DCJ Complaint Management Policy Framework – Child Protection and Out-of-Home Care

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1 The overarching framework

1.1 Purpose

The Department of Communities and Justice (**DCJ**) has a range of obligations with respect to its receipt, handling and resolution of complaints under several NSW legislative instruments (see sections 5.2 to 5.3).

In accordance with our obligations under the *Community Services (Complaints, Review and Monitoring) Act 1993* (NSW), the *Children's Guardian Act 2019* (NSW) and Regulation and other legislative provisions, DCJ has developed this comprehensive complaint management policy framework.

The DCJ Complaint Management Policy Framework (**Framework**) establishes an integrated approach for the management of complaints about child protection and out-of-home care (**OOHC**) by DCJ.

The Framework:

- embeds fairness, transparency, and accountability in all complaint processes,
- upholds the rights of children, young people, families and carers, to raise concerns in a safe, accessible and trauma-informed way, and
- promotes continuous improvement and systemic learning, ensuring complaints lead to better outcomes for children, families, carers and communities.

1.2 Scope

This Framework applies to all complaints about:

- Child protection and OOHC functions carried out by DCJ.
- Decisions, actions, or inactions of DCJ staff.
- Child protection and OOHC functions carried out by contracted service providers, including their decisions, actions or inactions.

NOTE: *This Framework is aligned with Resolving contracting complaints - responsibilities of funded service providers.*

The Framework covers:

- complaints from children, young people, parents, carers, families, community members, and stakeholders.
- complaints received via any channel (phone, email, post, in person, representations from Members of Parliament).

1.3 Policy Statement

DCJ is committed to a fair, transparent, culturally responsive, and trauma-informed complaint management system for child protection and OOHC.

Children, young people, families and carers have a right to raise complaints and be heard. Effective complaint handling is essential to protecting children, strengthening accountability, and building trust in DCJ.

Complaints also provide valuable feedback, identify risks, and drive continuous improvement in practice and service delivery.

This Framework upholds the Charter of Rights for children and young people in OOHC, ensuring their voices and rights are central to all complaint processes as well as the Child Safe Standards especially Standard 6 focussed on organisations having child-focussed complaint handling system. It also upholds the endorsed Practice Framework Standards, which set out what is expected of DCJ practitioners in how they work with children, their families and community.

DCJ's Managing Complaints and Feedback Policy is the overarching policy document, and this Framework sets out DCJ's integrated approach to complaint handling across child protection and OOHC. It is aligned with:

- NSW Ombudsman Effective Complaint Management Guidelines (2024)
- Commonwealth Ombudsman Better Practice Complaint Handling Guide (2021)
- Australian Standard AS 10002:2022 – Complaint Management in Organisations (2022).

1.4 Culturally sensitive and responsive complaint handling

DCJ recognises the ongoing impacts of colonisation, intergenerational trauma, and systemic racism on Aboriginal children, families and communities. DCJ acknowledges that many Aboriginal families have experienced and continue to experience government intervention that did not or does not respect cultural rights, kinship systems, or connection to Country.

To address these realities, DCJ is committed to embedding cultural responsiveness, child-friendly practice, respectful and trauma-informed approaches throughout its complaint management system. This includes recognising and valuing the contributions of DCJ staff from racially and culturally diverse backgrounds and ensuring they are supported to participate in complaint handling in a culturally responsive, respectful and inclusive workplace environment.

This commitment aligns with sections 11–12A(b) and (d) of the *Children and Young Persons (Care and Protection) Act 1998* (NSW), which affirm that:

- Aboriginal children and young people have the right to be raised in their own culture and to maintain connection to family, community and Country, and

- decision-making and practices affecting them must involve Aboriginal people in a manner that respects their culture.

DCJ is committed to legally compliant and culturally responsive practice, ensuring that complaint handling involving Aboriginal children, young people, carers and families upholds the principles of participation, cultural continuity and accountability.

DCJ's commitment to culturally responsive complaint handling is also aligned with the Closing the Gap Priority Reforms, which emphasise shared decision-making, building the community-controlled sector, transforming government organisations, and improving Aboriginal community access to culturally responsive services. These Priority Reforms collectively guide how DCJ partners with Aboriginal communities and ACCOs, strengthens cultural responsiveness in practice, and ensures that complaint processes support genuine participation, accountability and improved outcomes for Aboriginal children, young people, families and carers.

1.5 Objectives

The Framework ensures that:

- DCJ operates an integrated complaint handling system across child protection and OOHC.
- Complaints are managed in a culturally appropriate, child-friendly, and trauma-informed manner.
- Clear guidance is available to staff on their roles, responsibilities, and escalation pathways when receiving, managing and responding to a complaint.
- Complaints are resolved in a timely, consistent, and fair way, against appropriate benchmarks.
- Complaint data is used to identify risks, strengthen accountability, and drive service and system reform.

1.6 Principles that guide complaint management

DCJ adopts the NSW Ombudsman's 6 principles for effective complaint management, expanded to reflect the needs of children, young people, families and carers in the child protection and OOHC context.

1. **Respectful treatment** – All complainants will be treated with dignity, courtesy, and cultural respect. Staff will respond in a trauma-informed and child-safe way.
2. **Information and accessibility** – Complaints are easy to make and can be lodged through multiple channels. Information about complaint rights and

processes is child-friendly, culturally appropriate, and accessible to everyone.

3. **No wrong door** – Every complaint is received and directed to a safe and appropriate pathway, so no complainant is turned away. Note that the existence of court proceedings is not a reason to refuse or close a complaint.
4. **Communication** – Complainants receive acknowledgement of their complaint and regular updates. DCJ explains processes, timeframes, outcomes, and review/appeal options.
5. **Taking ownership** – DCJ staff will take responsibility for managing complaints. Frontline staff may be able to resolve simple complaints; more complex matters will be escalated appropriately.
6. **Procedural fairness** – Decisions are impartial, evidence-based and transparent. Complainants have the right to be heard and to receive clear reasons for outcomes and request reviews of the decision or outcome.
7. **Timeliness** – Complaints will be handled as quickly as possible, recognising that early resolution at the first point of contact is often the most effective way of handling a complaint.
8. **Cultural safety** – The rights, voices and experiences of Aboriginal and culturally diverse children, young people, families and communities are respected and valued. Complaints are managed in culturally responsive and trauma-informed ways.
9. **Child-friendly and safe** –Children and young people are supported to make complaints with safe processes/pathways and advocacy support available to help them raise concerns confidently and are supported to provide information or insights to assist with resolution of complaints about matters affecting them.
10. **Safety and no retribution** – Everyone has the right to raise a complaint without fear of reprisal, adverse treatment or negative consequences. DCJ will take all reasonable steps to ensure that complainants are supported and not disadvantaged because a complaint has been made by them or on their behalf. Any form of reprisal, intimidation, or adverse treatment against a person for making a complaint will not be tolerated. Managers and staff are accountable for upholding this commitment and will be held responsible for ensuring that complainants are protected throughout the process.
11. **Transparency and accountability** – DCJ will analyse complaint information and insights to strengthen our complaint handling services and drive systemic improvements.

2 Understanding complaints

DCJ recognises that complaints are an important way for children, young people, families and carers to raise concerns and be heard. People affected by our conduct and decisions have a right to make a complaint, and complaints are a valuable source of feedback that help DCJ improve services, strengthen accountability, and address risks.

In child protection and OOHC, it is especially important that complaints are understood, defined and managed consistently, so that issues are resolved fairly and in culturally responsive, child-centred and trauma-informed ways.

Understanding complaints is also an opportunity for DCJ to gain insights and feedback on the performance of its programs, especially directly from people receiving services. This is a critical part of the department's quality assurance and continuous improvement processes.

2.1 What is a complaint

A complaint is an expression of dissatisfaction where a response is sought, reasonably expected or legally required.

In this context, a complaint includes dissatisfaction with DCJ or its contracted services regarding child protection or OOHC, such as:

- Customer service (*e.g. accessibility of services, quality of services or treatment by staff*).
- Actions and decisions (*e.g. incorrect or unfair, reasons given not properly explained*).
- Inaction or delay (*e.g. not responding to requests, delays in providing services, inaction or delays not explained*).
- Policy or process (*e.g. disagreement with policy and processes, insufficient explanation provided*).

2.2 What is not a complaint

The following matters are not considered complaints:

- Concerns indicating possible risk of harm to a child or young person – these must be referred to the Child Protection Helpline (13 21 11) for assessment and response. For example, a parent expressing that their child is not receiving adequate care and their basic needs are not being met in their OOHC placement.
- An initial request for a service or action – however subsequent requests may be an implicit complaint about service inaction or delay.
- Statements about an overall opinion – unless a response or resolution is expected or should be reasonably provided.

- Request for information or explanations – however, repeated requests may be implied complaints about the quality of services, decisions or reasons previously provided.
- Requests for updates – however, some requests for updates may be implied complaints about delay or inaction.

2.3 Who can make a complaint

Everyone has a right to make a complaint. In this context, a 'complainant' can include:

- a child or young person who receives, or has received, a service from DCJ or a contracted service provider
- the parent, family member, carer or guardian of a child or young person who receives, or has received, a service from DCJ or a contracted service provider
- another person with a sufficient interest in the child or young person's safety, welfare, or wellbeing
- a support person, advocate or organisation representing a child or young person, their parent, family member, carer or guardian who receives, or has received, a service from DCJ or a contracted service provider.

This list is not exhaustive. It illustrates common categories but does not cover every possible scenario.

2.4 Anonymous complaints

DCJ accepts anonymous complaints about child protection and OOHC matters. Anyone can raise a concern without providing their name or contact details.

Anonymous complaints are assessed on the same principles as other complaints; however, the ability to investigate or resolve them, or advise the complainant of the outcome, may be limited if insufficient detail is provided or if follow-up contact is not possible.

If the complaint raises a risk of harm to a child or young person, it is treated seriously and may be referred to the Child Protection Helpline or other appropriate teams for assessment and response in accordance with the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

Complainants are encouraged, where safe and possible, to provide at least one method of contact (e.g. email or phone) so DCJ can seek clarification, gather further information, or provide updates and advise of the outcome, but this is not mandatory.

DCJ staff must not discourage anonymous complaints, recognising that some people may fear reprisal or lack trust in the system.

2.5 Making a complaint

Where possible, DCJ aims for frontline or first point of contact staff to resolve complaints immediately and directly with complainants, at the first point of contact. This approach is known as early resolution (or resolution at first contact).

There are several pathways to making a complaint to DCJ about child protection and OOHC:

- **DCJ Community Services Centres (CSCs)**– Local offices can receive complaints directly from individuals as part of casework and via referral from other internal units.
- The **Enquiry, Feedback and Complaints Unit (EFCU)** receives complaints directly from individuals or contracted providers. Complaints can be made by:

  Phone: 1800 000 164 (9am to 4.30pm Monday to Friday)
  Email: complaints@dcj.nsw.gov.au
  Post: Reply Paid 63437, Complaints Unit, Locked Bag 4028, Ashfield NSW 2131.
- **Contract managers** – DCJ contract managers who manage contracts with service providers may also receive a complaint directly from a member of the public, or from other contracted service providers about, for example, services provided or conduct of staff.

Complainants are strongly encouraged to use the official complaint pathways outlined above to ensure their concerns are received promptly, handled confidentially, and directed to the correct area for assessment and response.

DCJ is aware that individuals sometimes raise concerns on DCJ's social media pages. DCJ's social media pages are not an official complaint pathway, and personal complaints posted publicly may not be referred to the correct area for response.

2.6 Support for complainants

DCJ staff must treat complainants fairly, respectfully and without discrimination, and must ensure they are not subject to victimisation, harassment or retribution because they have made a complaint.

Complainants may choose to have someone assist or support them at any stage of the complaint process. Staff must ask the complainant what support they want before offering a particular type of support or referring them to assistance.

Two distinct types of support may be involved:

- **Advocate** – someone who actively assists the complainant to make and progress their complaint. This may include helping them clarify their concerns, communicating on their behalf, or representing their views

during meetings or discussions (for example, an independent advocate, caseworker, legal representative, carer or trusted community member).

- **Support person** – someone who provides emotional support or reassurance, attends meetings with the complainant, and helps them feel safe and comfortable, but does not speak or act on their behalf unless the complainant explicitly requests this.

Complainants may identify their own advocate or support person. DCJ staff should respect and facilitate this choice.

Aboriginal complainants can ask to speak with an Aboriginal staff member or to involve an Aboriginal advocate, community member or service. DCJ will make every reasonable effort to meet this request, subject to availability in the local area and timing needs and will discuss alternatives with the complainant where this is not immediately possible. Meeting this request depends on availability in the local area or on the day required.

2.7 Protections for complainants and responding to allegations of retaliation

DCJ is committed to ensuring that every person can make a complaint without fear of reprisal, victimisation, or disadvantage. Retaliation or adverse treatment of a complainant is contrary to section 47 the *Community Services (Complaints, Review and Monitoring) Act 1993* (NSW), and may constitute a criminal offence. It is also contrary to the principles of fairness and accountability that underpin this Framework.

Protections for complainants

- All complainants, including children, young people, carers and representatives acting on their behalf, are entitled to be treated respectfully and protected from any form of victimisation, harassment, or discrimination because they have made or supported a complaint.
- Managers and complaint handlers must take immediate action if they become aware of conduct that could be perceived as retaliatory.
- Where a complainant expresses fear of reprisal or bias, DCJ must consider appointing an alternative contact person or referring the complaint to another district or EFCU for independent handling.
- Complainants must be informed that they may submit a complaint to or seek a review by the NSW Ombudsman of DCJ's conduct.

Allegations of retaliatory action

Any form of retaliation, victimisation, or adverse treatment against a person for making a complaint is strictly prohibited. Confirmed or suspected acts of retaliation will be treated as misconduct and may result in disciplinary action, up to and including termination of employment.

If DCJ receives an allegation that a person has been victimised or otherwise disadvantaged because they made a complaint, the allegation will be treated and assessed as a separate matter from the original complaint.

Allegations of retaliation must be escalated immediately to the relevant manager or the EFCU for assessment and, where appropriate, internal investigation.

Code of Ethical Conduct

Retaliatory conduct may also constitute a breach of the DCJ Code of Ethical Conduct, which sets the standards and expectations for all DCJ workers. Such conduct, and other failures to uphold these standards, can lead to internal investigation and disciplinary action under relevant DCJ policies and procedures.

Outcomes of retaliation investigations will be documented and appropriate remedial or disciplinary action will be taken where required.

DCJ will clearly inform complainants that retaliation is prohibited, encourage them to report any concerning conduct, and explain how any allegations of retaliation will be managed. This information will be provided at the time a complaint is received and reinforced throughout the complaint process.

3 Resolving complaints

DCJ is committed to resolving complaints fairly, promptly and transparently, in ways that are culturally responsive, trauma-informed and child-centred. DCJ recognises that complaints must be handled in ways that are accessible and responsive for Aboriginal children, young people, families and carers.

Complaint handling must ensure that Aboriginal children, young people, families and carers are offered culturally responsive supports, including access to Aboriginal staff or cultural advice.

All complaints are to be managed in plain English, in child-friendly and culturally appropriate ways, so that everyone can engage safely and respectfully in the process, free from fear of reprisal.

If the complainant requires an interpreter, they may contact the free Translating and Interpreting Service (TIS National) on 131 450 and ask them to contact the relevant DCJ office. For meetings with DCJ staff, an accredited interpreter can be arranged by phone or onsite, with phone interpreters available 24 hours a day, seven days a week.

3.1 Who is involved in resolving a complaint

Resolving a complaint about child protection or OOHC can involve different parts of DCJ or contracted service providers, depending on the nature of the issue.

Complaints are usually handled as close as possible to where they arise but may also be coordinated or overseen by EFCU or referred to contracted service providers where relevant.

Local resolution (CSC or district level) – In most cases, complaints are managed close to where they arise. Local resolution is preferred as it is usually quicker, more personal and more effective.

CSCs include district and frontline staff that investigate and resolve those issues, consult with the complainant, gather information, and provide a written response.

EFCU – EFCU is DCJ's central point for receiving complaints about child protection and OOHC. It acknowledges complaints, provides advice, and refers some matters to districts or service providers for local resolution.

EFCU monitors timeliness and quality of responses, coordinates complaints that involve multiple parties, and escalates matters when required.

Contracted service providers – EFCU will refer matters to contracted service providers where appropriate. Under their contracts with DCJ, providers are responsible for resolving complaints about their own services. They are required to maintain a clear and accessible complaint mechanism, including a documented, child-friendly and culturally responsive complaint management process that is regularly reviewed and updated.

DCJ is committed to strengthening oversight and accountability, including improved monitoring and performance management to ensure that contracted service providers consistently meet service standards and deliver outcomes.

Providers must handle complaints fairly and transparently and ensure DCJ has appropriate oversight of complaint issues and outcomes through existing contract and performance management processes. These requirements reflect DCJ's expectations for service providers, which emphasise that complaints must be managed in ways that are accessible, respectful, and responsive to the needs of children, young people, families and carers.

DCJ may review, intervene or respond directly to a complaint where appropriate, including where a complainant does not feel safe or comfortable raising the matter with the contracted service provider.

NOTE: *In certain instances, a complaint may be classified as complex or sensitive, sometimes requiring a differentiated approach regarding the parties involved and the resolution process undertaken.*

3.2 Steps DCJ will take to resolve a complaint

When DCJ receives a complaint about child protection or OOHC, there are defined steps to make sure the matter is handled consistently, fairly and in a timely way.

These steps guide the process from the initial acknowledgement of the complaint through to resolution, recording, and closure.

NOTE*: Detailed guidance is being developed alongside this policy to support its implementation.*

1. **Receive and acknowledge the complaint**: Receipt of each complaint is confirmed promptly, either during the initial contact or in writing within 3 business days. At this stage, DCJ will clarify why the complainant is dissatisfied or concerned, and determine what outcome they are seeking and whether DCJ can help. The complainant will be advised that their complaint has been received and provided with key information, such as the initial assessment, expected timeframes, and how and when they will be contacted about next steps.
2. **Assess the complaint**: DCJ will assess what the complaint is about and clarify its complexity, severity and urgency. This may involve talking to the complainant to seek further information to assist the assessment. Ideally, straightforward and non-urgent matters are resolved immediately (see *Level 1 Early Resolution* below). When assessing and triaging a complaint, consideration will be given to who made it (e.g. a child or young person in OOHC, or a carer), how complex or sensitive it is, and who it concerns (e.g. a local DCJ CSC or a contracted provider).
3. **Decide what to do**: DCJ will consider whether to finalise the complaint at the first point of contact (i.e. *Level 1 Early Resolution*), gather more information or refer the complaint for investigation and resolution. Referrals can include local CSCs, districts, other teams across DCJ or contracted service providers.
4. **Investigate**: The unit that the complaint has been referred to starts the investigation by gathering relevant information and consulting people involved, while ensuring procedural fairness. The complainant is kept informed of the steps taken during the investigation.
5. **Resolve**: Appropriate action is taken to address the issues raised. This may include an explanation, apology, or changes to services or decisions. The complainant receives a written response that explains the outcome, the actions taken, the reasons for the decision, and the options for redress or appeal. Where things have gone wrong, DCJ acknowledges this and provides an apology.
6. **Record**: Details of the complaint and its resolution are recorded in the complaints system to support accountability and improvement.

7. **Close**: The resolution and outcome are communicated clearly to the complainant, along with advice on escalation or review pathways.

3.3 Timeframes for resolving complaints

- **Acknowledgement**: All complaints are acknowledged within 3 business days.
- **Simple complaints**: Where possible, complaints are resolved immediately at first contact by frontline staff (e.g. *Level 1 Early Resolution*).
- **Urgent complaints**: Actioned without delay and prioritised for resolution (aiming for 10 business days).
- **Standard complaints**: Generally resolved within 20 business days.
- **Complex or sensitive complaints**: May take longer, with progress updates to be provided.
- **Delays**: If resolution takes longer, the complainant is advised of the reasons and given a revised timeframe.

3.4 Privacy and confidentiality in complaint outcomes

DCJ manages all complaints and outcomes in accordance with its legislative obligations, including with respect privacy and confidentiality.

In some circumstances, the information that can be shared regarding an outcome may be limited. For example, DCJ may not be able to disclose details relating to personnel or disciplinary matters, or information about child protection cases to individuals who are not parties to the proceedings or who are distantly (or not at all) connected to the matter.

DCJ will, however, ensure that complainants receive sufficient information to understand how their concerns were considered and addressed, and the reasons for the outcome, while safeguarding the privacy, safety and dignity of children, young people, families, and staff.

3.5 Escalation and review pathways: 3-stage complaint process

DCJ recognises that an effective complaint management policy framework must provide clear and accessible pathways for escalation when a complaint cannot be resolved at the first point of contact (*Level 1 – Early resolution*).

DCJ must ensure that escalation processes are transparent, fair and free from conflicts of interest. Complainants must be informed of their right to request escalation or internal review if they are not satisfied with the outcome, or if they have concerns that the staff or unit involved in the complaint are managing or responding to it.

DCJ must ensure that, where appropriate, internal investigations are conducted independently of the district or unit complained about, by a person with no prior

involvement in the matter and, if necessary, by staff from outside the district or unit concerned.

DCJ has adopted a 3-level model for complaint escalation:

Level 1 – Early resolution

- Most complaints are resolved by frontline or first point of contact staff at the local level that initially received the complaint.
- This is known as early resolution, where the complaint is resolved at first contact.
- If the complainant is not satisfied with the outcome or feels uncomfortable with the staff handling their complaint, they should be informed of their right to request escalation to *Level 2 – Escalation for internal review*.

Level 2 – Escalation for internal review

If a complaint is unable to be resolved at first contact or through early resolution, it is escalated for an independent internal review.

At this level, the complaint is considered by a more senior staff member or an independent review officer who has had no prior involvement in the matter. Where appropriate, the review may also be conducted by staff from outside the district complained about or by an Aboriginal caseworker.

Complaints may be escalated to Level 2 where they:

- Remain protracted, unresolved, or have been escalated by the complainant, frontline staff or the district (i.e. at the local level)
- Fall outside a staff member's delegation or expertise
- Involve concerns raised about bias, conflict of interest, or retribution
- Involve serious allegations, complex issues, or multiple staff or teams.

The review may involve examining the initial decision that was made in response to a complaint, and either confirming or varying that decision.

Where issues relate to contracted service providers, unresolved complaints may also be referred to DCJ for a *Level 2 Escalation*.

Complainants will be advised in writing of the outcome of the internal review and provided with information on their right to request external review if they remain dissatisfied.

Level 3 – External review

If a complaint remains unresolved or the complainant is dissatisfied with the outcome at Level 1 or 2 following *Level 2 Escalation*, the complainant may request that the matter be referred to an external review mechanism, with their consent.

External review means the process is managed outside DCJ's internal structures and may involve independent review or dispute resolution processes.

External review options could include:

- Externally facilitated alternative dispute resolution (ADR)
- Independent external investigation
- Complaint to external bodies such as the NSW Ombudsman.

This Framework does not replace statutory review or appeal mechanisms but operates alongside them, ensuring that complainants continue to have access to formal rights of review under legislation.

Mediation is one form of ADR where an independent person:

- Helps parties listen to and better understand each other
- Clarifies the issues in dispute
- Identifies any areas of agreement or common ground
- Clarifies what is important to each party
- Assists the parties to explore options that take account of each party's needs and perspectives.

In the DCJ context, the aim of mediation is to help improve understanding, reduce conflict, and resolve issues where this can be done within DCJ's legal responsibilities and decision-making authority.

While mediation may assist parties to reach agreements on some matters, it cannot override DCJ's statutory obligations, mandatory requirements, or decisions made to ensure child safety and wellbeing.

3.6 Managing unreasonable conduct

DCJ recognises that most complaints are made in good faith, often in circumstances of stress, fear or frustration. These emotions are not considered unreasonable conduct. DCJ staff must approach all complainants with empathy and ensure behaviour is assessed fairly, contextually and without bias.

However, consistent with the NSW Ombudsman's Managing unreasonable conduct by complainants model policy (2021) and the *Community Services (Complaints, Review and Monitoring) Act 1993* (NSW), a complainant's behaviour may be assessed as 'unreasonable conduct' when it:

- Significantly and negatively impacts the safety, wellbeing or workload of staff
- Impedes DCJ's capacity to manage or resolve the complaint
- Continues despite clear communication about expectations and alternative options

Examples of unreasonable conduct

Unreasonable conduct may include (but is not limited to):

- **Unreasonable persistence:** repeatedly raising the same issue after it has been properly addressed, refusing to accept decisions, or demanding outcomes that are not available under law or policy.
- **Unreasonable demands:** insisting on immediate responses, excessive contact (e.g., multiple calls/emails daily), or demanding actions outside DCJ's role or authority.
- **Unreasonable lack of cooperation:** withholding key information, refusing to engage in the process, or presenting information in ways that are intentionally confusing or obstructive.
- **Unreasonable arguments:** claims not supported by evidence, accusations without basis, or focusing on minutiae that divert the complaint away from substantive issues.
- **Aggressive or abusive behaviour:** threats, intimidation, discriminatory language, verbal abuse, or behaviour that creates a safety risk to staff or others.

Examples of behaviour that is *not* unreasonable conduct

The following **must not** be treated as unreasonable conduct:

- expressing distress, frustration or anger **without aggression**
- requesting updates or seeking clarification
- disagreeing with DCJ's views or decisions
- providing large volumes of information where relevant
- communication difficulties linked to disability, trauma, cultural differences or language barriers.

Managing unreasonable conduct

Where behaviour meets the threshold for unreasonable conduct, DCJ may implement reasonable and proportionate strategies to manage the conduct, such as:

- limiting contact to certain times, formats or channels
- assigning a single point of contact
- requesting communication in writing only
- declining to further investigate issues that have been properly examined and responded to
- setting behaviour expectations in writing, including consequences if unreasonable conduct continues.

All decisions must be communicated clearly and respectfully, with reasons provided. Strategies must be reviewed to ensure they remain fair and proportionate.

Importantly, the substance of the complaint will still be assessed, even where conduct requires management.

4 Quality assurance of complaints and continuous improvement

DCJ is committed to a culture of continuous improvement in complaint management for child protection and OOHC.

Under section 3(1), the *Community Services (Complaints, Review and Monitoring) Act 1993* (NSW) seeks to foster a positive view of complaints as a way of enhancing community services and programs. Similarly, under section 41 of the *Children's Guardian Regulation 2022*, DCJ, as a designated agency and adoption service provider, must seek feedback from children, children's families and people who work with and care for children on the services DCJ provides and opportunities to improve practice, and DCJ must review critical events and complaints to identify opportunities for improvement.

These requirements, along with the commitment to continuous improvement, are key objectives of this Framework.

This means learning from complaints, addressing issues fairly and promptly, and using complaint insights to strengthen practice, services, and trust in the system.

This commitment is grounded in children's rights frameworks, including the United Nations Convention on the Rights of the Child, which affirm that children and young people have the right to be heard, to participate in decisions that affect them, and to have their concerns addressed. Embedding these principles ensures that DCJ's approach to continuous improvement is not limited to strengthening processes but also upholds complaints as a fundamental expression of children's rights and a driver of system reform.

Central to this commitment is ensuring that complaint processes are culturally responsive for Aboriginal children, young people, families and communities. DCJ will actively listen to Aboriginal voices, monitor outcomes for Aboriginal complainants, and partner with Aboriginal community-controlled organisations (ACCOs) to drive ongoing improvement.

Complaints are an essential source of feedback for system reform. DCJ will:

- **Engage with children, young people, families and carers** to ensure their voices are central to shaping improvements.
- **Work with ACCOs** to design culturally appropriate improvements arising from complaint insights.

- **Encourage feedback** even when no formal complaint is made, recognising that feedback can identify risks and inform preventative action.
- **Actively use complaints as insights** to identify service issues, unmet needs and opportunities to improve policy and practice.
- **Communicate improvements** to complainants, staff and the general public about the changes made because of complaints.
- **Improve accountability and oversight** by ensuring that complaints processes are transparent and effective. Clear expectations and robust performance management will ensure that contracted service providers consistently meet service standards and deliver outcomes.

4.1 Monitoring, reporting and quality audits

DCJ will systematically monitor, record and analyse complaint data to identify trends, systemic issues and service gaps.

This includes capturing key information about matters resolved at first contact (early resolution), as these interactions may highlight emerging risks or systemic issues. DCJ will take a proportionate approach to recording early resolution of matters – focusing on situations involving safety concerns, vulnerable cohorts, or issues that later escalate. In these cases, staff will record sufficient information to enable review and effective follow-up.

- **Internal reporting**: Regular reports will be prepared for senior executives and governance forums on timeliness, outcomes, escalation rates, and systemic issues.
- **Quality audits**: Periodic audits will test the quality, fairness and cultural responsiveness of complaint handling, checking compliance with legislation, policy and the NSW Ombudsman's standards. Audits will also assess whether procedures are being followed, objectives met, and whether improvements are being embedded.
- **Transparency**: Where appropriate, DCJ will publish complaint data to support accountability and strengthen community trust.
- **Root cause analysis**: Beyond monitoring volumes, DCJ will analyse the underlying causes of complaints to identify process or system failures. This may involve cross-team reviews to prevent recurrence and improve service quality.

4.2 Complainant satisfaction

DCJ recognises that a fair, transparent and respectful process is fundamental to achieving a good outcome. To facilitate effective resolution, complaints are to be acknowledged quickly, the progression of the investigation explained, and clear reasons for decisions provided.

- **Feedback collection**: DCJ will seek feedback from complainants through surveys or other mechanisms to understand their experience of accessibility, cultural responsiveness, timeliness, and fairness.
- **Measuring satisfaction**: Separate benchmarks will be set for satisfaction with both the process and the outcome, recognising that complainants may disagree with a decision but still feel the process was respectful and fair.
- **Support for complainants**: DCJ will ensure complainants are offered appropriate practical and cultural supports throughout the process.
    - Staff must ask the complainant what support they are seeking before offering a particular form of support or making a referral.
    - Complainants may choose to involve an advocate – someone who actively assists them to articulate their concerns, communicate with DCJ, or participate in discussions (such as a caseworker, community worker, carer, legal representative or independent advocate).
    - Complainants may also choose to have a support person – someone who provides emotional reassurance and helps them feel safe and comfortable during meetings, but who does not speak on their behalf unless explicitly requested.
    - Where a complainant is Aboriginal, DCJ will offer the involvement of an Aboriginal staff member, advocate or community contact, where available, to ensure culturally responsive communication and support.
    - Staff must take active steps to provide trauma-informed support, and reassure complainants that raising concerns will not result in bias, victimisation or reprisal.
- **Driving change**: Feedback will be analysed to identify gaps and areas for reform. This information will be used to shape staff training, program and service redesign and culturally responsive initiatives.
- **Trust-building**: By listening to complainants and acting on what we learn, DCJ will strengthen trust in the complaint handling system and demonstrate that complaints are valued as opportunities for learning and change.

4.3 Governance and accountability

DCJ governance arrangements will provide oversight and ensure accountability for continuous improvement. The participation of Aboriginal people in complaints-related governance processes will be addressed in the ongoing implementation of the framework.

- **Leadership commitment**: Executives and managers will champion a culture where complaints are valued and welcomed, staff are supported, and complaint insights drive continuous improvement across the child protection and OOHC system.
- **Executive oversight**: Senior executives and governance forums will receive regular reports on complaint volumes, systemic issues, remedies provided, and complainant satisfaction.

5 Appendices

5.1 Definitions

Term	Definition
Accessible	An accessible complaint handling system will reflect the preferences and needs of complainants, including people who may otherwise experience difficulty due to age, disability, language, geographical, health, or cultural reasons. In both design and delivery, an accessible system will actively seek to reduce access barriers. An accessible complaint handling system makes it as easy as possible for everyone in the diverse Australian community to find and use and will provide reasonable adjustments to enable full participation by children, young people and families.
Child-centred	The complaint handler should take a child-centred approach by seeking to meet the individual needs of the child or young person to maximise their ability to participate and make choices. A child-centred approach seeks to meet the individual needs of each child or young person and maximise their ability to participate and make choices. It upholds the rights of the child under the United Nations Convention on the Rights of the Child (1989) and the NSW Charter of Rights for Children and Young People in Out-of-home Care.
Complainant	A person, organisation or representative who makes a complaint.
Complaint	An "expression of dissatisfaction made to or about an organisation, related to its products, services, staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required." Complaints may relate to decisions, conduct, policies, or systemic issues affecting a child or young person.
Complaint handling system	All policies, procedures, practices, staff, and resources used by DCJ to manage complaints.
Contracted services	Services provided by persons or organisations that are funded (wholly or partially) by DCJ under a contractual agreement.
Cultural responsiveness	Cultural responsiveness refers to the ability of individuals, organisations and systems to recognise, understand and appropriately respond to the cultural identities, experiences

Term	Definition
	and needs of the people they serve. In the context of complaint management, it requires DCJ to engage with children, young people, families and communities in ways that are respectful, informed and adaptive to their cultural context. Cultural responsiveness involves actively seeking to understand the cultural factors that shape a person's experience of raising a complaint, removing barriers to participation, and tailoring communication and processes to ensure they feel heard, respected and supported. It requires continuous reflection, openness to different worldviews, and a commitment to improving practice so that all complainants can safely and confidently engage with the complaint system.
Cultural safety for Aboriginal and Torres Strait Islander children and young people	A culturally safe environment is one that Aboriginal and Torres Strait Islander peoples experience as safe for them - where they feel safe, valued and respected and free from racism and discrimination, and where there is no attack on, challenge or denial of their identity and experience. Cultural safety is about individuals, organisations, and systems being aware of the impact of their own culture, values and beliefs on Aboriginal and Torres Strait Islander peoples and acting to intentionally create and maintain environments where all people are treated in a culturally respectful manner. Cultural safety requires a non-judgemental and curious attitude, critical reflection of one's own beliefs and actions, and a commitment to lifelong learning.
Customer	The end users of services that are planned, designed, funded, and/or delivered by DCJ or its funded service providers and partners, subject to the Scope outlined in Section 1.
Dispute	An unresolved complaint escalated either within or outside of DCJ.
Effective	A complaint handling system that meets the better practice described in this guide will be an effective system. It will handle complaints in a way that is proportionate and appropriate to the nature of the complaint, resolving simple complaints quickly and assigning more time and resources to resolving complex and serious complaints. Indicators of effectiveness include:

Term	Definition
	• the system is accessible to all users, with complaints received from all groups that may experience complaint barriers • complaints are identified and referred to the complaint handling system • complaints are resolved within reasonable timeframes • appropriate outcomes and remedies are provided where the complaint is upheld • overall complainant satisfaction is high • complaint investigations and outcome reports are quality assured and reviewed • staff are well trained, empowered and supported • meaningful complaint data is captured and used for continuous improvement.
Fair	Complaint handling systems must treat, and be seen to treat, its users fairly, both in its processes and outcomes. Perceptions of fairness can be just as important as actual fairness in building trust and confidence in the system. A fair system is one where complaint handling actions, decisions and process are: • respectful • impartial • evidence-based • confidential • transparent • procedurally fair • accessible • responsive.
Feedback	Relates to opinions, comments and expressions of interest that can be positive or negative regarding services provided by DCJ or its contracted service providers. Information may be documented for consideration in service enhancement, and in some instances a response may not be deemed necessary by DCJ.
Impartial	Complaint handlers must approach complaints with an open mind and without preconceptions. A staff member should not handle a complaint where there is, or appears to be, a conflict of interest. Complaints about staff must be investigated by someone independent of the staff member.

Term	Definition
Improvement	Complaints provide valuable insight into how DCJ can strengthen services and systems. Complaint data should inform continuous improvement.
Integrated	Integration means having clear lines of responsibility, communication, and referral processes within DCJ and with external partners. It ensures complaints are part of core business and supports timely, coordinated responses. Benefits of integration include: • stronger complaint handling culture • timely referral and resolution of complaints • reduced risk of double handling • better sharing and use of complaint insights • improved experience for complainants and staff.
No wrong door	No wrong door is a concept that acknowledges it can be hard for people to know where they should direct their complaint. Under the No wrong door principle, DCJ works collaboratively internally and with service providers and relevant external bodies to ensure people are not turned away or lost in referral processes. Where DCJ receives a complaint that is outside its area of responsibility, staff should assist the complainant to access the correct complaint pathway as seamlessly as possible. This principle aims to remove barriers, improve pathways, and create a coordinated system where no one is turned away, and everyone is connected to the right service or support for their situation.
NSW Ombudsman	An independent statutory oversight body that ensures that public sector agencies and government funded service providers fulfil their functions properly and improve service delivery.
Procedural fairness	Procedural fairness is about the fairness of the process used to reach a decision. Complainants are likely to be more accepting of unfavourable outcomes when procedural fairness is high and, conversely, dissatisfied with favourable outcomes when procedural fairness is low. Complaint handlers are also more likely to reach a fair and correct decision if the procedure for reaching that decision is fair. In a procedurally fair system:

Term	Definition
	• processes are transparent and consistently followed • decisions are evidence-based and free of bias • reasons for decisions are provided to complainants, including the evidence on which the decision is based (including how the complainant's assertions or evidence have been considered) • communication with complainants is clear, and preferably in a form that the complainant can best understand • complainants are given an opportunity to respond to a decision and, if applicable, provide further information to support their complaint before a complaint is finalised • there is a process for complainants to seek review of how their complaint was handled.
Reflective	Reflection is the necessary precursor to improvement. Reflective systems are self-critical and ensure complaint handling processes and complaint data are regularly reviewed and analysed. Reflective complaint handling systems ensure effective actioning of individual complaints and can identify trends, systemic issues, and opportunities for improvement. Reflective systems: • embed a culture of non-defensive self-reflection • encourage staff and managers to observe and report insights from their complaint handling • have formal processes for reviewing complaint data and processes • analyse qualitative and quantitative complaint data.
Respectful	Complainants must be treated with dignity, empathy and respect. DCJ emphasises communication and listening as core complaint handling skills. Respect requires that complainant concerns be acknowledged and taken seriously. For many complainants, the complaint journey, and their treatment along the way, can be just as important as achieving the remedy they initially seek.
Responsive	A responsive complaint handling system is one that can react quickly and positively to meet the needs of its complainants, adapt to emerging issues or increased demand, ensuring

Term	Definition
	flexibility and timely action, and continuously improve service delivery.
Satisfaction	A complainant's perception about the extent to which their expectations have been fairly and fully addressed.
Service provider	Any person, organisation or company providing services to DCJ customers, whether funded or unfunded.
Systemic issue	An underlying weakness in a system that may affect how a program or service is delivered. Issues arising in complaints may be systemic if they are likely to affect several complainants. One off mistakes and errors by agency staff are not a systemic issue. However, if a particular issue or mistake occurs multiple times, it could be a symptom of an underlying systemic issue such as inadequate training or supervision arrangements. Systemic issues can arise in legislation, policy, procedure, program design, or administration. The nature of the systemic issue will determine where feedback should be directed and the scope to influence systemic improvement.
Timely	A timely complaint handling system actions complaints within benchmark timeframes in line with reasonable community expectations. Timely actioning of complaints means that the time taken to complete the assessment, and if applicable, the investigation of a complaint, is proportionate to the issue and the shortest timeframe possible while ensuring a proper outcome is delivered. Better practice systems make timely complaint handling a priority and reports regularly on performance to supervisors and executives. A complaint handling system that can promptly action complaints is better able to: • ensure efficient use of resources • build and maintain trust in the organisation • provide complainants with good outcomes.
Transparent	A transparent complaint handling systems is open and accountable. It provides clear information about their processes, actions and reasons for their decisions and is open to public and oversight scrutiny.

Term	Definition
	In a transparent complaint handling system, complainants are told: • who is handling the complaint and be given a point of contact • how the complaint process works, including what information they should provide and when to provide it • when to expect further contact or a final decision • reasons for any delays • the reasons for decisions • their review and escalation options • how their information will be used. Actions taken in the handling of a complaint should also be clearly documented and capable of scrutiny in quality assurance processes and by oversight agencies.
Trauma-informed	Trauma-informed approaches involve being sensitive to the child or young person's particular needs, preferences, safety and vulnerabilities, and recognising that their lived experience may make them susceptible to certain triggers that may lead to 're-traumatisation' and 're-victimisation.' For complaints that raise child safety and wellbeing issues, it is critical for organisations to adopt a trauma-informed approach at each key stage of the complaints process. Staff looking for signs of trauma is an important way to identify whether certain children and young people may have something they wish to open up about but have been afraid to do so. Staff should be trained in recognising the signs of trauma and using trauma-informed practices. Staff should use trauma-informed communication, avoid intrusive questioning, and allow the child or young person to have control over how their story is shared.
Unfavourable	An unfavourable complaint handling outcome or decision is where the complainant does not achieve the result they sought or only achieves part of the outcome they sought.

5.2 DCJ's obligations with respect to complaint management

As outlined in Scope Section 1.1 – Purpose, DCJ has a range of obligations with respect to its receipt, handling and resolution of complaints under several NSW legislative instruments. These are listed below.

Community Services (Complaints, Review and Monitoring) Act 1993 (NSW) (**CSCRAM Act**)

Under the **CSCRAM Act**, a person who is entitled to receive a 'community service', or who has a genuine concern in the subject-matter of a complaint related to a community service – or a representative acting on such a person's behalf (CSCRAM Act, s3(1)(b); s3(2)(f); s23) – has a right to complain about the services they have (or have not) received.

'Community services' are defined under the CSCRAM Act as services provided under community welfare legislation, which includes the CSCRAM Act, *Adoption Act 2000* (NSW) (**Adoption Act**), *Children and Young Persons (Care and Protection) Act 1998* (NSW) (**Care Act**), *Children (Education and Care Services) Supplementary Provisions Act 2011* (NSW), *Community Welfare Act 1987* (NSW), *Disability Inclusion Act 2014* (NSW), *Guardianship Act 1987* (NSW), and *Boarding Houses Act 2012* (NSW). This includes a wide range of services provided directly by DCJ, and by providers that DCJ contracts and funds to deliver services on DCJ's behalf.

Among the core objects and principles of the CSCRAM Act are that:

- wherever reasonable and practicable, complaints should be resolved at a local level and/or through alternative dispute resolution (s3(1)(c) and (d)); and
- a service provider must enable a complaint about its service to be dealt with fairly, informally, and quickly at a peace that is convenient to the complainant (s3(2)(e)).

Under section 22 of the CSCRAM Act, a person may make a complaint to the NSW Ombudsman about the conduct of a community service provider – or any of its employees or other people who act on the community service provider's behalf – with respect to the provision, failure to provide, withdrawal, variation or administration of a community service to a particular person or group of persons. Complaints may be made in writing or verbally.

Noting this, under section 25, the NSW Ombudsman may refer such a complaint to another body – including to the service provider the complaint relates to – if it appears to the NSW Ombudsman that the complaint raises issues that may require investigation by the other body.

As a matter of policy, and consistent with section 3(2)(e), the NSW Ombudsman encourages complainants to put their complaints to service providers directly in the first instance, and may refer complaints to providers if it receives a complaint that has not previously been raised with the provider.

Children and Young Persons (Care and Protection) Act 1998 (**Care Act)**

As above, the **Care Act**, is one of the primary community welfare legislative instruments. Under that Act, DCJ has a wide range of duties and functions with respect to the safety, welfare and wellbeing of children and young people. In administering that Act, we must abide by section 10, which contains the principle of participation.

Under section 10, one of the Department's responsibilities is to ensure that children and young people can participate in decisions that have significant impact on their lives, including by providing them with adequate information, in a manner and language they understand, about the decisions to be made, reasons for DCJ's intervention, ways they can participate in decision-making, and about relevant complaint mechanisms (s10(1)(a)).

Children's Guardian Act 2019 (NSW) (**Children's Guardian Act**)

In addition to the above, DCJ is a 'child safe organisation' under the **Children's Guardian Act** (s4, Schedule 1 and Schedule 6). As a child safe organisation, DCJ is required to comply with ten legislated child safe standards (ss8C and 8D); Standard 6 is that DCJ has 'Processes to respond to complaints of child abuse are child focused'. For successful implementation of the Standards, one of the requirements of DCJ as a child safe organisation is to have a complaint management policy, and a procedure(s) to support its application (s8D).

As well as being a child safe organisation, DCJ is also a designated agency and an adoption service provider for the purposes of the Care Act and the Adoption Act, respectively. As such, DCJ must comply with the 'Code of practice for designated agencies and adoption service providers' (the **Code**) under Schedule 3A to the Children's Guardian Regulation 2022. Under the Code, DCJ must:

- ensure its staff report information to the Secretary and governing bodies about risks to the safety, welfare or wellbeing of children (for the purposes of the Children's Guardian Act and Regulation, persons under 18 years), including where those risks are identified by way of a complaint (s19);
- keep records for staff and carers, including with respect to complaints (s30); and
- support children in care to raise concerns or make complaints, including by:
    - providing opportunities to speak with a caseworker or a staff member who is not the person who provides the child with day-to-day care, and
    - providing timely updates to the child about actions taken in response to their complaint (s32).

Ombudsman Act 1974 (NSW)

Under section 12 of the *Ombudsman Act 1974* (NSW), any person, including a public authority, may complain to the NSW Ombudsman about the conduct of a public authority. The NSW Ombudsman may, under section 12A, refer the complaint back to the public authority about which the compliant was made for its investigation.

Conclusions

In accordance with our obligations under the *Community Services (Complaints, Review and Monitoring) Act 1993* (NSW), the *Children's Guardian Act 2019* (NSW) and Regulation and other legislative provisions, DCJ has developed this comprehensive complaint management policy framework.

5.3 Related legislation

In addition to DCJ's obligations set out in Section 5.2, this Framework also operates within the following key legislative context:

- *Adoption Act 2000* (NSW) – sets the legal framework for adoption and requires that children who can form their own views are given the chance to express them, with those views considered according to their age and circumstances.
- *Anti-Discrimination Act 1977* (NSW) – ensures that NSW citizens are not discriminated against, and provides a process to lodge complaints about discrimination with the Anti-Discrimination Board NSW.
- *Disability Discrimination Act 1992* (Cth) – ensures complaint processes and communications are accessible to people with disability and free from discriminatory barriers.
- *Disability Inclusion Act 2014* (NSW) – promotes the rights and inclusion of people with disability and requires government services to be accessible.
- *Government Information (Public Access) Act 2009* (NSW) – provides complainants with rights to access government-held information, supporting transparency and procedural fairness.
- *Health Records and Information Privacy Act 2002* (NSW) – promotes fair and responsible handling of health information, including by providing an accessible framework for the resolution of complaints regarding the handling of health information (s3).
- *Privacy and Personal Information Protection Act 1998* (NSW) – governs the collection, use and disclosure of personal information, including in managing complaints.
- *Public Interest Disclosures Act 2022 (NSW)* – establishes the processes for making public interest disclosures, and provides explicit protections for those who make those disclosures.
- *State Records Act 1998* (NSW) – ensures accurate recordkeeping and accountability in complaint management.

Other legislation may apply depending on the nature of the complaint or the service context, including where the complaint relates funded service providers.

5.4 Related documents

- DCJ Managing Complaints and Feedback Policy (2024)
- NSW Ombudsman Effective Complaint Management Guidelines (2024)
- NSW Ombudsman Review of the DCJ Complaint System in respect of its Aboriginal Child Protection functions (2024)
- NSW Office of the Children's Guardian Guide to the Child Safe Standards (2023)
- Australian Standard AS 10002:2022 – Complaint Management in Organisations (2022)
- Charter of Rights for Children and Young People in Out-of-home Care
- Commonwealth Ombudsman Better Practice Complaint Handling Guide (2021)
- NSW Ombudsman's Managing unreasonable conduct by complainants model policy (2021)
- United Nations Convention on the Rights of the Child (1989)

5.5 Matters not dealt with under the Framework

The following are not considered complaints under this Framework and are subject to separate DCJ requirements, processes, or policies:

- Staff grievances and workplace disputes
- Appeals against eligibility or service decisions
- Complaints from service providers regarding the terms and conditions of their contractual arrangements with DCJ
- Feedback or commentary where no response is expected
- Work health and safety notifiable incidents
- Allegations of fraud and corruption
- Legal or contractual disputes
- Service or information requests.

For the scope of matters covered by this Framework, refer to Section 1.2 – Scope

5.6 Document information

Document name	DCJ Complaint Management Policy Framework – Child Protection and Out-of-home Care
Document reference	D25/3494400
Rationale for document	This document is a new policy framework that is specific to complaint handling related to child protection and out-of-home care.
Approver	Secretary, DCJ
Date approved	19 December 2025
Version	1.0
Effective date	19 December 2025
Due for review	19 December 2026

5.7 Monitoring, evaluation and review

This Framework will be reviewed at least annually, or earlier if legislative, organisational or practice changes occur.

Monitoring will include periodic audits of complaints, quality assurance reviews, and analysis of systemic issues. Feedback from complainants, staff and Aboriginal Community-Controlled Organisations will inform continuous improvement.

5.8 Support and advice

You can obtain support and advice about this document from:

Business unit	Enquiry, Feedback and Complaints Unit
Email	complaints@dcj.nsw.gov.au