

WWCSU Complaints Resolution Process

The Working with Children Screening Unit (the Unit) places a high value on the standard of customer service we provide to the community. We support the right of members of the public and other customers to provide comment or make complaints about our work, and aim to provide an accessible, fair and efficient system for resolving complaints.

The Unit is committed to continuous improvement in service delivery and welcomes both positive and negative customer feedback. The Complaints Resolution Process outlines how we will respond to complaints and is an important part of the Unit's commitment to service improvement.

BACKGROUND

The Working with Children Screening Unit

The Working with Children Screening Unit is part of the Department for Child Protection (DCP) and implements the *Working with Children (Criminal Record Checking) Act 2004* (WWC Act). The Unit carries out Working with Children Checks (WWC Checks) for the Western Australian community in accordance with the Act which governs:

- who must have a WWC Check;
- what criminal records and relevant information can be received
- what must be considered when deciding whether a person can be issued a WWC card making them eligible for any type of child-related work.

There is further information on the website.

All the services of the Unit function in accordance with the WWC Act and some functions are also governed by other contracts and agreements. *Some examples include: the Unit must comply with its contract with CrimTrac when doing national criminal record checks; there is a contract with Australia Post for the application process.*

The Unit must make decisions under the Act that contribute to the safety of children by identifying and stopping people from working with children where their criminal record indicates that a child may be harmed. The Unit endeavours to provide a high quality service and part of this is receiving and acting on feedback from its many customers and stakeholders.

There may be times where the service is not of the quality intended and feedback is welcomed so this can be addressed. If this informal contact is not sufficient there is also a formal complaint process.

Under the WWC Act, all information about applicants and applications is confidential and therefore the Unit has a dedicated complaints resolution process that supports the service it provides.

The Unit undertakes to:

- Treat people making complaints (complainants) with respect at all times.
- Respect the right of people making complaints to tell their story in their own words, and to explain what they would like to happen.
- Respond to complaints honestly, and in a clear manner.

WHEN TO PROVIDE FEEDBACK AND WHEN TO MAKE A FORMAL COMPLAINT

If you have feedback about the Unit's implementation of the WWC Check we want to hear from you. We would like to hear from you when there is something positive to report (so we know we are on track) as well as when you are not happy with any aspect of the WWC Check scheme. If you are not happy with some aspect of the scheme, we will hopefully be able to provide information or address the issues through informal contact but there may be times when the issue should be addressed through the formal complaint procedure.

Factors to keep in mind when you are considering what you want to do are:

- Most concerns can be sorted out informally by getting correct information and talking to an appropriate staff member. A few examples of matters that have been successfully sorted through informal contact are:

- *Some people have applied for the WWC Check after instruction by their employer, but have told the Unit they do not have any contact with children as part of the usual duties of their work.*

The Unit has followed this up to find some employers mistakenly believe everyone in their service should have a check, even though it is not permitted in the legislation. The correct information has been given and where appropriate the fee has been refunded.

- *Some people have not liked the fact that despite having another type of criminal record check, they must also apply for the WWC Check.*

Information has been provided about how the WWC Check differs - not only in terms of the wider range of records that are assessed in making decisions relevant to the safety of children but also because the Check is 'live' and is updated regularly. Every person in child related work, even those who have no criminal record, contributes to the safety of children by having the Check. The Unit also provided clear information on the website explaining the different types of criminal record checking.

- Some concerns may be because you do not like aspects of the legislation or procedures for application. Where these are implemented because of the requirements of the legislation or contractual obligations, your concerns cannot be resolved through the formal complaint process which requires the Unit to investigate and remedy matters within its control. The Unit does however want to hear from you as in some instances these can lead to changes in legislation or contractual arrangements.

An example of this:

- *Some people renewing their WWC Checks complained about having to produce their 100 points of identity again.*

This was not something in the control of the Unit but a requirement from police jurisdictions across Australia and CrimTrac so that the new criminal record check was ensured to be done on the correct person. The Unit has successfully negotiated a shorter process for the first renewal. This means that those people

receiving renewal letters from 1 July 2010 can use the renewal letter and current card to apply for the Check instead of the 100 points of ID, if their name has not changed and their card has not expired.

- *Some people have complained about not being able to download an application form from the website.*

The Unit is aware that this would improve our service and is working with its contracted agencies to achieve this.

Giving feedback

If you would like to give us feedback or provide your comments, this can be done by phone, in writing or through our Feedback link on our website. Some concerns should however be investigated through the formal complaint process.

Formal complaints

A 'formal' complaint is one where the issue cannot be dealt with through informal contact or information and discussion, the matter is within the control of the Unit and resolution is expected by the complainant. Such a complaint is a formal way of telling the Unit you are dissatisfied or concerned with something the Unit has done. A Manager or the Director will use the formal complaint procedures to try to resolve the problem.

Resolving a formal complaint

'Resolution' is achieved when the outcome of a complaint is satisfactory to both parties. To resolve complaints, the Unit will make a real effort to talk about the problem with you, and listen to what you want to happen. We will explain why decisions have been made, and what your rights are.

Working together to resolve complaints is the best way to fix many problems. We genuinely want to resolve your complaints as quickly and easily as possible.

Who can make formal complaints?

Formal complaints about the Unit or its services can be made by any individual, group, or member of a private or public organisation, including government agencies.

What can be complained about?

We anticipate that most concerns can be resolved before a formal complaint is necessary. If they are not, you may wish to make a formal complaint when you think the Unit's services or responses or products are not the quality you would expect or if you think we have not abided by the legislative requirements.

Complaints that cannot be investigated or resolved through this process

The WWC Act and processing of applications

People may disagree with or query the legislation, the cost, and the method of processing applications. However, these issues are governed by legislation or external agreements and cannot be investigated and remedied by the Unit through a formal complaints process. We do however, want to hear your concerns which can be considered when legislation is amended or contracts are renewed.

If your complaint relates to these issues, one of the Unit's staff will contact you to talk about the matter, listen to your questions and explain the requirements of the Act or methods for processing applications more fully. The staff member will also attempt to assist you if you need further help.

Matters that are dealt with by the State Administrative Tribunal.

If people are dissatisfied because a Negative Notice has been issued banning them from child-related work and they believe they are suitable to do such work, they can apply to have the decision reviewed by the State Administrative Tribunal (SAT).

In Western Australia the SAT is the primary authority for reviewing decisions made by Government agencies, public officials and local governments. Information about this process will be provided to relevant applicants concurrently with the issue of a Negative Notice or see <http://www.sat.justice.wa.gov.au/>

The SAT's decision making processes are impartial and independent of previous decisions and the public officials who made them.

Australia Post

Complaints about the WWC Check application process at Australia Post are to be made directly to Australia Post which has its own complaint process. The Unit monitors the performance of Australia Post under its contract and will seek information about the resolution of complaints.

If you want to lodge a complaint about Australia Post you can do this:

- in person at any Australia Post outlet
- by phone to the phone to the Customer Contact Centre in your State on 13 13 18
- by writing to the Commercial Manager or General Manager in your State.

If you want to let us know that you have made a complaint to Australia Post please advise us through the website contacts or by phoning our Inquires line.

Anonymous complaints

The Unit does not investigate anonymous complaints.

RELEVANT LEGISLATION AND STANDARDS

- AS ISO 10002-2006 Customer Satisfaction – Guidelines for Complaints Handling in Organisations
- Equal Opportunity Act 1984
- Disability Services Act 1993
- Freedom of Information Act 1992
- Public Information Disclosure Act 2003
- Corruption and Crime Commission Act 2003.

PROCESS FOR MAKING A FORMAL COMPLAINT

The first step - lodging your complaint

There are a number of ways to lodge your complaint.

- Talk to one of our staff on: (08) 6217 8100 or 1800 883 979 (country callers).
- In writing - send a letter to: PO Box 1262, West Perth WA 6872.
- Send an email to: checkquery@dcp.wa.gov.au.
- Use the 'Complaints' Form on the Unit's website.

What happens next?

1. One of the Unit's Officers will contact you and gather as much information as possible from you to clarify:
 - what the complaint is about
 - what you want to happen regarding the complaint.
2. Within five working days of receiving your complaint, the Director or his/her delegate will write to you to confirm he/she has received it.
3. Within 15 working days, you will be informed of the outcome of the complaint in writing by the Director or his/her delegate, and provided with reasons for the outcome.
4. If you believe there is further information that you have not provided that should be considered, you will be given the opportunity to provide this information. The Unit is committed to properly researching and responding to complaints about its service.