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<b>Compliance:</b>	All staff except Official Community Visitors
<b>Summary</b>	This policy affirms and supports the right of members of the public to give our office feedback and to have any dissatisfaction with our services dealt with fairly, consistently, efficiently and effectively
<b>Related policies/ documents:</b>	Request for review of decision policy, Code of conduct, Complaints about Official Community Visitors policy, Grievance management and resolution policy, Internal reporting policy, Complainant conduct and visitor access policy
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## **PREFACE**

This policy outlines our commitment to customer service. It provides guidance to people who wish to provide feedback on our services either through a compliment or to make a complaint about our organisation. It provides guidance to staff handling complaints on the key principles and elements of our complaint management system.

## **SCOPE**

This policy applies to all staff of the office except Official Community Visitors appointed under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*. Complaints about Official Community Visitors are dealt with under the *Complaints about Official Community Visitors policy*.

This policy applies to all staff receiving or managing feedback, compliments and complaints from the public made to or about us, regarding our services, staff and complaint handling.

## **LEGISLATIVE AND COMPLIANCE FRAMEWORK**

*Government Sector Employment Act 2013*

*Annual Reports (Departments) Regulation 2015*

*Privacy and Personal Information Protection Act 1998*

*Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014*

## **POLICY STATEMENT**

The NSW Ombudsman is committed to fair, efficient and effective feedback through either compliments or complaint handling.

We are committed to improving complaint handling across the public sector, non-government organisations and other organisations within our jurisdiction and apply the same standards when handling complaints about our own work.

This policy is intended to ensure that we handle complaints fairly, efficiently and effectively.

Our complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- boost public confidence in our administrative process, and
- provide information that can be used by us to improve our services and complaint handling.

This policy accords with our code of conduct and the Premier's priority to improve customer service across government and the government's effective complaint handling commitments

### **1. Providing feedback and compliments**

We encourage members of the public to give us feedback on our work. Feedback and compliments help us understand what we are doing well and highlight areas that we can improve on.

We will record feedback and compliments in our complaints management database.

### **2. What is a complaint?**

A complaint is made to our office about us, our work, or staff where a response or resolution is explicitly or implicitly expected or legally required. It does not refer to complaints made to us about other agencies in the course of our work.

A complaint about our office includes:

- any allegation of impropriety or misconduct by a staff member
- any clearly articulated grievance about the handling of a matter, our policies, procedures or service.

A complaint is not:

- a disagreement about an assessment of facts
- a disagreement about an evaluation of evidence
- a staff grievance (this is dealt with in accordance with the policy *Grievance Management and Resolution*), or
- a request for a review of a decision (these are dealt with in accordance with the policy *Request for review of decision*).

It must include something more, such as a clear allegation that it is the improper conduct of a member of staff that has led to the office making a decision that, in the opinion of the dissatisfied person, is wrong or bad.

Examples of possible complaints about our office are:

- delay
- rudeness
- inaccurate information being included in a publication
- conflict of interest or bias
- failing to follow up or to do something that was promised.

### **3. Guiding principles**



#### **3.1. Facilitate complaints**

##### ***People focus***

We are committed to seeking and receiving feedback and complaints, about our work, systems, practices, procedures, products and complaint handling.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People who wish to make a complaint will be:

- provided with information about our complaint handling process
- provided with multiple and accessible ways to make a complaint

- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

***No detriment to people making complaints***

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

***Anonymous complaints***

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

***Accessibility***

We will publicise information about how people can make a complaint. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a complainant wishes we can communicate with them through their nominated representative (another person or organisation) in relation to their complaint. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

***No charge***

Complaining to us is free.

**3.2. Respond to complaints**

***Early resolution***

Where possible, complaints will be resolved at first contact with our office.

***Responsiveness***

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people’s expectations, and will inform them as soon as possible, of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for the delay.

***Objectivity and fairness***

We will address each complaint with integrity and in an equitable, objective and unbiased manner. We will ensure that the person handling the complaint is not the staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly. If a complaint is internally reviewed, the review will be conducted by a person other than the original decision maker.

### ***Responding flexibly***

Our staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve the people making complaints and/or their representative in the process where possible.

### ***Confidentiality***

We will protect the identity of people making complaints where practical and appropriate. Personal information that identifies individuals may only be disclosed or used by the NSW Ombudsman.

## **3.3. Manage the parties to a complaint**

### ***Complaints involving multiple agencies***

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our office, communication with the person making the complaint and/or their representative will be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of our service providers.

### ***Complaints involving multiple parties***

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

### ***Empowerment of staff***

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

### ***Managing unreasonable conduct by people making complaints***

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that unreasonably affects us and will support our staff to do the same in accordance with this policy.

## 4. Complaint management system



### 4.1. Introduction

We hope to maintain public satisfaction and support by doing things right the first time and effectively handling any complaints that are made to us.

When responding to complaints, staff should act in accordance with our procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The majority of complaints about our work are specific and actionable.

We will record data about the nature of each complaint so that we can identify any systemic issues. Focus should be given to:

- the specific work practices and policies which seem to cause dissatisfaction,
- whether expectations of service levels in certain areas exceed what we can reasonably deliver — we may need to identify ways to better promote or explain more clearly our work and priorities so that people's expectations are realistic.

We aim to make our internal complaints system simple and worthwhile for customers to give us feedback. The five key stages in our complaint management system are set out below.

### 4.2. Receipt of complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will assign a unique identifier to the complaint.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant information, and
- any additional support the person making a complaint requires.

### 4.3. Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly (preferably within two working days). Consideration will be given to the most appropriate way for communicating with the person making a complaint (e.g. telephone, email, letter).

### 4.4. Initial assessment and addressing of complaints

#### ***Initial assessment***

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- how serious, complicated or urgent the complaint is
- whether the complaint raises concerns about people's health and safety
- how the person making the complaint is being affected
- the risks involved if resolution of the complaint is delayed, and
- whether a resolution requires the involvement of other organisations.

### **Addressing complaints**

After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- give the person making a complaint information or an explanation, or where appropriate an apology
- gather information from the staff member or area that the complaint is about, or
- investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate way. The actions we decide to take will be tailored to each case and take into account any statutory requirements.

### **4.5. Providing reasons for decisions**

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, appeal or an external review.

If in the course of an investigation, we decide to undertake a formal misconduct investigation against a particular staff member, we will consider privacy obligations under the *Privacy and Personal Information Protection Act 1998*, before deciding on the level of information we are able to provide to the person making the complaint.

### **4.6. Closing the complaint, record keeping, redress and review**

We will keep comprehensive records about:

- how we managed the complaint
- the outcome/s of the complaint (including whether it or any aspect of it was substantiated), any recommendations made to address problems identified and any decisions made on those recommendations, and
- any outstanding actions that need to be followed up.

We will ensure that outcomes are properly implemented, monitored and reported to the Directors/Division Managers and/or Senior Officer group.

### **4.7. Alternative avenues for dealing with complaints**

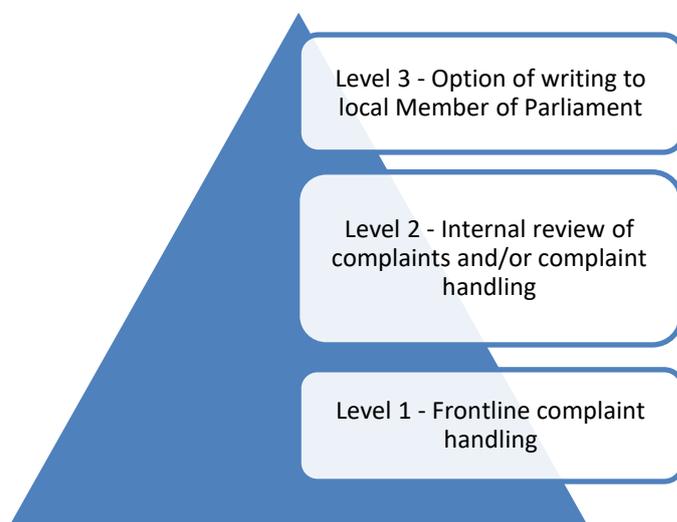
Sometimes we cannot resolve a complaint despite our best efforts. We will inform complainants, about any internal or external review options available to them.

In certain circumstances it may be more appropriate to refer a dissatisfied complainant to an agency such as the Independent Commission Against Corruption for matters relating to corruption, the Auditor General for matters relating to waste of public funds, the Privacy

Commissioner for matters relating to privacy, or the Anti-Discrimination Board for matters relating to discrimination.

The Ombudsman is also accountable to both houses of Parliament. If a complainant is still dissatisfied with our response they may wish to write to their local Member of Parliament.

#### **4.8. Our three levels of complaint handling**



We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

When a complainant is dissatisfied with the handling or resolution of a complaint they may request an internal review. This is the second level of complaint handling. We will consider this request and if determined to be appropriate a more senior officer will conduct an internal review. This includes:

- an assessment and possible investigation of the complaint and decision/s already made, and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

If a complainant is still dissatisfied following the internal review, their final option is to write to their local Member of Parliament. Unlike many other agencies, there is no external body with jurisdiction to review decisions made by us.

### **5. Accountability and learning**

#### **5.1. Analysis and evaluation of complaints**

We will ensure that complaints are recorded in our complaints management system so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and

- the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and their analysis will be provided to senior management in their quarterly papers for review.

### 5.2. Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits or complaint satisfaction surveys.

### 5.3. Continuous improvement

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practice in complaint handling
- recognise and reward exemplary complaint handling by staff
- regularly review the complaints management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

## ROLES AND RESPONSIBILITIES

We expect staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the responsibilities of staff when handling complaints.

Who	Responsibility	How
Ombudsman	Promote a culture that values complaints and their effective resolution	<p>Report publicly on the NSW Ombudsman’s complaint handling including the number of complaints received about us in our Annual Report.</p> <p>Provide adequate support and direction to staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Support recommendations for complaint handling improvements arising from the analysis of complaint data.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data.</p>

Who	Responsibility	How
Assistant Ombudsman (Corporate)	Implement and monitor operation of, and compliance with, this policy.	<p>Ensures information about our internal complaints system is available publicly.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data.</p>
Directors/Division Managers	Establish and manage our complaint management system.	<p>Responsible for keeping central records of complaints and compliments for their respective divisions and for ensuring that complaints about their divisions are responded to appropriately.</p> <p>Provide numbers and details of complaints made about our work to be reported in the NSW Ombudsman Annual Report.</p> <p>Provide regular reports to the Ombudsman on issues arising from complaints.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with our policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve our complaint management system.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data.</p>
Staff handling complaints about us	Demonstrate exemplary complaint handling practices	<p>Treat people with respect, including people who make complaints.</p> <p>Assist people to make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the office's complaint management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>

Who	Responsibility	How
All staff	Understand and comply with the Ombudsman's complaint handling practices.	<p>Treat people with respect, including people who make complaints.</p> <p>Be aware of the Ombudsman's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the Ombudsman's complaints process.</p> <p>Be alert to complaints and resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>

## DEFINITIONS

### **Agency**

A NSW state government agency, local government council, correctional centre and certain community service providers.

### **Complaint**

Refers to complaints made to our office about us, our work, or staff where a response or resolution is explicitly or implicitly expected or legally required. It does not refer to complaints made to us about other agencies in the course of our work.

A complaint about our office includes:

- any allegation of impropriety or misconduct by a staff member
- any clearly articulated grievance about the handling of a matter, our policies, procedures or service.

A complaint is not:

- a disagreement about an assessment of facts
- a disagreement about an evaluation of evidence
- a staff grievance (this is dealt with in accordance with the policy *Grievance Management and Resolution*), or
- a request for a review of a decision (these are dealt with in accordance with the policy *Request for review of decision*).

It must include something more, such as a clear allegation that it is the improper conduct of a member of staff that has led to the office making a decision that, in the opinion of the dissatisfied person, is wrong or bad.

Examples of possible complaints about our office are:

- delay
- rudeness
- inaccurate information being included in a publication

- conflict of interest or bias
- failing to follow up or to do something that was promised.

**Complaint management system**

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

**Dispute**

An unresolved complaint escalated either within or outside of our office.

**Feedback**

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

**Grievance**

A clear, formal written statement by an individual staff member about another staff member or a work related problem.

**Public interest disclosure**

A report about wrong doing made by a public official in NSW that meets the requirements of the *Public Interest Disclosures Act 1994*.

**Staff**

All ongoing and temporary staff, staff seconded from another organisation, contractors and consultants.

**OMBUDSMAN APPROVAL**



Michael Barnes

**OMBUDSMAN**