

Victims of Crime Commissioner Victims' Charter Guidance

Sections 19, 19A and 19B: Complaints

What is this document?

The Victims of Crime Commissioner is responsible for overseeing compliance with the Victims Charter Act 2006 for the agencies prescribed under the Victims of Crime Commissioner Regulations.

This document sets out how agencies can comply with the Victims' Charter when interacting with persons adversely affected by crime.

Organisations will have differing capacity, and types of interactions with victim survivors. This guidance provides a spectrum of tools when engaging with victim survivors.

What does my agency need to do?

People adversely affected by crime have a basic entitlement to be informed about the right to complain if they believe that the agency has not upheld the Charter. Agencies are required to have an accessible and transparent complaints system, offer fair and reasonable remedies and to inform victim-survivors that they have a right to have the complaint reviewed by my office if they are dissatisfied the response.



What the Victims' Charter Act says:

S 19 Information regarding complaints process for persons adversely affected by crime

If a person adversely affected by crime informs an investigatory agency, a prosecuting agency or a victims' services agency that he or she believes that the agency has not upheld the Charter principles, the agency should inform the person about the processes available for making a complaint.

S 19B Victim may complain to agency

A victim may complain to an investigatory agency, a prosecuting agency or a victims' services agency if the victim believes that the agency has not complied with the Charter principles.

Note

A victim may seek a review of the agency's response to the complaint under the **Victims of Crime Commissioner Act 2015**.

S 19A Complaints system for victims

(1) Each investigatory agency, prosecuting agency and victims' services agency must institute and operate a system to receive and resolve complaints from victims in respect of the agency's compliance with the Charter principles, including complaints made under section 19B.

(2) A complaints system referred to in subsection (1) must—

- (a) be accessible and transparent; and
- (b) offer fair and reasonable remedies.

(3) An investigatory agency, a prosecuting agency or a victims' services agency that is dealing with a victim must inform the victim, as soon as is reasonably practicable after commencing to deal with that victim, of—

- (a) the agency's complaints system referred to in subsection (1); and
- (b) the victim's right to have a complaint reviewed under the **Victims of Crime Commissioner Act 2015** if dissatisfied with the agency's response to the complaint.

A note on terminology

The way in which those harmed by crime identify themselves, and their experience of crime, is deeply personal. People who experience crime might identify as a victim, victim survivor, complainant or witness, or none of these terms. This document primarily uses the term 'victim survivor'.

Agency capability mapping – Compliance with Victims’ Charter requirement 19, 19A and 19B

	Safety	Trustworthiness	Choice	Collaboration	Cultural Support	Empowerment
Foundational practice	<p>Complaints mechanism in place</p> <p>Everyone working with victims has knowledge of the process for complaints</p> <p>Agencies demonstrate that they welcome receiving feedback</p>	<p>Complaints outcomes are clear</p> <p>Agencies provide clear advice about how complaints can be addressed, possible outcomes and how complaints may be shared or used.</p>	<p>Clear information about process</p> <p>Victims are provided with clear information for informed choice</p> <p>Timeframes are set out and followed</p> <p>Complaints are provided with information about how material will be used and stored</p>	<p>Complaints process</p> <p>Agencies have consulted with people with lived experience in the design of the process</p>	<p>Complaints process is culturally sensitive</p> <p>Agencies have culturally aware processes in place</p> <p>Agencies have processes to access interpreters</p>	<p>Complaints process</p> <p>Agencies have fair and reasonable remedies in place</p> <p>Agencies are transparent about potential complaint outcomes</p>
	<p>Complaints process</p> <p>Agencies have multiple methods for making a complaint</p> <p>Agencies have safety protocols in place for complainants</p> <p>Agencies offer timely apologies and have measures in place to learn from their complaints</p>	<p>Complaints processes are clear</p> <p>Agencies provide clear information and timelines of complaints processes</p> <p>Complaints processes are accessible, by being possible for everyone to use regardless of their individual circumstances</p>	<p>Complaints processes are adaptable to individual needs</p> <p>Agencies have adaptable timelines to allow victims to contribute to decisions about timing.</p>	<p>Assessing individual needs</p> <p>Individual assessment tools are used to adequately and consistently and staff are trained in their use. Fields for name and gender are flexible, and forms and data practices are co-designed.</p>	<p>Complaints process is culturally safe</p> <p>Policies and processes are in place for staff to update knowledge about relevant services that victims are being referred to, through training, circulars, and mentoring.</p> <p>Agencies have regular training to provide cultural safety</p>	<p>Potential outcomes of complaints</p> <p>Agencies provide information about all possible outcomes for complaints and provide reasons for decisions</p>
Good practice	<p>Comprehensive complaints system</p> <p>Agencies have anonymous complaints and feedback mechanisms in place</p>	<p>Complaints data is published</p> <p>Agencies publish non-identifiable complaints and feedback data</p> <p>Agencies have a whistle-blower policy to ensure complainants will not be mistreated or denied service as a consequence of making the complaint</p>	<p>Complaints pathways provide choice</p> <p>Agencies have multiple complaint pathways</p> <p>Victim controlled pacing of the complaints process</p> <p>Agencies have early resolution options including restorative approaches and enhance facilitated</p>	<p>Codesign</p> <p>Agencies have codesigned complaints framework</p>	<p>Centralised Knowledge Management</p> <p>Agencies have developed culturally appropriate peer support pathways</p> <p>Agencies have staff from diverse backgrounds</p>	<p>Potential outcomes of complaints</p> <p>Agencies have multiple complaint pathways for resolution</p>