



Brotherhood of St. Laurence  
Working for an Australia free of poverty

# Employment Services Complaints Service

## Submission to the Department of Employment and Workplace Relations

### Brotherhood of St. Laurence

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## The Brotherhood of St. Laurence and employment services

The Brotherhood of St. Laurence (BSL) is a social justice organisation working towards an Australia free of poverty. Our purpose is to advance a fair Australia through our leadership on policy reform, our partnerships with communities and the quality of our services. Our approach is informed directly by people experiencing disadvantage and uses evidence drawn from our research, together with insights from our programs and services, to develop practical solutions that work.

BSL has a long history of delivering evidence-based employment programs for people seeking employment who are marginalised in the labour market. We have conducted extensive research into education, training and employment as a pathway out of poverty for diverse populations. Our vision is for an employment system that is designed for a 21st-century labour market and builds effective and empowering pathways to quality work and careers, especially for people experiencing the highest levels of disadvantage.

While BSL is pleased that the Department of Employment and Workplace Relations (the Department) is making improvements to the complaints service, we note that this is a small part of a large system in need of urgent and major reform to move towards a more collaborative, people-centred, place-based and industry-focused approach (as detailed in [our submission](#) to the Inquiry into Workforce Australia Employment Services). We urge the Department to prioritise reforms that build human capability and support long-term economic security and wellbeing.

In addition to this submission, BSL will contribute to the consultation in our capacity as representatives on the Parents Advisory Group for Parent Pathways.

## Introduction

BSL supports the changes already introduced to the complaints service including:

- a senior departmental officer overseeing the complaints service
- a new complaints management team reporting to the senior departmental officer
- new processes within the National Customer Service Line for complaints management.

We are pleased that support will be offered to people, including ‘gathering information on your behalf’. We often hear that complaints processes are onerous and the burden of proof rests with the individual. It is important that the workload does not rest primarily on the complainant.

In our view, a best practice complaints service is one that:

- addresses immediate concerns
- informs program and policy improvements.

For future consultations seeking responses from people affected by programs, BSL urges the Department to employ inclusive consultation practices, for example by providing Easy English or audio versions of discussion papers.

Below we respond to a selection of the guiding questions outlined in the discussion paper.

## Responses to guiding questions

### Where could we do better?

The discussion paper does not outline an expected response timeline for complaints. Information about expected response times should be included on the Department’s website and in any automated communications relating to the complaint.

Additionally, accessibility of complaints processes could be improved by making the complaints form and relevant documents, such as those explaining the complaints process, accessible for a screen reader and by providing information about how to make a complaint both in Easy English and a range of languages.

The Department should also consider triaging complaints relating to payment suspensions and cancellations (and any other time sensitive issues) and provide support and/or response within 24 hours, in acknowledgement of the acute distress and hardship this causes people. Further, in cases in which people have not been provided with the correct information or support to comply with mutual obligations, options for remedy must be clear, and action taken by the Department, providers and Services Australia to prevent further instances of incorrect penalties.

### What information about complaints would you like to see made public as part of the public reporting service?

BSL encourages public disclosure of the following details in twice-yearly reporting:

- Total number of complaints received, by program.

- Method of receipt (phone, online form, post).
- Phone waiting times (if applicable).
- Number of complaints received anonymously.
- Number of complaints grouped by categories and themes (including whether the complaint was about a provider or government policy).
- Number of complaints that are underway versus resolved.
- Average time taken to resolve a complaint and breakdown of numbers of complaints by time pending resolution.
- Key demographics of complainants (if numbers are sufficient for anonymity).
- Number of complaints received relating to government service provision versus provider provision, by program (where relevant).
- Number of complaints escalated to the Commonwealth Ombudsman.

### **What do you want from our new complaints service?**

BSL is pleased that the Department will use complaints data ‘to inform ongoing employment services reform and continual improvement to delivering employment services’.<sup>1</sup> It is crucial that complaints data feeds into processes for policy change. Detailed reviews of complaints should be undertaken by the senior departmental officer to identify opportunities for remedy.

It would be useful for the senior departmental officer to have regular contact with policymakers and decision makers within the Department. It is important to note, however, that the officer will need to retain independence from service provision so they can objectively support the interests of people using employment services. In line with this, BSL supports the Select Committee on Workforce Australia Employment Services recommendation for an independent Employment Services Quality Commission, in which the complaints service would be based. This would integrate a range of mechanisms for driving quality improvements, creating an authorising environment for getting to and addressing the root cause of the problems driving complaints and introducing policy flexibility to drive systemic improvements.

We strongly recommend that policy-related complaints be recorded and compiled for regular communication to the ministers for Employment and Social Services and that a summary be included in annual reports. This will have substantial benefits for both people in employment services and complaints staff.

Public confidence in the system will depend on meaningful action taken to prevent issues that most commonly lead to complaints. The Department reporting on action taken at the consultant, provider and systems level will deliver greater accountability to the public.

The Department should also regularly review whether additional resourcing is required to adequately deliver the complaints service. Further, it is crucial that complaints staff have a nuanced understanding of the difference between voluntary services and non-voluntary services in scope.

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<sup>1</sup> Discussion paper, p. 7.

People participating in a voluntary service such as Parent Pathways must be entitled to the same level of support with their complaint, even though they are allowed to opt out of the service. People subject to compulsory programs must be treated with the same level of empathy and respect as those participating in voluntary programs.

Noting that complaints about disability employment services are managed by the Department of Social Services, it is crucial that complaints processes are aligned across all employment services and that joint accountability is established across departments. Mechanisms to support connections, communication and integration between departmental complaint teams, agency staff in Services Australia and with the Commonwealth Ombudsman are necessary to provide quality support, prevent issues from recurring and to share lessons on good-practice complaints management.

Our experience of other service systems such as Aged Care and the National Disability Insurance Scheme (NDIS) is that information about complaints is drip fed down to providers in unhelpful ways. It is important that the Department establish ways to work constructively with providers to deliver actionable change.

BSL recommends that a more flexible approach to anonymity be introduced, and people be provided with a selection of clear options. For some people, their primary concern will be remaining anonymous to their employment services provider (for example, due to a fear of retribution and risk to their payments). However, they may be comfortable identifying themselves to the Department. Confidentiality should not compromise accountability; it is important that the Department can provide these people with updates on the progress of their complaint.

BSL notes that the specifics of a review and escalation process have not been disclosed. We recommend this information be provided in fact sheets and on the departmental website.

Some complaints will be at the individual consultant level. It is important that there is a feedback loop to providers that enables a focus on individual performance management or training and professional expectations of consultants more broadly.

In addition to a complaints service, a culture of feedback should be actively encouraged beyond the individual provider level. For example, government could reach out to people directly through myGov seeking their feedback (positive, negative and neutral) on employment services. They should be able to provide this in a variety of formats such as email and voice memos. Government should respond to themes in feedback and adjust the system to improve it (and show people their efforts make a difference). This approach may be more culturally appropriate for some and will support people who do not feel comfortable making complaints to provide feedback. This is an important step towards empowerment and cultural change as people have long felt voiceless and powerless against the huge employment services system.

Our recommendations from this section are summarised below:

**Recommendation 1: use complaint data to inform policy change (including commissioning processes and system design) and system reform, not solely provider performance.**

**Recommendation 2: establish an independent Employment Services Quality Commission, consistent with the recommendation made by the Select Committee on Workforce Australia Employment Services, and transfer the complaints service into the Commission.**

**Recommendation 3: record and compile policy-related complaints for regular communication to the ministers for Employment and Social Services and include a summary in annual reports.**

**Recommendation 4: ensure complaints staff understand the key features and objectives of each program in scope and the general experiences of people affected, particularly in relation to the voluntary or compulsory focus.**

**Recommendation 5: align complaints processes across all employment services and establish joint accountability across departments including mechanisms to support connections, communication and integration between departmental complaint teams and with agency staff in Services Australia.**

**Recommendation 6: establish ways to work constructively with providers to deliver actionable change.**

**Recommendation 7: introduce a more flexible approach to anonymity, with a range of available options.**

**Recommendation 8: disclose and explain the pathways for review and escalation in fact sheets and on the departmental website.**

**Recommendation 9: maintain a feedback loop to providers for complaints at the individual consultant level that enables a focus on individual performance management or training and professional expectations of consultants more broadly.**

**Recommendation 10: introduce mechanisms to foster a culture of feedback (beyond a narrow focus on complaints) and actively encourage and enable feedback using a range of methods that go beyond the individual provider level.**