

Making contracting complaints to FACS

For child and family, community building, domestic and family violence, and homelessness programs

FUNDED CONTRACT MANAGEMENT | Guide | 8 January 2019

About this guide

This guide explains how FACS-funded service providers can make contracting complaints to FACS. It includes a list of who to contact to report contracting complaints, with details of how to contact them.

You can complain to FACS about a wide range of actual or potential contracting issues such as:

- the way your contract is being managed
- the way FACS engages with your organisation or responds to your staff
- the way FACS handled a complaint from or about your organisation
- the actions of another FACS-funded service provider.

This guide defines the types of complaints you might raise with FACS, provides the contact details for you to raise these matters, and explains how to escalate a matter.



To find out how the public can make a complaint to FACS about contracting or any other matter, visit the [FACS website](#).

FACS aims to be collaborative, unbiased and transparent when resolving the issues raised in complaints from service providers.

We encourage service providers to actively engage with us in relation to contracting complaints, so we can work together to take action and achieve a satisfactory resolution. This helps us to understand what we can do better and facilitates our focus on collaborative working relationships and quality service delivery.



For an explanation of how FACS handles complaints about itself and service providers, refer to the [How FACS handles contracting complaints](#) fact sheet on the FACS website.

What constitutes a contracting complaint?

A **contracting complaint** is an expression of dissatisfaction made to FACS, about FACS or a service provider, in relation to staff, services or handling of complaints, where a response or resolution is explicitly or implicitly expected or is legally required.¹

Contracting complaints relate to matters concerning funded contract management. You can make contracting complaints to FACS about matters such as:

- the way your contract is being managed, and decisions made
- the quality, level and/or timeliness of communication and contracting support provided

¹ Adapted from the definition of a complaint in AS/NZS 10002:2014, *Guidelines for complaint management in organizations*.

- behaviour of FACS contracting staff
- failure to meet promises or commitments related to managing the contract
- the service delivery practices of another FACS-funded service provider, such as denying a client access to its services or of providing insufficient service.

A FACS contracting complaint is **not** a matter that relates to services funded by another agency or that has another specific process for its management. The following are not treated as contracting complaints:

- disputes
- allegations of misconduct
- issues arising during the negotiation of a contract with a service provider
- privacy complaints
- requests for information
- concerns, feedback and enquiries
- child protection-related complaints raising risk of harm concerns.

How to raise contracting complaints

If you want to raise a contracting complaint with FACS, take the following steps:

1. Go local, first

FACS has multiple channels that you can use to make a contracting complaint. These are listed at the end of this guide and are also published on the [FACS website](#).

However, make your FACS contract manager your first point of contact.

Many matters can be resolved quickly and easily by speaking with your FACS contract manager.

If the complaint is about your FACS contract manager, you can ask them for, and they are obliged to give you, contact details for their line manager, or the manager or director of their unit. If you are not comfortable with this

approach, you can make the complaint through the [FACS website](#).

2. Act quickly

Please make contracting complaints as soon as possible. The earlier you tell us, the sooner we can act and work with you to resolve the matter.

This builds trust between our organisations, and confidence that both organisations are being transparent and focused on issue resolution.

3. Be clear

To help us assess and resolve the issues raised in the complaint, please provide as much information as possible, including:

- details of the contract, if known and if the matter relates to a contracted service
- what happened
- who was involved
- when and where it happened
- any other relevant information.

Importantly, please tell us what outcome you would like as a result.

We also accept anonymous complaints. However, FACS may find it difficult to thoroughly assess and respond to a matter if there is insufficient detail. In this circumstance, the matter may not be investigated or may not be able to be investigated as thoroughly, and the outcome will not be reported back to you.

How to escalate a contracting complaint

When handling a contracting complaint, FACS makes decisions in line with the terms and conditions agreed in the contract with you.

If you are unhappy with a FACS decision or how FACS handled a contracting complaint,

you can escalate the matter in the following ways:

- first escalation: internal review
- second escalation: independent internal review
- third escalation: external review or dispute.

First escalation: internal review

If you are not satisfied with how a complaint was handled, including decisions made by your FACS contract manager, ask for the matter to be escalated internally.

Make this request through your FACS contract manager or their managers. If you ask, your FACS contract manager is obliged to provide the contact details of their line manager, or the manager or director of their unit.

Second escalation: independent internal review

If you are not satisfied with how an internal review was handled, ask for an independent internal review at FACS Central Office by the Prudential Oversight unit.

Make this request through your FACS contract manager, their line manager, or the manager or director of their unit.

Third escalation

External review

You can escalate complaints to the NSW Ombudsman after demonstrating your organisation has first tried to resolve the complaint directly with FACS, and providing the unresolved complaint is regarding conduct that is illegal, unreasonable, unjust or oppressive, improperly discriminatory, based on improper or irrelevant grounds, based on a mistake of law or fact, or otherwise wrong.

Dispute

If you are seeking to either:

- further escalate an issue regarding the application of the terms and conditions of the contract
- review a decision made by FACS about a contracting issue

or both, then you can invoke the dispute resolution clause in the contract with FACS.

In this case, the dispute is dealt with in accordance with that clause, commencing with your organisation issuing a dispute notice to your FACS contract manager.

This triggers the involvement of nominated, senior and legal representatives to engage in good-faith discussions, and may include the use of alternative dispute resolution.

We have listed dispute as a third escalation option because it is preferable, and usually less costly and time-consuming, to resolve issues by one of the other options identified.

Who to contact to make contracting complaints

I want to ...	Who to contact, and how
<p>Make a contracting complaint about FACS in relation to:</p> <ul style="list-style-type: none">• the way my contract is being managed, or a decision made by FACS• the quality, level and/or timeliness of communication and contracting support provided• behaviour of FACS contracting staff• failure to meet promises or commitments related to managing the contract• the way FACS handled a complaint about my organisation. <p>OR</p> <p>Make a contracting complaint about the actions of another FACS-funded service provider.</p>	<p>Your FACS contract manager</p> <ul style="list-style-type: none">📞 Contact details are available in the FACS portal.
<p>Make a complaint about my FACS contract manager without going through their line manager, or the manager or director of their unit.</p> <p>OR</p> <p>Submit an anonymous complaint about FACS.</p>	<p><i>Your Feedback</i> tool on the FACS website</p> <ul style="list-style-type: none">📞 www.facs.nsw.gov.au <p>OR</p> <p>Enquiry, Feedback and Complaints Unit</p> <ul style="list-style-type: none">📞 1800 000 164 (9 am – 4.30 pm, Monday–Friday)📧 complaints@facs.nsw.gov.au✉ Reply Paid 63437 Complaints Unit Locked Bag 4028 Ashfield NSW 2131
<p>Make a complaint about my FACS contract manager</p>	<p>The manager of your FACS contract manager</p> <p>If required, request the contact details of your contract manager's line manager, or the manager or director of their unit.</p>
<p>Escalate a complaint to the NSW Ombudsman</p>	<ul style="list-style-type: none">✉ Level 24, 580 George Street, Sydney NSW 2000📞 02 9286 1000📧 nswombo@ombo.nsw.gov.au📞 www.ombo.nsw.gov.au



Who to contact to report other matters

I want to ...	Who to contact, and how
<p>Make a privacy complaint about how FACS has handled personal information.</p>	<p>Privacy Unit</p> <ul style="list-style-type: none"> privacy@facs.nsw.gov.au Privacy form Privacy Unit – FACS Legal, Locked Bag 4028 Ashfield NSW 2131
<p>Allege the misconduct of a FACS contract manager, or a staff member of your own organisation (also known as whistleblowing), involving serious or persistent harassment, bullying, fraud, corruption or conflict of interest, including:</p> <ul style="list-style-type: none">• theft• maladministration• misappropriation, misuse, misapplication, misdirection of funds.	<p>The manager of your FACS contract manager</p> <p>If required, request the contact details of your contract manager’s line manager, or the manager or director of their unit.</p>
<p>Report a child or young person at the risk of harm</p>	<p>Child Protection Helpline</p> <ul style="list-style-type: none"> 13 2111 (24 hours, 7 days) Guide to making a child protection report