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## Custody Notification Service (CNS) - Complaint Management and Review Policy

### Policy Statement

The Aboriginal Legal Service of Western Australia Limited (ALSWA) is committed to ensuring that any client or other person using or affected by the CNS has the right to lodge a complaint, seek a review or to appeal a decision of the organisation and to have their concerns addressed in ways that ensure access, and equity, fairness, accountability and transparency.

ALSWA also welcomes feedback and comments that do not constitute a complaint from clients and members of the community.

### Scope

This policy applies to All ALSWA employees inclusive of full-time; part-time; casual, contractor and volunteer staff working on the Custody Notification Service (CNS) herein referred to as a “CNS staff”. And to any person making a complaint about the CNS

### Purpose

The purpose of this policy is to provide ALSWA with a mechanism to proactively deal with complaints and concerns relating to the CNS. ALSWA recognises that addressing legitimate complaints can improve future service delivery and ensure positive outcomes for its clients.

The ALSWA will provide a complaints and appeals management procedure that:

- is simple and easy to use;
- is effectively communicated and promoted to all clients and stakeholders;
- ensures complaints or appeals are fairly assessed and responded to promptly;
- is procedurally fair and follows principles of natural justice; and
- complies with legislative requirements.

### Principles

ALSWA will:

- consider all complaints it receives;
- treat all complainants with respect, recognising that the issue of complaint is important to the complainant;
- maintain confidentiality of parties involved, keeping any information private to those directly involved in the complaint and its resolution;
- ensure that complainants who require support can make their complaint with the assistance of a support person;
- resolve complaints, where possible, to the satisfaction of the complainant;
- deal with all complaints in a timely manner;
- keep parties to the complaint informed of progress of the complaint;
- ensure that CNS staff are given information about the complaints procedure as part of their induction and are aware of procedures for managing CNS complaints;



- ensure all clients and other persons using or affected by the CNS are aware of the complaints policy and procedures;
- ensure that a complainant is not penalised in any way or prevented from using the CNS during the progress of a complaint; and
- ensure that feedback data (both positive and negative) is considered in organisational reviews and in planning service improvements.

### Responsibility

The CEO is responsible for ensuring that all complaints are handled in accordance with this policy and must provide an up to date copy of the Complaints Register to the Board for consideration at Board meetings and to the Commonwealth upon request.

### Accessibility

This policy must be accessible from the ALSWA website.

This policy will also be made available upon request by the Commonwealth or the public.

### Procedures

#### 1. CNS Complaints

##### What is a complaint and how can a complaint be made?

A complaint is an expression or statement by a client or a person affected by the CNS indicating dissatisfaction with or a concern about the CNS. A complaint includes an expression or statement by an external agency concerning the operation of the CNS.

A complaint may be made to ALSWA either verbally (in person) or in writing by email sent to [cnscomplaints@als.org.au](mailto:cnscomplaints@als.org.au) Please mark correspondence to the attention of the Manager, CNS.

If a complainant is unwilling or unable to make a complaint in writing, two ALSWA staff must be present as the complaint is reduced to writing in the form of a File Note, which is to be signed by both staff members and, where possible, the complainant.

If the complainant agrees, a complaint may be lodged on behalf of the complainant by a third party (e.g., a guardian, carer, advocate or support person). It will be necessary for ALSWA to speak to the complainant to properly investigate the complaint. If this is not possible, ALSWA will endeavour to investigate the complaint as far as practicable, including due to the operation of privacy laws. The person lodging the complaint on behalf of the complainant may also participate in the process to resolve the complaint if the complainant consents.

ALWSA can also receive complaints referred to it by the Commonwealth or a third party.

ALWSA will accept anonymous complaints and investigate the subject matter of the complaint in order to improve its services and operations but unless the complainant provides contact details no response will be provided.



## 2. CNS complaints register

All complaints must be recorded in the CNS Complaints Register. The CNS Complaints Register must identify, for each complaint:

- a) full details of the complaint;
- b) the name of the person or organisation making the complaint (if known);
- c) the date and nature of the complaint;
- d) any action taken, including any changes (or proposed changes) to the conduct of the CNS as a result of the complaint;
- e) details of who is handling the complaint;
- f) a record of the outcome of the investigation; and
- g) any follow up activity from the complaint.

The CEO is responsible for complying with the complaints policy and must provide an up to date copy of the complaints register to the Board for consideration at Board meetings.

ALSWA must provide a copy of the complaints register to the Commonwealth upon request.

## 3. CNS complaints handling process

Following any complaint, whether written or verbal, the following procedure shall be followed:

- a) All complaints will initially be considered by the Manager of the CNS.
- b) The complainant must be advised, *in writing*, of how their complaint will be handled, who is handling it and when they will be told of the outcome of their complaint within 10 business days of the complaint being received. If the complaint is made by a third party on behalf of the complainant, the person who made the complaint may be advised of who is handling the complaint and how it will be handled if the complainant agrees to this disclosure.
- c) When the outcome of the investigation into the complaint has been finalized the complainant must be informed in writing of that outcome. If the complainant is unlikely to understand the written notification of the outcome of their complaint (e.g. due to youth, disability, mental or cognitive impairment), ALSWA will seek permission from the complainant to provide the written notification to a parent, carer, guardian, advocate or support person and will facilitate a meeting in person with the complainant and/or the nominated person to explain the outcome of the complaint.



- d) If the complainant wishes to pursue a complaint about the CNS further because they are not satisfied with the outcome of the CNS complaints procedure they must be offered a copy of the Review Procedure and the contact details of Manager, Policy and Programs.

#### 4. Request for Review (CNS complaints)

A complainant, who wishes to seek a review of the outcome of a CNS complaint, must apply in writing within three (3) months of the date that they were notified of the decision in question. Where the complainant has literacy difficulties or a disability, ALSWA will inform the complainant of its availability to assist. ALSWA will assist if requested to do so. Furthermore, ALSWA will facilitate persons with disability or literacy/language difficulties by enabling a request for review to be lodged on behalf of the complainant by a third party (e.g., guardian, carer, support person or advocate).

##### How will a request for review be handled?

The following procedures shall apply to a request for review:

- a) The Manager, Policy and Programs will complete an internal review of the decision. The Manager, Policy and Programs will respond in writing to the complainant within 14 days of receiving the request for review. This response will include:
- (i) the outcome of the review and an explanation of the reasons; and
  - (ii) if the original decision is confirmed, the complainant has the right to require the Manager, Policy and Programs to refer the matter to the Director, Legal Services (DLS). Such an application must be made in writing and received within two (2) months of the response.
- b) Upon receipt of the referral from the Manager, Policy and Programs, the DLS will provide a further assessment of the complaint.
- c) The DLS must provide the complainant with an opportunity to be heard and to explain his or her reasons for seeking a further review. The complainant will be asked to provide this information in writing. However, if the complainant is unable to provide information to the DLS in writing due to youth, disability, mental or cognitive impairment the complainant is entitled to be heard in person and may be assisted by an advocate, support person, parent, carer or guardian.
- d) The DLS must notify the complainant in writing of the outcome of its decision (and to the Commonwealth if requested) as soon as reasonably practicable and in any event no later than three (3) months after the date of lodgement of the application for review.
- e) All details and outcomes of reviews conducted under this section shall be reduced to writing and maintained in the client file (if relevant) and recorded in the CNS Complaints Registrar.



*Document control revision history*

Revision	Effective Date	Date Approved	Description of Changes
	19/9/2019	19/9/2019	Policy approved by board