

# Approved Counselling Service: Complaints Handling Guidelines

## 1. Introduction

### 1.1. Purpose

Victims Services (VS) manages the Approved Counselling Service (ACS). ACS complaints are treated seriously. These Complaints Handling Guidelines have been developed to ensure that:

- VS handles complaints fairly, efficiently and effectively.
- All parties to a complaint understand how the complaint will be handled.

These Guidelines are designed to ensure transparency and procedural fairness in the complaints handling process, and ensure complaints are managed in line with VS policies, service commitments, the Charter of Victims Rights and the [Victims Rights and Support Act 2013 \(the Act\)](#). They also provide the framework for how VS will respond to and investigate serious issues identified under the ACS Internal Audit Plan. All complaints received about the ACS will be used to inform improvements to the service and the Guidelines will be updated in line with these.

### 1.2. Roles and responsibilities in the complaints process

<b>Commissioner of Victims Rights (CVR)</b>	<ul style="list-style-type: none"> <li>▪ Has overall responsibility for VS complaints handling.</li> <li>▪ Receives recommendations from the Professional Advisory Panel (PAP), the Coordinator of Approved Counselling Program and findings from professional bodies.</li> <li>▪ May suspend, revoke or impose conditions on an approval granted to an Approved Counsellor (AC)</li> <li>▪ Provides clients with an alternative AC when the CVR determines clients may be at risk.</li> </ul>
<b>Coordinator, Approved Counselling Programs</b>	<ul style="list-style-type: none"> <li>▪ Manages and investigates ACS complaints.</li> <li>▪ Prepares <i>Notice of Complaint</i> for Senior Manager Policy and Programs.</li> <li>▪ Ensures an effective and confidential complaints management process.</li> <li>▪ Maintains records and makes recommendations to the CVR based on information obtained and PAP recommendations.</li> </ul>
<b>Senior Manager, Client Experience and Quality</b>	<ul style="list-style-type: none"> <li>▪ Responsible for conducting a review following the final decision made.</li> </ul>
<b>Professional Advisory Panel (PAP)</b>	<ul style="list-style-type: none"> <li>▪ PAP is a panel of experts convened to provide advice to the CVR on clinical and professional matters, including complaints. Members include representatives from:             <ul style="list-style-type: none"> <li>• NSW Branch of the Psychology Board of Australia</li> <li>• Australian Psychological Society</li> <li>• Royal Australian and New Zealand College of Psychiatrists</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Mental Health Branch, NSW Department of Health</li> <li>• Australian Association of Social Workers</li> </ul> <ul style="list-style-type: none"> <li>▪ It is important to note that while the PAP provides professional advice and recommendations the final decision about the outcome of a complaint is with the CVR.</li> </ul>
<b>Approved Counsellor (AC)</b>	<ul style="list-style-type: none"> <li>▪ Respond to a Notice of Complaint (NOC) within the timeframe specified on the Notice.</li> <li>▪ Understand and comply with VS's complaint handling policies and procedures.</li> <li>▪ Be aware that their Clinical Supervisor will be contacted as part of the investigation.</li> <li>▪ Provide any further information or supporting documents as requested by the CVR.</li> </ul>
<b>External agencies</b>	<ul style="list-style-type: none"> <li>▪ Serious complaints may be referred to the relevant professional body for investigation</li> <li>▪ Professional bodies may include the NSW Health Care Complaints Commission, the Australian Association of Social Workers, the Psychology Council of New South Wales, the Royal Australian and New Zealand College of Psychiatrists and the Medical Council of NSW, Australian Counselling Association, Psychotherapy and Counselling Federation of Australia.</li> </ul>

## 2. Complaint management system

### 2.1. What can a complaint be made about?

The ACS [Operating Guidelines for Approved Counsellors](#) details Victims Services' expectations of the professional conduct of Approved Counsellors.

Complaints covered by this Guideline may involve a range of concerns about an AC or the ACS. Such complaints could include:

- unprofessional conduct or unethical practices
- fraudulent conduct
- breaches of the client/professional relationship
- breaches of the Operating Guidelines for Approved Counsellors
- undue delays in providing reports
- breaches of the Charter of Victims Rights.

### 2.2. Who can make a complaint?

Complaints can be made by individuals, groups or organisations, including but not limited to:

- victims of crime, including parents or guardians of child victims who are clients of ACs
- the legal representative of a victim
- an authorised representative of the victim
- service providers and advocates
- professional regulatory bodies
- staff of VS.

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

People making complaints will:

- be provided with information about the complaints handling process
- be listened to and treated with respect during the complaint process

- be notified of the conclusion of the complaint process and provided with reasons for decision(s) and any options for redress or review
- not be charged any fee to make a complaint.



### 2.3. Receipt of complaints

VS will record the complaint and its supporting information.

The record of the complaint will document:

- the contact information of the person making a complaint (unless it is an anonymous complaint)
- issues raised by the person making a complaint and the outcome/s they want and
- any other relevant information.

### 2.4. Acknowledgment of complaints

VS will promptly acknowledge receipt of complaints and preferably within two to three working days. VS aims to resolve complaints as quickly and effectively as possible. Complaints will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security VS will respond promptly and will escalate the matter appropriately.

VS aims to resolve less serious complaints in 21 days. However, this timeframe will be extended where a complaint is serious, as these complaints may be referred to the PAP for consideration, referred to a professional body for investigation or information may need to be sought from an external agency.

VS will advise the complainant as soon as possible if we are unable to meet our timeframes for responding to their complaint. Where resolution of a complaint takes longer than 21 days, VS will keep parties updated as to the reasons for the delay and expected timeframe for its actions.

### 2.5. Initial assessment and addressing of complaints

#### Initial assessment

After acknowledging receipt of the complaint, VS will consider whether the issues raised in the complaint are within its control and fall within the scope of the Guidelines. When determining how a complaint will be managed, VS will consider:

- The merits of the complaint
- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed
- Whether a resolution requires the involvement of other organisations
- The outcome/s sought by the person making the complaint
- Whether the complainant has consented to Victims Services formally addressing the complaint

#### Addressing complaints

After assessing the complaint, VS will consider how to manage it. To manage a complaint we may:

- Send a Notice of Complaint to the AC, which will provide the AC with an opportunity to respond to the complaint within a specified timeframe
- Give the person making a complaint information or an explanation
- Gather information from the person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will consult the complainant before further information is sought from an external source in respect of their complaint. We will also consult the complainant if their complaint is referred to PAP or a relevant professional body.

We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

Where the person making the complaint does not want the content of their complaint to be disclosed to the AC in a notice of complaint, VS may be unable to address the complaint. In the first instance, the complainant should be encouraged to consent to VS proceeding with an anonymous complaint. If the complainant will not consent to this, then VS will inform the person making the complaint that they cannot investigate the complaint.

If the person making the complaint has alleged criminal misconduct but does not consent to VS formally addressing the complaint, then the allegations will be the subject of a blind report to the NSW Police Force. Victims Services will notify the person making the complaint if they intend to make a blind report.

If VS is concerned that a child is at Risk of Significant Harm this will be reported to the Child Protection Helpline.

### **Important considerations for Approved Counsellors**

- Where an AC receives a Notice of Complaint, the AC *must not* contact complainants while the complaint is under investigation.
- Less serious complaints are resolved locally by the Coordinator, ACP. More serious complaints may be referred by VS to the PAP or a relevant professional body.
- When the complaint is determined to be very serious, the CVR may immediately suspend referrals to the AC. If the CVR considers that current clients of an AC may be at risk, the CVR may offer current clients an alternate Counsellor.
- When complaints against an AC are to be investigated, the AC will be given an opportunity to respond to the issues raised in the complaint. The AC will be invited, by way of a Notice of Complaint, to provide a detailed response within a specified timeframe.
- The Clinical Supervisor of the AC may be contacted as part of the investigation process.

## **2.6. Outcomes and Remedial Action**

### **Possible outcomes and remedial action of complaints are:**

- No further action
- A warning may be issued to the AC
- Continuation of appointment as an AC on condition that the AC receives professional supervision concerning the matter
- Notification to the relevant professional body advising them that a complaint has been made and the outcome
- Monitoring of the AC which includes further periodic reviews of progress by the PAP
- Continuation of appointment but subject to other conditions
- Disallowing any invalid costs incurred
- Suspension or revocation of approval as an AC pending further investigations

The CVR makes the final decision if an AC's approval is to be suspended, revoked or to be subject to conditions.

### **Providing reasons for decisions**

Following consideration of the complaint and any investigation, we will contact the person making the complaint and advise them:

- The outcome of the complaint and any action we took
- The reason/s for our decisions
- The remedy or resolution/s that we have proposed or put in place and

- Any options for review that may be available to the complainant, such as a Commissioner's Review.

## **2.7. Closing the complaint, record keeping and review**

VS will keep comprehensive records about:

- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations), and
- Any outstanding actions that need to be followed up.

VS will ensure that outcomes are properly implemented, monitored and recorded.

VS will inform people who make complaints and the AC about any review options available to them.

## **3. Accountability and learning**

### **3.1. Analysis and evaluation of complaints**

VS will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. Regular reports will be run on:

- The number of complaints received
- The outcome of complaints, including matters resolved at the frontline
- Issues arising from complaints
- Systemic issues identified and
- The number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

### **3.2. Monitoring of complaint management system**

VS will continually monitor the complaint management system to

- Ensure its effectiveness in responding to and resolving complaints, and
- Identify and correct deficiencies in the operation of the system.

### **3.3. Continuous improvement**

VS are committed to improving the effectiveness and efficient of our complaint management system. To this end, we will:

- Support the making and appropriate resolution of complaints
- Implement best practices in complaint handling
- Recognise and reward exemplary complaint handling by staff
- Regularly review the complaints management system and complaint data, and
- Implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

**For further information please contact Victims Services Approved Counselling Programs:**

**Phone 1800 633 063**

**Email: [vs@justice.nsw.gov.au](mailto:vs@justice.nsw.gov.au)**

**Website: [www.victimsservices.justice.nsw.gov.au](http://www.victimsservices.justice.nsw.gov.au)**