

## 1. Purpose

Berry Street is committed to establishing and maintaining a systematic approach to feedback and complaints to ensure our service users' voices are heard and taken seriously and provide quality services, which includes:

- An accessible, supportive, and responsive pathway for all stakeholders to lodge complaints, provide feedback and receive a response, without fear of retribution.
- An organisational culture that recognises that feedback and complaints are an important way to support our service users and a valuable source of information.
- An organisation-wide system for actively collecting, tracking, responding to, reporting and evaluating feedback and complaints
- Analysing and making available aggregate feedback and complaints data
- Informing continuous quality improvement

## 2. Scope

This policy relates to complaints and feedback provided to Berry Street except those governed by other procedures. Exceptions include the following types of complaints which once received trigger a separate policy or procedure (see Appendix 1):

- Privacy breach or concern
- Past abuse
- Staff grievances
- Suspected or confirmed Child Maltreatment of child in Berry Street OOHC
- Suspected or confirmed Child Maltreatment of any other child
- Suspected or confirmed Maltreatment of a child by a staff person, carer or volunteer at Berry Street

This policy applies to all staff, Berry Street foster carers, carers, volunteers, members of the public, families and service users.

This policy does not cover actively collected feedback such as surveys or research.

## 3. Background

Berry Street is committed to the empowerment of children. An accessible, supportive, and responsive feedback and complaints systems helps children and all of our other service users advocate for themselves and helps inform our practice.

We acknowledge:

- Our service users are the best people to comment on our practice.
- It is essential that we encourage feedback and are open to complaints from our service users, and that we have complaint mechanisms that enable the participation of vulnerable service users.
- Any stakeholder must be given the respect our values dictate to be heard and responded to in an accountable and transparent fashion.
- When we receive complaints we must respond to them promptly, thoughtfully, fairly, and according to the principles of natural justice.
- It is important that we capture as much feedback as possible, including where that feedback is informal. All feedback, negative or positive, helps us improve our services.
- We must aim to provide an environment that has empathy, compassion and understanding, as this is essential to assisting those in feeling safe making feedback and complaints.

Numerous internal and external requirements exist that dictate the process for specific types of complaints, these are broadly covered in Appendix 1. These processes exist to ensure serious or high-risk complaints are responded to consistently and that appropriate authorities are notified as required.

#### **4. Policy**

- Berry Street will have an accessible feedback and complaints system, with multiple mechanisms for feedback such through the website, email, phone, verbal discussions with staff members, and by paper form.
- Berry Street will create an organisational culture that values feedback and complaints through leadership and training. All complaints and general feedback must be lodged on the Feedback and Complaints Register on Riskman (ERIN) by staff member who receives it.
- All records about general complaints and feedback will be kept in RiskMan.
- Discussions between staff, including external staff working as part of a service users care team, are not in the scope of this policy except where external staff make official complaints. For example, if a DHHS staff member raised issues with communication in a care team meeting, that would not be within the scope of this policy unless an official complaint was made.
- Complaints which are not general should be handled according to the relevant procedure. See the complaints triage flowchart or Appendix 1.
- Complaints will be responded to within a reasonable timeframe, with the initial response within two business days. Further timelines for resolving the complaint should be determined based on each complaint and should be communicated to the complainant.
- Complaints will be handled according to the principles of procedural fairness.
- Complaints will be handled in such a way that conflict of interests are assessed and avoided.

- No one will be subject to victimisation or retribution as the result of making a complaint or providing feedback.
- Management and staff will actively inform all service users, including where appropriate families and carers, of the feedback and complaints processes and how to access them.
- Information about feedback and complaints will be provided in multiple languages, mediums, and with Easy English versions.
- Information such as brochures, forms, and posters will be displayed at all Berry Street locations and services. This information will be as far as possible age appropriate to the service.
- Berry Street's specialist family violence services must ensure that when complaints are made by victims of crime:
  - they are handled according to the Victims of Crime Charter principles
  - they are offered fair and reasonable remedies in response to their complaints
  - they are informed of their right to have reviewed by the Commissioner if they are dissatisfied with Berry Street's response

#### **4.1. Anonymous complaints**

- We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

### **5. Complaints management**

All complaints will be either managed or reviewed by a relevant manager. The process for managing complaints consists of:

- Acknowledgement
- Assessment
- Resolution
- Review

See the Feedback and Complaints Procedure for step by step information on managing complaints.

### **6. Advocacy**

To help ensure we hear all voices, Berry Street is committed to supporting service users give feedback, make complaints, and advocate for themselves.

Staff are also encouraged to advocate for service users by regularly reminding service users of their rights and creating an environment that welcomes all concerns and feedback through empathy and compassion.

### **7. Staff training**

Relevant staff and volunteers will be supported to implement the practices outlined in this policy through targeted learning opportunities, resources, and training. This

specifically includes conflict resolution, complaints management, and identifying complaints. Specific staff included are:

- Reception staff
- Service staff
- Service managers

Relevant managers will also receive training on using feedback to create quality improvements.

## **8. Privacy and confidentiality**

All documentation relating to a service user complaint and or appeal will operate within the requirements specified within the Privacy Policy and regular Berry Street documentation practices unless otherwise specified.

Berry Street is committed to ensuring the privacy of personal information and as such the identity of the complainant will only be shared in order to respond to the feedback or complaint. For example if a complaint was discussed within a team as an example, it should be deidentified. Feedback and complaints will be de-identified for analysis, reporting and when used to inform quality improvement.

## **9. Reporting**

Feedback and complaints which have been lodged on the Feedback and Complaints Register will be reported to the Quality Governance Committee quarterly.

A summary of the feedback and complaints received, and the quality improvements planned and delivered will be reported in the Quarterly Board Report.

A deidentified and aggregated annual summary of feedback will be made available internally and externally.

## **10. Quality improvements from complaints**

Managers can identify complaints as requiring quality improvement actions in RiskMan. These actions will be recorded in the quality improvement register.

The Quality Committee will review the feedback and complaints received during the month and will ensure necessary quality improvements are added to the Quality Register in response, which is also led by the Quality Committee.

## **11. Feedback and complaints system review**

As part of regular service user feedback collection mechanisms questions will be included to measure satisfaction with the feedback and complaints system.

Specifically in relation to:

- Access to the feedback and complaints mechanism
- The management of feedback and complaints
- The appeals process for complaints

The complaints and feedback system will be audited internally annually by Organisational Effectiveness.

## 12. Definitions

### **Complaint:**

Expression of dissatisfaction made to or about us, our services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required. This includes situations where the dissatisfaction can be immediately resolved, as well as situations where it requires further action.

Exceptions include the following types of complaints which once received trigger a separate policy or procedure (see Appendix 1):

- Privacy breach or concern
- Past abuse
- Staff grievances
- Suspected or Confirmed Child Maltreatment of Child in Berry Street OOH
- Suspected or Confirmed Child Maltreatment of any other child
- Suspected or confirmed Maltreatment of a child by a staff person, carer or volunteer at Berry Street

### **Complainant:**

A person making a complaint. Where the complainant is making the complaint on behalf of someone they will need to demonstrate that they have the authorization of this person to make the complaint.

### **Confidentiality:**

Berry Street will protect and respect the privacy of complainants, victims and other parties involved in any process or investigation carried out under this procedure. While the process of making a complaint does not exempt complainants from their obligations to maintain their existing confidentiality obligations, complainants are under no obligation to keep their complaint secret or confidential and Berry Street acknowledges that they may disclose allegations to the Police or other parties at any time.

### **ERIN:**

'Electronic Reporting of Incidents and Near-misses' and is Berry Street's online database for reporting all service user, staff and volunteer related incidents. It was introduced as part of Berry Street's risk management plan with the aim of improving service user outcomes and staff safety by monitoring risks as they happen.

### **Feedback:**

Opinions, comments and expressions of interest or concern, made to us about our services, or other processes where it is clear that a person wants that feedback heard or recorded. Feedback includes compliments, comments and suggestions that

inform quality improvement across the agency. Feedback does not require a formal written response, but if the feedback is not anonymous a response should be given. This response can be provided verbally.

### **Feedback and Complaints Register:**

Online database which all Berry Street staff use to log feedback and complaints and tracks responses. All feedback and complaints received verbally, in writing, in person and via the Berry Street website will be lodged by the staff member who received them on RiskMan Feedback and Complaints Register. The register is used as a tool to track the number and types of complaints and record responses to complaints.

### **Misconduct Allegation:**

A complaint of inappropriate conduct about a person for whom Berry Street has some direct responsibility and includes conduct that is not consistent with Berry Street policy and/or an employee's job responsibilities or position description.

### **Past clients**

All persons who have been in the care of Berry Street and any of its founding agencies<sup>1</sup> since 1877. This includes agencies with which Berry Street has amalgamated or merged including Sutherland Homes and Lisa Lodge. Berry Street maintains a *Past Abuse Complaints Policy* to ensure all past clients of Berry Street have:

- access to an independent, supportive, non-traumatising, transparent, fair and consistent complaints process regarding allegations of any abuse or neglect that they may have experienced while in Berry Street's care or in service contact with Berry Street, and access to fair and reasonable redress, including but not limited to acknowledgement of the abuse or neglect, an apology from Berry Street, counselling and support, a financial payment and undertakings to not repeat past wrongs.

### **Personal Information:**

Information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

### **Procedural fairness:**

In general, procedural fairness refers to two broad principles:

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<sup>1</sup> Berry Street Victoria Inc; Berry Street Child and Family Care; Berry Street Babies' Home and Hospital; The Foundling Hospital and Infants Home; The Victorian Infant Asylum and Foundling Hospital; The Victorian Infant Asylum; Sutherland Child, Youth and Family Services; and Sutherland Homes for Children; Lisa Lodge (from July 2012)

- (a) An adequate opportunity must be given to a person to present their case before a decision is reached that might adversely affect them. This includes providing reasonable notice and time to prepare, sufficient information about the matter to be decided to enable the person to prepare their case.
- (b) An investigation must be free from bias as well as the appearance of bias.

### **Redress/Reparations:**

The measures taken by Berry Street where a complaint is upheld in order to acknowledge and remedy the harm caused to the victim or victims. Berry Street will be guided by the van Boven Principles, Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and Humanitarian Law, (United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities E/CN.4/Sub.2/1996/17)

Available at <http://www2.ohchr.org/english/law/remedy.htm>

### **Reportable Conduct:**

The Reportable Conduct Scheme requires some organisations, including Berry Street, to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers, and to notify the Commission for Children and Young People of any allegations. The scheme also enables the Commission for Children and Young People to independently oversee those responses.

There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that is likely to cause significant emotional or psychological harm

### **Staff Grievance:**

A grievance is a complaint by a Berry Street Victoria employee against another Berry Street employee, relating to work practices, work environment or working relationship, (excluding allegations of unsatisfactory work performance or misconduct, which shall be dealt with under Clause 28).

### **Whistleblower**

An employee, volunteer, carer, contract and agency worker of Berry Street, who attempts to make or wishes to make a report in good faith of Improper Conduct under the Berry Street Whistleblower Policy and avail themselves of the protections offered by that policy.

### 13. Version control

Version Number	1.1
Approved by:	Quality Governance Committee and OLT
Approved date:	20/02/2020
Review date:	20/10/2022
Process Owner:	Carol Scarpaci – Director Quality
Manager Responsible:	Michael Perusco – CEO
Version notes:	
Version 1.0	Policy created 20/02/2020
Version 1.1	Policy updated 8/01/2020 with information relating to Victims of crime charter requirements

## Appendix 1: Exceptions to the Riskman Feedback and Complaints Process

Type of feedback or complaint	Description	Relevant Policy or Procedure	Person responsible	Trend Reporting	Tracked
<b>Privacy breach or concern</b>	If an individual has any concerns about the way in which their or another person's information is being handled, or they believe that there has been an interference with the privacy of personal information held about them or others, they may contact the Privacy Officer or have their feedback or complaint lodged on the Feedback and Complaints Register to be sent to the Privacy Officer. A non DHHS incident should also be logged on CIMS.	Privacy Policy  ERIN Procedure  <a href="https://providers.dhhs.vic.gov.au/reporting-incidents">DHHS Privacy Reporting Requirements: https://providers.dhhs.vic.gov.au/reporting-incidents</a>	Person receiving the report for reporting internally to Berry Street.  Privacy Officer for recording on DHHS site.	Collation and reporting of monthly statistics maintained by the Privacy Officer	Feedback and Complaints Register (Riskman) entered by staff who received the complaint or by the Privacy Officer  ERIN incident
<b>Past abuse</b>	Complaints received regarding the past treatment of children who were in care with Berry Street, Sutherland Homes, or Lisa Lodge, must be lodged on the Feedback and Complaints Register. The Executive Director, Services is the person responsible for responding to these complaints and will maintain an up-to-date record of the progress of the feedback or complaint in accordance with the Redress Policy Past Clients:	Redress Past Clients Policy and the Responding to Claims for Redress Guideline.	Executive Director Services.	Th Annual Quality Report to board.	Feedback and Complaints Register (Riskman) entered by staff who received the complaint.
<b>Staff grievances</b>	Complaints matching the description below can be directed to the supervisor and line management. Feedback from staff who wish to lodge a suggestion, idea, compliment should be lodged on the Feedback and Complaints Register by the staff member as general feedback.  Description of staff grievance: A Grievance is a complaint by a Berry Street employee against another Berry Street employee, relating to work practices, work environment or working relationship, (excluding allegations of unsatisfactory	Berry Street Enterprise Agreement and Staff Grievance Policy	Relevant Regional Director.	Annual PCIS Report.	People and Culture Monthly Reporting.

Type of feedback or complaint	Description	Relevant Policy or Procedure	Person responsible	Trend Reporting	Tracked
	work performance or misconduct, which shall be dealt with under Clause 28).				
<b>Suspected or Confirmed Child Maltreatment of Child in Berry Street OoHC</b>	<p>Child or Young Person in Berry Street OOHC:</p> <p>CIMS: Complaints about the quality of care provided to a child or young person in Berry Street's Out of-Home Care program must be lodged on Berry Street's incident monitoring system.</p> <p>(see also Reportable Conduct).</p> <p>Also see s.81 reports</p>	<p>Reporting child abuse, neglect and maltreatment Procedure. Client Incident Management Guide 2017.</p> <p>Children Youth and Families Act, 2005</p>	Line manager.	Quarterly Quality and Risk Report.	Incident report in ERIN (Riskman)
<b>Suspected or Confirmed Child Maltreatment of any other child</b>	<p>Child not in Berry Street OOHC:</p> <p>The reporting obligations below are not through Berry Street and do not need to be reported to Berry Street. Berry Street does encourage all staff to report any suspected or confirmed child maltreatment of any kind, including neglect, to Child Protection.</p> <p><b>For mandated reporters:</b> Teachers, Principals, Police, Registered Medical Practitioners and Nurses, Out of home care workers (excluding voluntary foster and kinship carers), Early childhood workers, Youth justice workers, Registered psychologists. School counsellors, and people in religious ministry must report any confirmed or suspected physical or sexual abuse to Child Protection or Police under the Mandatory Reporting legislation.</p> <p><b>For all other adults:</b> in 2014 the Victorian Crimes Act was amended to include</p>	<p>Mandatory reporting</p> <p>The Crimes Amendment (Protection of Children) Act 2014 Victoria</p> <p>Child Safe Standards</p>	Person making the report.	Berry Street does not log this information and therefore there is no reporting.	Not applicable.

Type of feedback or complaint	Description	Relevant Policy or Procedure	Person responsible	Trend Reporting	Tracked
	'Failure to Disclose', this makes it a criminal offence for any adult not to disclose to Police suspected or confirmed sexual abuse of a child under 16 years.				
<b>Suspected or confirmed Maltreatment of a child by a staff person, carer or volunteer at Berry Street</b>	<p><b>Reportable Conduct:</b> Under the Reportable Conduct Scheme Berry Street is required to report any allegation of child abuse or misconduct towards children made by their workers or volunteers to the Commission for Children and Young People, regardless of whether the abuse occurs in the course of their employment. Berry Street staff, volunteers and carers must respond to 'reportable conduct' (definition listed below) by using the incident reporting system when there is an incident; the Whistleblower Policy.</p> <p><b>Definition of Reportable Conduct</b></p> <p>There are five types of 'reportable conduct':</p> <ul style="list-style-type: none"> <li>• sexual offences committed against, with or in the presence of a child</li> <li>• sexual misconduct committed against, with or in the presence of a child</li> <li>• physical violence against, with or in the presence of a child</li> <li>• any behaviour that causes significant emotional or psychological harm to a child</li> <li>• significant neglect of a child.</li> </ul>	<p>ERIN Procedure</p> <p>Whistleblower Policy</p> <p>Reportable Conduct Factsheet</p>	The Director People Culture.	<p>Incident Reporting</p> <p>Annual Quality Board Report</p>	<p>Incident report in ERIN (Riskman)</p> <p>Whistleblower Officer Record and People and Culture internal records.</p>