

How FACS handles contracting complaints

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

FUNDED CONTRACT MANAGEMENT | Fact sheet | 8 January 2019

About this fact sheet

This fact sheet describes how FACS handles contracting complaints made about FACS or about FACS-funded service providers. It outlines the principles and provides an overview of the FACS process.



For an explanation of how FACS defines contracting complaints, refer to the [Glossary for funded contract management](#) on the FACS website.

FACS can receive complaints from or about service providers in a number of different ways. For information about making a complaint to FACS, refer to the guide to [Making contracting complaints to FACS](#) on the FACS website.

There are more avenues for the public to complain to FACS. These are explained on the [Complaints and feedback](#) page on the FACS website.

FACS complaint handling standards

The FACS [Complaints and Feedback Management Policy](#) identifies the legislation we are required to adhere to when handling complaints, and highlights our commitment to implementing a principle-based approach to complaint handling.

Principles for effective complaint handling

For the purposes of handling contracting complaints, we have adopted the policy's principles as follows:

Respectful treatment

We will treat service providers in a fair, objective and unbiased manner. We will ensure that no unfair treatment comes from making a contracting complaint.

Information and accessibility

We will make it easy to raise a contracting complaint with FACS.

Good communication

We will acknowledge receipt, provide updates of progress, and clearly communicate review outcomes and decisions.

Taking ownership

We will notify the complainant of who will be dealing with their complaint.

Timeliness

We will aim to resolve complaints quickly and, where possible, locally with the FACS contract manager.

Transparency

We will provide reasons for our decisions and let you know how to escalate.

Timeframes for handling complaints

We aim to deal with complaints within 25 business days:

- acknowledge complaints within 5 business days
- resolve or close complaints within 20 business days of acknowledgement
- if unable to resolve or close a complaint within 20 business days, notify you of the reasons and give you updates of our progress.

These timeframes are based on the NSW Ombudsman's best-practice guidelines. However, contracting complaints may require longer than 25 business days to resolve.

FACS accepts anonymous complaints. However, we may find it difficult to thoroughly assess and respond to a matter if there is insufficient detail. In this circumstance we:

- will not be able to communicate with the complainant to acknowledge receipt of the complaint or obtain further information
- may not be able to investigate the complaint or may not be able to investigate it as thoroughly
- will not be able to report the outcome to the complainant.

The process for managing contracting complaints

Assessing the type of complaint to determine who handles it

The first stage of the process is to assess the type of complaint to determine who handles the matter: FACS or the service provider.

When complaints are referred to the service provider for handling

Generally, any complaints received from the public about a service provider organisation or its staff are to be dealt with by the service provider. This includes complaints:

- about casework practices
- about service delivery
- that relate to a service provider's internal management practices.

FACS refers these types of complaints to the service provider using the *Contracting complaint referral* form¹.

The form includes details of the complaint received by FACS, the complainant's contact details, the FACS contact person and contact details, suggested focus areas for handling the complaint, and timeframes for completing the form and returning it to FACS.



For more information, refer to the guide to [Resolving contracting complaints — responsibilities of FACS-funded service providers](#) on the FACS website.

¹ If the complaint involves a child-protection matter, the Enquiry Feedback Complaint Unit will be the first point of contact, using their own referral form.

When complaints are handled by FACS

Complaints about:

- behaviour of FACS staff
- the handling of a complaint by a service provider
- a service provider denying access or providing insufficient service to clients
- a service provider complaining about another service provider

are handled by FACS.

Note that allegations of misconduct are handled separately from complaints, although an allegation may be reported to FACS in a complaint.



For information about allegations of misconduct and whistleblowing, refer to the guide to [Dealing with allegations of misconduct and protecting whistleblowers](#) on the FACS website.

Acknowledging receipt of the complaint

FACS aims to acknowledge receipt of complaints within 5 business days. This will usually be in writing to the complainant, but may be by telephone depending on the nature of the matter.

The acknowledgement enables FACS to confirm our understanding of the matters raised, as well as providing the complainant with contact details of the person who will be handling the matter and the expected timeframes.

When a matter is referred to a service provider by FACS, using the *Contracting complaint referral* form, the service provider is required to send an acknowledgement letter to the complainant. FACS will notify the complainant that their complaint has been referred to the service provider involved.

Examining the issues raised in the complaint

We will examine available information to assess the severity of the issues raised in the complaint — their urgency, complexity, health and safety implications, and potential to escalate — and which FACS business areas are required to be involved in resolution of the complaint.

FACS will contact:

- the complainant if further information is required about the allegations raised in the complaint
- the service provider or FACS stakeholders when a response to the allegations is required.

If the matters raised have not been resolved by this stage, FACS will instigate an investigation.

FACS will attempt to resolve complaints about a service provider by working in consultation with them to determine the relevant facts and establish common ground. FACS will be open and impartial throughout the consultation process, and will consider the service provider's response on its merits.

Depending on the nature of the complaint, and at the request of the complainant, FACS may not always share details of the complainant, in the interests of confidentiality and anonymity.

Responding to requests for information from FACS in relation to complaints about a service provider

When FACS requests information in relation to a complaint, service providers are given 5 business days to respond.

This timeframe is short because:

- under the contract, it is expected or required that you have this information

readily available to provide to FACS on request

- FACS aims to resolve the complaint within the 20-business-day timeframe.

To ensure service providers are able to respond in time, FACS will, when possible, call in advance to ensure the right person is sent the request.

Extensions may be granted on a case-by-case basis.

If no response is received, FACS will contact the service provider for an explanation. Depending on the reason for the delay, and the nature of the complaint, failure to provide the information requested may potentially constitute a breach of contract.

Taking action to address the issues and resolve the complaint

At this stage, FACS may review the available information, request further information and determine that certain actions be undertaken to immediately resolve the complaint.

Apology, explanation or discussion

If the complaint primarily involves a communication problem or misunderstanding, we aim to resolve it with an apology, explanation or discussion.

Issue resolution

For contracting complaints about FACS, we will act in good faith to resolve the issues raised, identify areas for improvement, and initiate change as required.

For contracting complaints about a service provider, if the issues raised require a plan for resolution, FACS will work with the service provider to develop a formal or informal plan for issue resolution. This may require working with the service provider to develop a *Service Development Plan* or a *Performance Improvement Plan*.



For more information about *Service Development Plans* and *Performance Improvement Plans*, refer to the [Glossary for funded contract management](#) on the FACS website.

Following development of an action plan, your FACS contract manager will follow up and review progress, and will assist with issue resolution, when required.

External referral

If there is an alternative and satisfactory means of resolving the complaint or there is a more appropriate mechanism available for dealing with the issues raised, we will notify the complainant that we are unable to review or investigate the complaint and refer them to the more appropriate mechanism.

For example, the complaint may be about broader government policy for which FACS is not responsible.

Internal referral

If the complaint is not about a contracting matter, and it either can or must be notified to another FACS business area, we will notify the complainant that their complaint has been referred to another area.

For example:

- allegations of misconduct of FACS staff are referred to the FACS Professional Conduct, Ethics and Performance Unit
- complaints related to how personal information was handled are referred to FACS Legal.
- allegations that indicate imminent risk of harm to a child or young person are referred to the Child Protection Helpline.

No action

FACS will take no action to review or investigate the complaint if:

- the complaint is about alleged events that happened more than one year ago, and which have no bearing on current circumstances
- the matter has been investigated previously and no new information has been provided
- we have determined that a regulator or enforcement agency is currently investigating the matter
- the complaint is about matters that do not relate to the services provided under a FACS-funded contract.

Closing the complaint

FACS aims to resolve matters within 20 business days from the date of our acknowledgement.

We will send a closure letter to the complainant outlining:

- the outcome of the review and/or investigation, and whether underlying issues were identified
- if appropriate for the complainant to know:
 - any actions taken or proposed to be taken by FACS
 - reasons for the actions or proposed actions
- if the complainant is unhappy:
 - with the outcome, how to appeal
 - with the handling of the complaint, how to escalate.

Information collected about contracting complaints, and how FACS uses it

Recordkeeping

All contracting complaints are recorded in a centrally managed contracting complaint register. It identifies which complaints have been referred to service providers for handling. The register is stored in the secure FACS record management system.

Full details and all correspondence for each complaint are stored in a separate folder in the secure FACS record management system.

Referral to other interested parties

Depending on the matters raised in the contracting complaint, FACS may refer the complaint, and any information collected in relation to it, to relevant state, territory or federal authorities.



For more information about how and when other parties may become involved, refer to the guide to [Resolving contracting complaints — responsibilities of FACS-funded service providers](#) on the FACS website.

Reporting

Information about the number and type of complaints received is used for reporting to the FACS executive and to regulatory agencies, from time to time.

Complaint statistics may be made public. In this case, only non-identifying information is used; that is, the information does not reveal the identity of the complainant or service provider.

Annual performance assessments

Complaints are one of the criteria used for assessing a service provider's corporate-level annual performance during the annual accountability process.

FACS contract managers consider the number and types of complaints received about a service provider, relative the size and nature of the organisation. This may lead to a formal or informal plan for resolution, depending on the overall risk rating of the corporate-level assessment.



For more information about annual accountability and the corporate-level assessment, refer to the [Annual accountability: overview and process description](#), available on the FACS website.

In addition, the results of assessments are used for sector-level risk reporting to the FACS executive.

Procurement

FACS may use information collected about complaints when evaluating service providers' tenders during recontracting and other methods of procurement.

Support and assistance

For questions or assistance with any aspect of the FACS process for managing contracting complaints, please contact your FACS contract manager.