

Complaints

Policy Determination 3.3

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Acronyms	Full form
CEO	Chief Executive Officer
ELB	Executive Leadership Board
MoC	Model of Care
NT	Northern Territory
OCC	Office of the Children's Commissioner
SYJO and YJO	Senior Youth Justice Officer, and Youth Justice Officer
The Department	Department of Territory Families, Housing and Communities
TL	Team Leader
YDC	Youth Detention Centre
YJ Act	Youth Justice Act 2005
YJ Regulations	Youth Justice Regulations 2006

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1. Policy Purpose

- 1.1. To provide guidance on the management of complaints lodged by, or on behalf of, a young person accommodated in a Youth Detention Centre (YDC).
- 1.2. To provide an effective complaints process that enables resolution of dispute, provides feedback and opportunities to improve on the care young people in YDCs receive.
- 1.3. To demonstrate the YDC's commitment to protecting young people and uphold their rights in the handling of feedback, requests and complaints made by young people, their family members/carers, representatives, and other support people.

2. Authority / Responsibility

- 2.1. Provisions regarding the management of complaints for YDCs is contained in Section 163 of the [Youth Justice Act 2005](#) (YJ Act) and Regulations 66 and 67 of the [Youth Justice Regulations 2006](#) (YJ Regulations) applies to all Departmental staff.
- 2.2. The Executive Leadership Board (ELB) and Senior Managers are responsible for implementing this policy by making it accessible to supervisors and employees through training programs and encouraging accountability. Supervisors and employees have a responsibility to understand and comply with this policy.
- 2.3. This policy determination applies to all Departmental staff, visitors to the YDC, and young people accommodated at the YDC.

3. Policy Statement

- 3.1. The Department encourages feedback and is committed to transparency and accountability in relation to the treatment of young people.
- 3.2. Robust and transparent complaints mechanisms must be in place and easily accessible to young people, a young person's parent/s, or responsible adult, and YDC visitors. This includes having the *Charter of Rights and Responsibilities for young people in YDCs – Factsheet* and any other information that has the complaints process being displayed in accommodation areas and other areas within the YDC that young people and the people who visit them have access to.
- 3.3. Young people must be provided with information about how they can make a complaint during the admission process. Information should be provided verbally and in writing. It is best practice to confirm with the young person that they understand the information provided, and consideration should be given for young people with specific needs.
- 3.4. Young people's complaints, requests and feedback shall be processed in a courteous and timely manner with respect, impartiality, natural justice, and flexibility.
- 3.5. Young people have the right to ask for and receive assistance and support to make a complaint. This assistance may be provided by a party other than a responsible adult, for example, a legal representative, health professional, or Departmental staff member.
- 3.6. YJOs and SATS staff should, wherever possible provide young people with information about what the Complaints Resolution team does, what they can help with, how the complaints process works, and what results or outcomes the young person should expect.
- 3.7. This determination aligns with the Youth Justice Model of Care (MoC) principles:
 - 1) **Therapeutic** – the YDC environment will be safe and secure while promoting the wellbeing of young people. This will enable young people to build and develop positive relationships with

YDC staff and they will feel confident in raising complaints, providing feedback and making requests to staff.

- 2) **Trauma informed** – through the process of addressing all complaints in a timely manner, YDCs will prevent re-traumatisation of young people in YDCs.
- 3) **Young person-centred** – Young people have a say in decisions made that may affect them which will include making requests and providing feedback. Young people will feel empowered to provide ongoing feedback on the care they receive in YDCs, and they will feel listened to through the resolution of complaints, feedback, and their requests will be taken on board.
- 4) **Throughcare-focused** – Throughcare planning for a young person will be completed to ensure they are connected to appropriate services and supports. Feedback, requests, and complaints received from young people or from members of their support network will help strengthen and allow for more comprehensive individualised throughcare plans.
- 5) **Collaborative** – Complaints will be resolved through working with other government and non-government organisations, families, and the community. This can include resolving complaints that may be received regarding health services or educational needs for young people in YDC. YDCs may work with the health and educational department to resolve complaints about the services they provide for young people in a YDC.
- 6) **Culturally secure and strong** – For culturally sensitive supports to be provided to Aboriginal young people who have made a complaint, and this may include a female Aboriginal young person requesting the support of a female Aboriginal YDC staff member with the process of making a complaint.

4. Departmental Complaints Policy

- 4.1. The policy statement above aligns with the Department's Complaints Policy's principles, which all YDC staff should be familiar with. The Departmental Policy is located [here](#) or at the following web address - <https://tfhc.nt.gov.au/?a=266081>

5. Requests and feedback from young people

- 5.1. A young person may make a request, and this includes asking for something to be done or given to them. For example, a young person may request for the following:
 - 1) additional bedding;
 - 2) adding phone numbers to call lists;
 - 3) medical, pharmaceutical, or hygiene requests;
 - 4) food, water, and other related suggestions;
 - 5) program suggestions;
 - 6) mediation requests; and
 - 7) personal items.
- 5.2. The request process must be explained to young people during the admissions process.
- 5.3. All requests and suggestions from young people in the YDC are recorded on a 'Blue Form' which are located in their block or young people can request that a blue form is provided to them by a YJO.

- 5.4. The Blue Form can be completed by the young person, or they can request the assistance of a YJO or other staff within the centre.
- 5.5. All Blue Forms can be given to YJOs or placed in the complaints box. YJOs will scan the forms to the Deputy Superintendent who responds to the requests and completes the response section of the blue form.
- 5.6. The Blue Form is sent to the Deputy Superintendent TFHC Youth DDYDC Management generic e-mail account: TFHC.YouthDDYDCManagement@nt.gov.au, for actioning with the young person who is given the opportunity to sign the form to acknowledge the response.
- 5.7. In assessing the immediacy of the level of response to requests, all staff in their decision making shall apply a risk focused assessment. This means that requests that may jeopardise the safety of a young person or YDC staff or those that may impact on the order and security of the YDC shall be responded to immediately.
- 5.8. Approved requests are actioned by the Case Coordinator or Youth Justice Operations staff depending on the request.
- 5.9. The actioning staff member must scan the Blue Form onto the CMS and a case note may be prepared in relation to the request, if required.
- 5.10. Young people in YDC may provide feedback verbally or in writing.
- 5.11. Feedback received from young people may be utilised to discuss areas of improvement.
- 5.12. Reasonable steps shall be taken to ensure young person's request or feedback is understood and this may require seeking additional information.

6. Internal complaints management

- 6.1. A young person, or a responsible adult, may make a complaint concerning any matter affecting them to the Superintendent (or their delegate). The complaint may be made on an internal complaint form, or in any other written form, or verbally. If requested, a staff member should assist a young person to make their complaint in writing. In this instance, the complaint should be drafted in the young person's own words.
- 6.2. Young people can locate complaint forms in their block, or they can request a complaint form from YJOs. Young people can lodge written complaints by placing them in any secure complaints box in the YDC. If requested, a staff member should assist a young person to make their complaint in writing using the young person's own words.
- 6.3. The Superintendent must ensure that the complaints boxes are cleared each day and that the staff member responsible for clearing the boxes protects the confidentiality of any complaints and delivers them immediately to the Superintendent.
- 6.4. Where a young person raises a complaint directly with a staff member, the staff member must make a reasonable attempt to resolve the matter to the satisfaction of the young person. If the matter is not able to be resolved by the staff member, or the resolution offered is not accepted by the young person, the staff member must provide information and assistance to enable the young person to escalate the complaint.
- 6.5. All complaints submitted by young people must be dealt with in a comprehensive and systematic manner to ensure the rights of young people are maintained.
- 6.6. Any complaint must be documented and progressed in an accountable, transparent, timely and meaningful way.

7. Allegations from a young person about another young person

- 7.1. Where a YDC staff member receives a complaint from a young person about another young person, this should be reported to the Superintendent. Complaints could include allegations of intimidation, verbal abuse, cultural insensitivity, racial slurs or sexual, physical, or emotional harm.
- 7.2. The superintendent will determine if immediate action is required and will take appropriate action as required. Any allegations of sexual offences by a young person on another young person are to be managed in accordance with *Policy Determination 4.10 Young People and Sexual Offences*.

8. Allegations from a young person about a YDC staff member

- 8.1. Where a YDC staff member receives a complaint from a young person about another YDC staff member, they are to report the allegations immediately to the Superintendent. Allegations can include intimidation, verbal abuse, cultural insensitivity, racial slurs or sexual, physical, or emotional harm.
- 8.2. The Superintendent must take appropriate action which may include, referring the matter to police by phone, the Department's Complaints Resolution team at TFHC.Complaints@nt.gov.au and/or Workforce services (HR) for a formal [Code of conduct](#) response via phone or JIRA request.
- 8.3. The YDC staff member named in the complaint shall be advised of the complaint being received. Depending on the nature of the complaint, the Superintendent (or their delegate) will have the discretion to make arrangements for the YJO and the complainant to not have contact with each other until the complaint is resolved. Matters dealt with as disciplinary matters are not recorded as complaints.
- 8.4. Where applicable, support for the young person through counselling and through the Employment Assistance Program (EAP) for the YDC staff member shall be made available.

9. Assessing a complaint

- 9.1. The Superintendent or Deputy Superintendent must discuss the complaint with the young person within 7 days of receiving the complaint, unless it is impracticable to do so, e.g. where a young person was released from the YDC since making the complaint or the staff member that needs to be spoken to is not on shift. When contacting the young person after release, staff will also contact their parent, guardian, or a designated member of their natural network.
- 9.2. The Superintendent must assess each complaint as soon as practicable. This will include consideration of the seriousness and complexity of the complaint, the resolution sought by the complainant and whether other statutory bodies are to be involved or not. If the Superintendent deems the complaint is about a matter that could be the subject of a complaint under the [Children's Commissioner Act 2013](#), the Superintendent may refer the complaint to the Children's Commissioner, via the Executive Director Youth Justice Operations and Complaints Resolution.
- 9.3. If the complaint is to be dealt with under the YJ Regulations, the Superintendent must give written notice about the complaint to the Office of the Children's Commissioner (OCC) as soon as practicable, but no later than 7 working days.
- 9.4. Where the complaint is deemed to be unreasonable, vexatious, or frivolous, the Superintendent may dismiss the complaint. The Superintendent must respond to and record a dismissed complaint as outlined below in section 12.1.

- 9.5. All other complaints must be investigated appropriately to determine the required action. The Superintendent may investigate the matter or allocate responsibility for the investigation to an appropriate Departmental staff member.
- 9.6. Reasonable steps must be taken by the Superintendent or Complaints Officer to ensure that the complaint is properly understood and investigated, and this includes seeking additional information as required. During the course of the investigation, the Superintendent or Complaints Officer should, where possible, update the young person on the progress of the investigation with a timeframe for an outcome to their concern/s. Any updates provided to the young person during the course of the investigation should be recorded as a case note on the young person's file.
- 9.7. The principles of procedural fairness and natural justice are to be upheld during the complaint. This means that where an allegation is made that another person did or did not do something, that person has a right to be informed of the allegation and right to respond.

10. Complaints and feedback from parents, guardians, carers, and young people's support networks

- 10.1. A young person, or the young person's parent/s, guardian, carer, or legal representative, may make a complaint about any matter in relation to a young person's care in a YDC or their experience while a young person is accommodated in a YDC.
- 10.2. Complaints can be made through the Department's [Compliments and Complaints website](#). The website has the mailing address, telephone number and email address for the Department's Complaint's Resolution team. The Compliments and Complaints website has an online form for parents, guardians, carers, or legal representative to fill in to make a complaint.
- 10.3. Complaints can also be made directly to the Superintendent during a visit or by calling the following:
 - 1) Don Dale Youth Detention Centre – 08 8922 0400; and
 - 2) Alice Springs Youth Detention Centre – 08 8951 1023.
- 10.4. Alternatively, complaints can be made to the external agencies listed in section 14.1.
- 10.5. Complaints can also be made directly to any YDC staff member and must be relayed to the Superintendent. *The Charter* and the *Charter Information Factsheet*, includes contact information.
- 10.6. YDC visitors including young people's parents and carers should be able to provide feedback about their experience during their visit, this will enable adjustments or improvements for the future.

11. Responding to a complaint

- 11.1. Complaints must be dealt with in a prompt and sensitive manner by the Superintendent.
- 11.2. Following investigation, the Superintendent must take one or more of the following actions:
 - 1) Address or remedy the complaint to the satisfaction of the complainant;
 - 2) Refer the matter to the NT Police if criminal activity is suspected to have occurred;
 - 3) Make a Mandatory Report if the matter is suspected to pertain to a child who has suffered or is likely to suffer harm or exploitation or domestic and family violence (refer to *Policy Determination 5.2: Mandatory Reporting*);
 - 4) Refer the matter to the Executive Director Youth Justice Operations if further internal investigation is required;

- 5) Refer the matter to the Office of the Children’s Commissioner (OCC); and/or
- 6) Take no further action in relation to the complaint if the investigation determines that the complaint is unfounded.

11.3. Irrespective of the outcome of the investigation or actions taken, the young person must be informed of the outcome of the complaint, including the reasons for the decisions made. The outcome should be provided to the young person verbally and in writing and all efforts should be made to ensure that the young person understands the information provided. Outcomes of the complaint must be given to young people within a reasonable time frame.

12. Recording complaints

12.1. The Superintendent must keep an accurate and up to date record of all complaints lodged by, or on behalf of, young people. This register must include the:

- 1) Name of the complainant;
- 2) Name of the person from whom the complaint was received;
- 3) Date and time the complaint was received;
- 4) Nature of the complaint; and
- 5) Actions taken to resolve complaint.

12.2. All records of complaints must be recorded on the CMS by the Deputy Superintendent or the Superintendent.

13. Complaints to an Official Visitor

13.1. Young people can make complaints to an Official Visitor. YDC staff must ensure that young people who wish to visit with an Official Visitor are assisted to do so in accordance with *Policy Determination 3.2: Official Visitors*.

14. Complaints to external agencies

14.1. Under section 163 of the YJ Act, the lodging of an internal complaint does not limit the rights of a young person under any other complaint procedure, and this includes a complaint to external statutory agencies, such as the:

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| 1) NT Office of the Children’s Commissioner; | 3) NT Police; or |
| 2) Anti-Discrimination Commissioner; | 4) NT Ombudsman. |

14.2. *The Charter of Rights and Responsibilities – Factsheet* has a list of other professionals from external agencies young people can contact if they would like to make a complaint about the treatment, they are receiving in YDCs.

14.3. If a young person informs YDC staff that they wish to lodge a complaint other than through the Superintendent, the YDC staff member must provide all necessary assistance to enable the young person to make the complaint. If the staff member is unable to assist, they must refer the matter directly to the Duty Team Leader.

14.4. All young people in detention are to have unmonitored telephone access to the Children’s Commissioner through the common pre-set on the PTS. Further guidance on facilitating telephone

and written communication with these agencies is available in *Policy Determination 3.0: Communications*.

- 14.5. The Superintendent or their delegate will ensure that any requests for information regarding a complaint to an external agency must be facilitated in a professional and timely manner.

15. Legislative basis and related resources

[Youth Justice Act 2005](#)

[Youth Justice Regulations 2006](#)

[Children's Commissioners Act 2013](#)

[Code of Conduct](#)

Charter of Rights and Responsibilities for Young People in YDCs (The Charter).

Charter of Rights and Responsibilities – Factsheet

Policy Determination 3.0: Communications

Policy Determination 3.2: Official Visitors

Policy Determination 4.10: Young People and Sexual Offences.

Policy Determination 5.2: Mandatory Reporting