'s investigations policy on how a complaint made by a child, young person or adult at risk about **yourtown** and/or **yourtown** personnel (including third parties engaged by **yourtown**) will be investigated and dealt with, in accordance with **yourtown**'s Safeguarding in Practice – Policy and Procedures (SIPPP).

In investigating a complaint, the safety and wellbeing of children, young people, adults at risk and all other clients must be safeguarded throughout the complaints process.

This policy outlines key principles to be employed when investigating complaints at **yourtown** to ensure:

1. complaints are investigated in a prompt and thorough manner, and
2. the investigation process is procedurally fair.

### scope

This policy applies to all investigations and determinations of a complaint about alleged inappropriate conduct of **yourtown** personnel and third-party providers.

Complaints are defined in the SIPPP as formal criticism of **yourtown** and include any matter ranging from a general expression of dissatisfaction with a service or program provided by **yourtown**, a particular experience with a person or persons involved with **yourtown**, an allegation of misconduct, policy non-compliance, abuse or exploitation, or an issue with the complaints management process.

Feedback is any information we seek or receive about **yourtown** that is used to inform service delivery and improvements. Feedback, as opposed to complaints, involves less serious matters that do not require a formal investigation.

Internal issues, grievances, and complaints raised by **yourtown** personnel are outside the scope of this policy. These matters should be addressed in accordance with People and Culture policies and procedures, including the Employee Resolution Grievance Procedure, the Code of Conduct, and Performance Management Policy.

### overview

**yourtown** is committed to providing a complaints system that is accessible to all people, particularly children, young people, and adults at risk and their representative/s. All complaints will be taken seriously regardless of the means or manner by which a person seeks to express their concerns.

**yourtown** will make every effort to investigate every complaint to determine:

- whether there is harm or a risk of harm or risk to the safety of any person, particularly children, young people, and adults at risk,

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- what action, if any, is required to prevent future harm or the risk of harm to any person, particularly children, young people, and adults at risk,
- whether a person has breached **yourtown's** Code of Conduct, and
- any other issues related to dissatisfaction with a service, program, or person's experience with **yourtown**.

## responsibilities

Section 16 of the SIPPP provides the mechanisms for identification and classification of complaints and appointment of a Complaint Manager either by a Department Head or an appropriate Manager, including the Head of People and Culture if the complaint is against **yourtown** personnel.

The Complaint Manager is responsible for managing the complaint and following the investigation processes outlined in this policy and in Section 16 of the SIPPP.

The Complaint Manager is responsible for ensuring criminal allegations or mandatory reportable conduct are referred to the police and appropriate authorities. If referred, the police will determine the investigations process and advise on any steps to be taken.

The Complaint Manager should also have regard to People and Culture policy and processes and consult People and Culture, where relevant, during the investigation of the complaint.

yourtown personnel are required to cooperate with the complaint investigation process and all requests for information, with appropriate regard to privacy and confidentiality requirements.

## Principles

### Confidentiality and Privacy

Confidentiality and privacy must be protected in relation to the complainant (and the child, young person, or adult at risk if they are not the person who made the complaint) and personnel or third-party provider against which the allegation has been made.

### Natural Justice

Any investigation of suspected inappropriate conduct of personnel and third-party providers must be carried out in accordance with natural justice. An overview of the three key principles of natural justice are as follows:

- that the person being investigated has a chance to have their say before adverse formal findings are made and before any adverse action is taken (fair hearing)
- that the investigator(s) should be objective and impartial (absence of bias), and
- that any action taken is based on evidence (not suspicion or speculation).

### Preservation of Evidence

Where an investigation is referred to the police for further investigation, personnel should not proceed with any interviews or an investigation until the police have advised the **yourtown** investigation can proceed. As far as possible, personnel should:

- preserve any physical or documentary evidence that may be critical to an investigation by police or the organisation. This may require discussions with the police from the relevant jurisdiction.

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- keep clients separated, where possible, where multiple clients have witnessed a relevant incident, to protect the integrity of their witness statements.
- preserve any forensic evidence where there is an allegation of sexual abuse. For example, the client should be advised not to shower or take a bath. Additionally, where appropriate, the client should not be provided drinks or food until after the police have been contacted and they have provided instructions on an appropriate course of action.

## investigation process



### Step 1 – Assess the nature of the complaint

On being assigned a complaint, the Complaint Manager must:

- assess the nature of the complaint including any potential risk of harm to children, young people, and adults at risk
- identify what mitigation strategies may be necessary in the immediate, short, and longer term
- consider whether the matter needs to be referred to the police or appropriate child protection authorities or referred under the Reportable Conduct Scheme Policy, and



- consider whether People and Culture should be informed.

See **Appendix One** for further guidance on what to consider during the initial assessment of the complaint.

## Step 2 – Develop an investigation plan

The Complaint Manager must develop an investigation plan to determine the purpose of the investigation. The plan should include:

- how they will conduct the investigation
- who needs to be notified, and
- any immediate action that needs to be taken.

Components that must be included in the plan are provided in **Appendix Two**.

Where an allegation has been referred to the police, the **yourtown** investigation must not proceed until advice has been received from the police indicating the investigation can be either resumed or closed. The police are responsible for determining investigations' processes referred to them, and for advising on future steps.

Where a matter is referred to the police, the Complaint Manager must inform the complainant that the matter has been referred to the police and that the police will undertake the investigation process.

## Step 3 – Undertake the investigation (non-police referrals)

The Complaint Manager will undertake the investigation in accordance with the investigation plan having regard for the following principles:

### a) Confidentiality and record keeping

- The investigation process must preserve the safety, dignity and wellbeing of children, young people, adults at risk, all clients, personnel and third parties.
- All documentation related to the investigation process must be stored securely with access limited to those involved in the investigation process.
- When interviewing witnesses and gathering information, the need for confidentiality must be stressed with all parties involved.
- Records of interviews must be read, signed (either electronically or physically), and dated by the witness and/or their supporter. Support must be offered to witnesses to assist in understanding, or reviewing the records they have provided as required in accordance with their age, developmental needs, cultural, disability or other identified need.
- If the witness and/or their supporter refuses to sign the record of the interview, the Complaint Manager must record both the request and refusal to sign, and where possible, the reason.

### b) Procedural fairness

- Where the complaint involves an allegation against **yourtown** personnel, the affected staff member has a right to be informed of:
  - the allegation
  - their right to put forward their case and an opportunity to respond to any adverse comments before a decision on the matter is made

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- the investigation findings
  - any recommended disciplinary actions
- A reasonable investigation into the matter must be undertaken before deciding on actions, ensuring that inquiry has been made of all relevant persons who are likely to know the facts of the complaint, and all files or documents relevant to the complaint have been reviewed.
- The investigation must be conducted without unreasonable delay and should be overseen by the Head of People and Culture.
- Reasonable notice must be given for interview times and dates.
- All persons being interviewed must be offered a support person of their choice.

c) Unbiased and fair

- The Complaint Manager must identify and manage any real or perceived conflicts of interest. The Complaint Manager must seek appointment of an alternative Complaint Manager if they identify any personal, real or perceived conflict of interests that will compromise the integrity of the investigation.
- Any decision resulting from the investigation process must be based on the evidence and will be determined on the balance of probability principle.
- On review of the initial complaint, there may be circumstances (particularly with serious allegations) where the Head of People and Culture will be required to appoint an external investigator.

d) Proportionate

- The nature of any investigation, review or other actions following an incident, particularly incidents involving clients, will be proportionate to the harm caused to the client and the risk of future harm to the client/s.

e) Appropriate action

- All risks identified in the initial risk assessment and implemented mitigation strategies must be monitored throughout the investigation process to minimise any potential for future and developing risk.
- The Complaint Manager must ensure all affected parties are protected from intimidation or retribution for bringing forth their concerns.
- Affected parties must be offered ongoing support, where appropriate.

f) Safety

- Child witnesses should not be interviewed formally without parental, guardian, or authorised nominee consent.
- Where there is no parent or guardian willing or able to support the child, an independent adult that the child trusts must be present for the interview.
- A parent, guardian or supporter must be present for the interview in a support role but should not participate unless directed by the Complaint Manager.
- When interviewing witnesses and gathering information, the Complaint Manager must have regard for the developmental stage and cultural background of all witnesses. Questions must be planned and should be open, not leading questions.



### Step 4 – Close the investigation, record, and report final findings

The Complaint Manager is responsible for communicating the outcomes of the **yourtown** investigation to the relevant internal parties. Where matters have been investigated and closed by the police, the Complaint Manager should close or continue the paused **yourtown** complaint process depending upon the outcomes of the police investigation and actions taken.

Consult **Appendix Three** for further guidance on what elements should be included in the final report.

The Complaint Manager must also ensure all documents related to the investigation are appropriately and securely stored and retained.

### Step 5 – Close the loop and embed change

#### Complaint Manager to close the loop

At the conclusion of a **yourtown** investigation, the complainant and/or their supporter must be informed that the investigation process has been completed.

While the responsibility for communicating outcomes of police investigations is the remit of the police, **yourtown** should advise the complainant of any learnings and changes proposed to be embedded in **yourtown** in response to the findings and action taken in relation to the complaint.

An explanation of complaint outcomes, decisions, and options for review or escalation should be provided to the complainant and/or their supporter (noting as per Section 16.3.7 of the SIPPP that it is not possible to provide information relating to internal performance or conduct investigations).

Section 16.6 of SIPPP should be followed where an appeal is sought; or the complainant is unhappy with the outcome of the investigation.

#### Embed change

Learnings from the complaint's investigation processes will be used to improve **yourtown's** complaints management procedure and overall governance, operations, and culture.

The relevant Department Head is responsible for ensuring the learnings are disseminated enterprise wide.



## terms and definitions

Term	Definition
<b>Complaint</b>	Complaints are defined in the SIPPP as formal criticism of <b>yourtown</b> and include any matter ranging from a general expression of dissatisfaction with a service or program provided by <b>yourtown</b> , a particular experience with a person or persons involved with <b>yourtown</b> , an allegation of misconduct, policy non-compliance, abuse or exploitation, or an issue with the complaints management process.
<b>Complaint Manager</b>	The Complaint Manager is responsible for determining the correct course of action to address the complaint and the response to be provided to the complainant.
<b>Feedback</b>	Feedback is any information we seek or receive about <b>yourtown</b> that is used to inform service delivery and improvements. Feedback, as opposed to complaints, involves less serious matters that do not require a formal investigation.
<b>Personnel</b>	Personnel includes staff who are employed by <b>yourtown</b> , as well as those engaged by <b>yourtown</b> on a sub-contract basis (third-party providers) and those engaged by <b>yourtown</b> on a voluntary or unpaid basis. It includes volunteers, trainees and Board members.

## referenced and related documents

- Safeguarding in Practice - Policy and Procedures
- **yourtown** Code of Conduct
- Reportable Conduct Scheme Policy
- Performance Management Policy
- Employee Grievance Resolution Procedure

## governance

- Safeguarding in Practice - Policy and Procedures
- **yourtown** Code of Conduct

## document review details

Review Details	Review Date	Revision
New Document	October 2022	



## appendix one: initial assessment

When conducting an initial assessment of the nature of the complaint, the Complaint Manager must:

- a) Review all details recorded at the initial receipt of the complaint, including:
  - what happened,
  - how it happened,
  - where it happened, and
  - who was affected.
- b) Assess the nature of the complaint including:
  - Any risks relating to children, young people or adults at risk and consider the following:
    - does the child/ren, young person/s or adult/s at risk require specific protection and personal, therapeutic, or emotional support?
    - is the welfare of the child/ren, young person/s, or adults at risk, threatened?
    - is there a risk of self-harm?
  - Any specific communication, cultural, gender, disability or other support needs of people involved that must be considered before an investigation commences?
  - Is there an appropriate adult in the child or young person's life that is able and willing to support them through the investigation process, or do they need an independent adult to support them?
  - Any risks relating to **yourtown** personnel and consider the following:
    - do they require any personal support?
    - should they remain in their current position? People and Culture and the relevant Department Head are responsible for determining an appropriate course of action in relation to this matter. The Complaint Manager must refer this consideration to them for action where relevant.
  - Any risks relating to other persons and consider the following:
    - what changes need to be actioned to ensure the safety and wellbeing of those who may have witnessed or are aware of the allegation.
- c) Consider any mandatory reporting obligations or reportable conduct scheme obligations. For further guidance, refer to **yourtown**'s Reportable Conduct Scheme Policy.
- d) Where the complaint relates to an incident, consider whether the incident requires containment. If so, the Complaint Manager will need to implement containment strategies to minimise harm or risk of harm to others.
- e) Assess whether the complaint evidences a pattern of inappropriate or concerning behaviours related to **yourtown** personnel or the behaviour of third-party providers. Where allegations relate to personnel, have People and Culture been notified to ensure appropriate processes are followed and actions taken? Where allegations concern third party providers, the Complaint Manager must advise the Procurement Manager to ensure they maintain oversight of all complaints and their resolution.





## appendix two: investigation plan

The investigation plan forms a critical component of internal record keeping and at a minimum must include:

- a) What **yourtown** intends to do
- b) Who is responsible for doing what
- c) Why it is being done
- d) How it will be done, including how all persons involved will be kept updated, informed and engaged in the process and their rights respected
- e) A timeline of milestones and deliverables
- f) What information needs be gathered
- g) When the investigation needs to be completed by
- h) When/who to contact to provide information to the complainant and/or their supporter about the progress of the investigation, findings and action taken in response to the findings
- i) When a final risk assessment will be conducted and how/when mitigation strategies will be implemented

## appendix three: final report

The following documentation is required before the investigation can be closed:

- a) Details of the complaint
- b) Where the complaint involved an allegation against **yourtown** personnel, when/how the staff member was informed and asked to respond to the allegation, and a record of how they chose to respond
- c) The investigation plan conducted by **yourtown**; or the details of the referral to the police where the investigation was undertaken by police
- d) Information on assessment and risk assessment processes and, where relevant, what mitigation strategies were implemented
- e) Evidence of what supports were offered to all affected parties
- f) Evidence of ongoing communication with the complainant and/or their supporter
- g) A statement on the findings of the complaint and whether they were substantiated, not substantiated, misconceived, or proven false and the evidence that led to this conclusion
- h) Actions and recommendations (whether internal, or external action taken by police)
  - a. Any actions taken (including legal or police action taken)
  - b. Referrals to other organisations or supports for persons involved
  - c. Any recommendations (both public and confidential) identified or made following the investigation process.
- i) Records of all witness interviews/statements signed and dated where the investigation was undertaken by **yourtown**.

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NOTE: Where the complaint involved an allegation against **yourtown** personnel, the final report must be provided to the affected staff member. The affected staff member should also be given the opportunity to respond to the findings report. Their response must be given due consideration.

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