

Youth Justice Policy Determination 3.3: Complaints

REFERENCE	61:F2018/286-11	
POLICY APPROVER	Name Title	Jeanette Kerr Deputy Chief Executive Officer Operations
	Date	18 January 2018
POLICY OWNER	Executive Director Youth Justice	
POLICY RESPONSIBILITY	Senior Director Youth Justice Programs	
IMPLEMENTATION RESPONSIBILITY	Manager Youth Programs - Superintendent	

Document Control

VERSION HISTORY	EFFECTIVE DATE	REASON FOR UPDATE
Version 1.01	January 2018	Update to position title and policy determination references
Version 1.0	January 2018	Deputy Chief Executive Officer Operations approval

NEXT REVIEW DATE	January 2020, or as directed prior to the scheduled review date.
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Policy Purpose

To provide guidance on the management of complaints lodged by, or on behalf of, a young person.

Authority / Responsibility

Provisions regarding the management of complaints is contained in Section 163 of the *Youth Justice Act* and Regulations 66 and 67 of the Youth Justice Regulations

The Executive Leadership Group and Senior Managers have responsibility for ensuring that supervisors and employees understand and comply with this policy.

This policy determination applies to all Territory Families staff and young people admitted into a detention centre.

Policy Statement

Territory Families actively encourages feedback and is committed to transparency and accountability in relation to the treatment of young people.

Robust and transparent complaints mechanisms must be in place and easily accessible to young people and a young person's responsible adult.

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. The complaints process should also be displayed in accessible areas within the centre.

A young person, or the young person's responsible adult or legal representative, may make a complaint about any matter in relation to their management or care in a youth detention centre. Young people should be confident about making a complaint and be assured that their complaints will be dealt with in a timely, professional and sensitive manner and given appropriate consideration.

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 Territory Families staff member.

Internal Complaint Management

COMPLAINT LODGEMENT

A young person, or a responsible adult, may make a complaint concerning any matter affecting them to the Manager Youth Programs - 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.

Young people can lodge written complaints by placing them in any secure complaints box in the detention centre. The Manager Youth Programs - 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 Manager Youth Programs - Superintendent.

Where a young person raises a complaint directly with a staff member, the staff member must make an 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.

Any complaint must be documented and progressed in an accountable, transparent, timely and meaningful way.

ASSESSING A COMPLAINT

The Manager Youth Programs - Superintendent or Assistant Manager Youth Programs - Deputy Superintendent must discuss the complaint with the young person within 24 (twenty four) hours of receiving the complaint, unless it is impracticable to do so.

The Manager Youth Programs - 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. If the Manager Youth Programs - Superintendent deems the complaint is about a matter that could be the subject of a complaint under the *Children's Commissioner Act*, the Manager Youth Programs - Superintendent may refer the complaint to the Children's Commissioner, via the Senior Director and Executive Director Youth Justice.

If the complaint is to be dealt with under the *Youth Justice Regulations* the Manager Youth Programs - Superintendent must give written notice about the complaint to the Children's Commissioner as soon as practicable, but no later than two (2) working days.

Where the complaint is deemed to be frivolous, the Manager Youth Programs - Superintendent may dismiss the complaint. The Manager Youth Programs - Superintendent must respond to and record a dismissed complaint as outlined below.

All other complaints must be investigated appropriately to determine the required action. The Manager Youth Programs - Superintendent may investigate the matter or allocate responsibility for the investigation to an appropriate Officer.

Reasonable steps must be taken by the Manager Youth Programs - Superintendent or investigating Officer to ensure that the complaint is properly understood and investigated. During the course of the investigation, the Manager Youth Programs - Superintendent or investigating Officer should, where possible, update the young person on the progress of the investigation with a timeframe for an outcome to their concerns.

The principles of procedural fairness and natural justice is to be upheld during the investigation. 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.

RESPONDING TO A COMPLAINT

Following investigation, the Manager Youth Programs - Superintendent must take one or more of the following actions:

- Address or remedy the complaint to the satisfaction of the complainant;
- Refer the matter to the Northern Territory Police if criminal activity is suspected to have occurred;
- Make a Mandatory Report if the matter is suspected to pertain to child abuse and neglect or domestic and family violence (refer to [Youth Justice Policy Determination 5.2: Mandatory Reporting](#));
- Refer the matter to the Senior Director Youth Justice Programs if further internal investigation is required;
- Refer the matter to the Children's Commissioner; and/or
- Take no further action in relation to the complaint if the investigation determines that the complaint is unfounded.

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.

RECORDING COMPLAINTS

The Manager Youth Programs - 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:

- Name of complainant;
- Name of the person from whom the complaint was received;
- Date and time the complaint was received;
- Nature of the complaint; and
- Actions taken to resolve complaint.

Additionally, the Senior Director Youth Justice Programs must, on a monthly basis, provide the Children's Commissioner with a summary of complaints received internally by young people. This must include the actions taken to resolve the complaint and the outcome of actions taken.

Complaints to an Official Visitor

Young people are able to make complaints to an Official Visitor. Staff must ensure that young people who wish to visit with an Official Visitor are assisted to do so in accordance with [Youth Justice Policy Determination 3.2: Official Visitors Program](#).

Complaints to External Agencies

The lodging of an internal complaint does not restrict a young person's ability to lodge a complaint to an external statutory agency, such as:

- Northern Territory Children's Commissioner;
- Anti-Discrimination Commissioner;
- Police; or
- Ombudsman.

If a young person informs a staff member that they wish to lodge a complaint other than through the Manager Youth Programs - Superintendent, the 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 Officer in Charge.

All young people in detention are to have unmonitored telephone access to the Children's Commissioner. Further guidance on facilitating telephone and written communication with these agencies is available in [Youth Justice Policy Determination 3.0: Communications](#).

The Manager Youth Programs - Superintendent must ensure that any requests for information regarding a complaint to an external agency must be facilitated in a professional and timely manner.