



OFFICE OF THE CHILDREN'S COMMISSIONER

CHARTER OF SERVICE FOR COMPLAINTS MANAGEMENT

Making a complaint to the Children's Commissioner

The role of the Children's Commissioner is to ensure the safety and wellbeing of vulnerable children in the Northern Territory.

Under Part 4 of the *Children's Commissioner Act* (the Act), the Commissioner has powers to investigate complaints about services delivered to vulnerable children. A service provider can be a government or non-government service.

The OCC **does not have powers to investigate the NT police**. If we receive complaints about the police, they are referred to the NT Ombudsman's Office.

A complaint can be made by a vulnerable child or young person, or an adult acting on their behalf (such as a family member, teacher or lawyer).

When the OCC is contacted by a person raising a concern, there are **a number of things we must consider** before deciding if it is a complaint that the Commissioner has authority to deal with, including:

1. whether the child is a vulnerable child (s 7);
2. whether the service accessed by that child were services related to their vulnerability (s 21)
3. whether a service provider has failed to provide a service that they were reasonably expected to provide (s 21); or
4. where a service was provided, whether it failed to meet the standard that was reasonable expected of the provider (s 21).

A "vulnerable child" is a defined term under the Act, and includes a child who is involved in the child protection or youth justice systems, suffering from mental illness, has a disability, is under a volatile substance abuse order or is seeking child-related services in relation to care or support of the child; prevention from harm or exploitation. It also includes a child or young person who has left the care of Territory Families, Housing and Communities (TFHC).

OUR COMMITMENT TO YOU

If you make a complaint to the Children's Commissioner we will:

- treat you respectfully and fairly;
- uphold your right to confidentiality and privacy and only use information obtained through your complaint for the purpose of carrying the role and functions as specified by the Act;
- provide you with information and answer your questions, so that you understand how the processes of the OCC work;
- be as prompt and efficient as possible in dealing with complaints and keep you informed about the progress of a complaint; and
- make our service as accessible as it can be to you by providing access to an interpreter and/or information in a format that suits you best.

What to expect when you have made a complaint

The Commissioner's Office will deal with each complaint on its merits, and give consideration to how the complaint aligns with the Commissioner's role to ensure the safety and wellbeing of vulnerable children.

If you are **eligible** to make a complaint under the Act, we will:

- assist you to make a complaint in the appropriate form and containing the detail that is required;
- promptly acknowledge your complaint on receipt;
- contact you regularly and update you on progress during the assessment or investigation process and inform you about relevant decisions and reasons for those decisions, particularly:
 - the outcome of the initial assessment;
 - the reasons why the Commissioner or their staff have come to their decision regarding how to deal with your complaint;
 - if we decide the complaint should be referred to another person or agency, we will let you know. We will also monitor and follow-up on how the other person or agency deals with the complaint and the outcome, and inform you;
 - if we cannot investigate your complaint we will explain why in accordance with the principles of natural justice and procedural fairness; and
 - the result of any investigation, particularly the findings and recommendations for the service provider.

The OCC is required to make a decision about how to deal with your complaint within 28 days of receiving all the information we need to make this decision.

It is important to note that the OCC **must have regard for all relevant privacy considerations**.

Anonymous complaints

You can make an anonymous complaint or get someone to contact us on your behalf.

However if your complaint is anonymous we are not in a position to seek further information from you or provide you with information on any assessment or outcome as to the complaint. Sometimes it is difficult to proceed to an investigation in respect of an anonymous complaint. You are encouraged to discuss with us any concerns you may have as to making a complaint and identifying yourself. We will happily discuss any support we can provide to address any concerns you may have to enable your complaint to proceed effectively.

How you can help us

You can help us to respond effectively to your complaint by:

- providing full and accurate information, including any letters or documentation you might have relevant to the complaint;
- keeping appointments or advising us if you cannot do so;
- letting us know any new and relevant information or changes to contact details; and
- responding as quickly as reasonably possible with requests for information during the complaints process.

Follow-up and feedback

If you are dissatisfied with the way your complaint has been dealt with, you may ask the Commissioner to review a decision.

A review will be conducted by the Commissioner or a senior officer other than the officer who dealt with your matter. A request for a review should normally be made in writing and should explain why you are dissatisfied.

Please let the Commissioner know if you are unhappy about the management of a complaint. We welcome feedback and suggestions on how our service can be improved. To request a review of a complaint, or to provide feedback or suggestions to the Commissioner, please write or email to:

The Office of the Children's Commissioner
PO Box 3779 Darwin NT 0801

Level 4, NT House,
22 Mitchell Street, Darwin NT

www.occ.nt.gov.au

False complaints are an offence

Most complaints to the Commissioner are made in good faith by people who believe their information to be correct. However it is important to be aware that it is an offence under the *Children's Commissioner Act (2016)* to make a complaint you know to be false, or intentionally leave information out of a complaint so that it is false or misleading. False complaints waste the limited resources the OCC has to ensure the safety



08 8999 6076



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and wellbeing of vulnerable children in the NT and can unfairly damage the reputation of individuals and organisations.

Child Safety

The OCC is committed to the safety of children and young people that engage with our office. You can read the OCC Chart of Commitment to Children and Young People for more information on how we will work to ensure all children and young people who come into contact with our office are treated in a safe and respectful way. [Child Safe Organisations | OCC site \(nt.gov.au\)](#)

Cultural Safety

The OCC is committed to the cultural safety of Aboriginal and Torres Strait Islander children, the cultural safety of children from culturally and/or linguistically diverse backgrounds and to providing a safe environment for children living with disability. You can read our 'Aboriginal Cultural Security Statement of Commitment' for more information about how we will work in a culturally responsive way. [Child Safe Organisations | OCC site \(nt.gov.au\)](#)



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