Guidelines on Complaint Handling

Ombudsman Western Australia

Serving Parliament – Serving Western Australians

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A complete list of available Ombudsman Western Australia publications is available at the back of this booklet.

Ombudsman Western Australia

GUIDELINES

Effective handling of complaints made to your organisation - An Overview

Revised March 2016

Benefits of good complaint handling

Complaints are an important way for the management of an organisation to be accountable to the public, as well as providing valuable prompts to review organisational performance and the conduct of people that work within and for it.

A complaint is an "expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required"[1].

An effective complaint handling system provides three key benefits to an organisation:

Effective complaint handling is fundamental to the provision of a quality service.

- It resolves issues raised by a person who is dissatisfied in a timely and cost-effective way;
- It provides information that can lead to improvements in service delivery; and
- Where complaints are handled properly, a good system can improve the reputation of an organisation and strengthen public confidence in an organisation's administrative processes.

The public wants:	The organisation needs:
• a user friendly complaint handling system • to be heard and understood • to be respected • an explanation • an apology • action as soon as possible	• a user friendly system for accepting feedback • clear delegations & procedures for staff to deal with complaints and provide remedies • a recording system to capture complaint data • to use complaint data to identify problems and trends • to improve service delivery in identified areas

Effective complaint handling systems

STEP 1 - ENABLING COMPLAINTS → **STEP 2 - RESPONDING TO COMPLAINTS** → **STEP 3 - ACCOUNTABILITY AND LEARNING**

- Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued and supported by management.
- Complaints are responded to promptly and handled objectively, fairly and confidentially. Remedies are provided where complaints are upheld and there is a system for review.
- There are clear accountabilities for complaint handling and complaints are used to stimulate organisational improvements.

Most Western Australian State Government organisations are required to have a complaint management system in place as required by ***Public Sector Commissioner's Circular 2009-27 - Complaints Management***.

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[1] See *Australian/New Zealand Standard AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations* at www.standards.com.au.

Ten Principles for an Effective Complaint Handling System

Enabling complaints

Having a customer focused system that is visible and accessible, with a demonstrated commitment from the organisation's management.

Customer focused	**Principle: The organisation is committed to effective complaint handling and values feedback through complaints.** • Organisations should be open to feedback and committed to seeking appropriate resolution of complaints and addressing policy and process inadequacies highlighted by them. This commitment should be communicated to all staff, stakeholders and clients, for example through documents such as values statements or customer service standards. • Organisations should have a clearly communicated complaint handling process and management that values the benefits of an effective complaint handling system and supports the process.
Visibility	**Principle: Information about how and where to complain is well publicised to customers, staff and other interested parties.** • Information about how and where to complain should be well publicised through a variety of service delivery points including publications, websites, at offices and at front counters. • Front-line staff should be aware of the complaint handling process and the contact details of the organisation's Complaint Handling Officer(s). • The information about how to complain should identify any appropriate alternative external parties the complainant can go to with their complaint.
Accessibility	**Principle: The process of making a complaint and investigating it is easy for complainants to access and understand.** • Complaints should be handled at no charge and this should be made clear in information provided about the complaint handling process. • Information about the complaints process should be available in a variety of forms of communication, formats and languages appropriate to the needs of the customer. • Complaints and all supporting documents provided during a complaint resolution or investigation process should be accepted in a number of different ways including in person, over the phone, and in writing via email, fax and letter, and, where appropriate, access to translating and interpreting services for non-English speaking people should be provided. • Complaint handling systems should be accessible to members of the public who may require additional assistance such as Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds. For more information, see the Ombudsman WA Guidelines ***Making your complaint handling system accessible***.

Responding to complaints

Complaints are handled objectively and fairly with appropriate confidentiality, remedies are provided where complaints are upheld and there is a system for review for finalised complaints.

Responsiveness	**Principle: Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is kept informed throughout the process.** • Guidance should be provided to staff on how to respond to and prioritise complaints. They should be aware of internal complaint handling processes including how to assess complaints which may be resolved quickly and those which require investigation. • Complaints should be acknowledged promptly. Complainants and, if applicable, the person who is the subject of the complaint, should be kept informed of progress and the outcome of the complaint. • Complaints should be addressed promptly in order of urgency and staff should be aware of any target timelines for resolving complaints. • Complaint Handling Officers should be empowered to either resolve complaints or be aware of, and have access to, the person who has the authority to do so. • Where appropriate, special arrangements for responding to particular client groups should be put in place, for example, Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds. • Staff should be able to identify matters that may be public interest disclosures and refer them to the appropriate process, and should refer any identified misconduct and corrupt behaviour to the Corruption and Crime Commission (**www.ccc.wa.gov.au**) for serious misconduct or the Public Sector Commission (**www.publicsector.wa.gov.au**) for minor misconduct [2].
Objectivity and fairness	**Principle: Complaints are dealt with in an equitable, objective and unbiased manner. This will help to ensure that the complaint handling process is fair and reasonable. Unreasonable complainant conduct is not allowed to become a burden.** • Complaint Handling Officers should deal with all complaints on their merit in an equitable, objective and unbiased manner. They must ensure that any conflicts of interest are declared. • Complaint Handling Officers should ensure the complainant and, if applicable, the person who is the subject of the complaint, is given sufficient opportunity to present their position, to comment on any adverse findings and is provided with reasons for decisions on the outcome of the complaint. • Complaint handling systems should have a review process in which the Complaint Handling Officer's decision is reviewed by a suitably experienced colleague or superior before the complaint is finalised. There should also be an independent internal review or appeal process. • Officers receiving and handling complaints should receive appropriate guidance or training, including for dealing with unreasonable conduct by the complainant or the subject of the complaint. The Ombudsman WA publications ***Conducting administrative investigations***, ***Investigation of complaints***, ***Procedural fairness*** and ***Dealing with unreasonable complainant conduct*** may assist your staff in handling complaints with objectivity and fairness.

[2] See *Corruption, Crime and Misconduct Act 2003* at www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_207_homepage.html

Confidentiality	**Principle: Personal information related to complaints is kept confidential.** • The personal information of the complainant and any people who are the subject of a complaint should be kept confidential and only used for the purposes of addressing the complaint and any follow up actions.
Remedy	**Principle: If a complaint is upheld, the organisation provides a remedy.** • Mechanisms should exist for enabling appropriate remedies to be provided when complaints are upheld and staff should be familiar with them. • Staff should be empowered to provide these remedies at the appropriate level, for example some appropriate remedies may be provided by front-line staff. • Staff should be able to give the complainant reasons for decisions relating to remedies.
Review	**Principle: There are opportunities for internal and external review and/or appeal about the organisation's response to the complaint, and the complainants are informed about these avenues.** • There should be an independent internal review or appeal process. • Details of external rights of review or appeal for unresolved complaints should be made available to complainants.

Accountability and Learning

There are clearly established accountabilities for complaint handling and continuous improvement opportunities are identified and implemented, as appropriate.

Accountability	**Principle: Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.** • There should be clear responsibilities for handling complaints. This may include officers who are specifically assigned to deal with complaints and the names of these officers should be communicated to staff. • Organisations should have a 'fit for purpose' centralised system for recording and tracking complaints along with reasons for any decisions. This system should be able to provide information on the demographic make up of complainants to enable an assessment of differing service delivery needs for people from a range of backgrounds. • Remedies and proposed improvements to practices should be followed up and acted on. • Complaints and any actual or proposed improvements to practices should form part of the organisation's internal reporting and planning process through such channels as Corporate Executive meetings and Strategic and Operational Plans. • All correspondence relating to feedback and complaints should be managed in accordance with the organisation's record keeping plan, policies and procedures. For more information, see the Ombudsman WA Guidelines ***Good record keeping***. • The effectiveness of the complaint handling system should be monitored, for example, through quality assurance or internal audit processes and reported to Corporate Executive along with recommendations for improvements to the system.

Continuous Improvement	**Principle: Complaints are a source of improvement for organisations.** • Organisations should analyse complaints data and feedback to identify recurrent themes that might identify systemic issues and use the information gathered through their complaint handling systems to identify service, process and information issues that need to be addressed. • Where appropriate, analysis of feedback and complaint information should be used to identify and implement improved practices for particular customer groups including people with disabilities, people living in regional and remote areas, Indigenous Australians, children and young people, and people from linguistically and culturally diverse backgrounds.

Organisations may find the Ombudsman WA publication ***Complaint handling systems Checklist*** useful to assess their complaint handling system.

Fit for purpose complaint handling system

An effective complaint handling system should be a 'fit for purpose' system. This is a system that is varied to fit an organisation's circumstances and is proportionate to the number and type of complaints it receives. Decisions about building a 'fit for purpose' system could incorporate the following considerations:

- The number and demographics of the organisation's customers, and how they generally communicate with the organisation;
- The nature and breadth of the organisation's interactions with the public;
- The level of complaints that is considered reasonable for the organisation (by examining trends in its level of complaints over time and industry benchmarks);
- The organisation's risk management strategy – complaints are an important way of monitoring and mitigating any risks;
- The value the organisation derives, or wishes to derive, from complaints to improve it's operations over time, as well as other information needs of management; and
- The cost of operating a complaint handling system.

Complaint Handling Officers

Complaint handling is an important role in an organisation and should be recognised as such by management. Complaint Handling Officers are the most important factor in ensuring that an organisation's complaint handling is responsive to complainants. Complaint Handling Officers should be empowered to make decisions, or have access to someone who can make decisions.

Complainants are more likely to be satisfied with the complaint handling system if the person dealing with their complaint is competent, objective and efficient.

An effective resolution at the earliest opportunity will enhance the complainant's view of the organisation and allow prompt improvement to practices. Complaints should be handled by people who have the appropriate skills and authority to resolve or investigate complaints and, where appropriate, provide remedies and identify improved practices.

Where possible, complaints are best handled by people at the point of service delivery. These people should be able to resolve complaints at first contact and should log complaint details for further analysis. More serious complaints, or complaints that cannot be resolved by front-line staff, should be referred to more senior staff or designated Complaint Handling Officers for investigation, resolution and any other appropriate action.

All staff should be made aware of their responsibilities in providing information to help investigate and resolve complaints, and to implement actions to provide remedies or systemic improvements arising from complaints. For more information see the Ombudsman WA Guidelines ***Guidance for Complaint Handling Officers***.

Complaints investigation and resolution process

Complaints should be dealt with promptly, courteously and in accordance with their urgency. The essential steps in investigating and resolving a complaint are:

1. Assess the complaint	Clarify the issues of the complaint and what kind of resolution the complainant is seeking. If it is not a matter that can be handled by the complaints process, refer the complainant to a more appropriate process (e.g. an appeal process) or a more appropriate body such as the Ombudsman. For example, consider whether the matter is a public interest disclosure and should be handled under that process.
2. Seek resolution	Where appropriate and possible seek to achieve resolution. Where resolution is reached, document the agreed action. In this event it may not be necessary to continue with the investigation unless there are systemic issues that require further examination outside the complaint process.
3. Select the appropriate investigative approach	If the complaint is not resolved, determine what action is required, which may include options other than a formal investigation. This can depend on factors such as statutory requirements which may apply, the nature of the issue and the likely outcome of the investigation. Where possible, complaints should be resolved without the need for a formal investigation.
4. Plan the investigation	Define the issues to be investigated and develop an investigation plan.
5. Ensure proper powers and authority	Assess whether the Complaint Handling Officer has the necessary powers to obtain evidence from relevant witnesses and to access relevant records. Ensure they have the authority to conduct the investigation, make a decision and resolve the complaint, or have access to a person who can make decisions and offer remedies.
6. Obtain evidence	Carry out the investigation by gathering sufficient reliable information to enable the issue to be properly addressed by proving or disproving matters relevant to the issue being investigated, taking into account all relevant information and no irrelevant information. At this stage, it may be necessary to refer any matters that may be misconduct or corruption to the Corruption and Crime Commission.
7. Reconsider resolution	Consider whether resolution is now possible.
8. Reporting and recommendations	Prepare a document setting out the complaint, how the investigation was conducted, relevant facts, conclusions, findings and recommendations. Recommendations could include remedies for the complainant, action to improve the organisation's service delivery and action to address inappropriate conduct by an officer (e.g. through training, an appropriate disciplinary process or referral to an appropriate external authority).
9. Decide on the complaint and action to be taken	Refer the report to a person authorised to make a decision about the complaint and the action to be taken. After the decision is made arrange implementation of the agreed action and for follow up to confirm the action occurs.
10. Inform the parties	Upon completion of an investigation, the complainant (and, if applicable, the person who is the subject of the complaint) should be given: • Adequate reasons for any decision made; • Any changes or action that have resulted from the complaint; • A remedy, where appropriate; and • Information on where to seek independent internal and external review (e.g. the Ombudsman).

For more information see the Ombudsman WA Guidelines ***Investigation of complaints*** and ***Conducting administrative investigations*** which provide more detailed 'step-by-step' guidance.

Providing remedies and redress

If an investigation of a complaint determines that the service provided by an organisation to an individual is unsatisfactory and the organisation has in some way contributed to this, the organisation should provide redress to remedy the situation.

Circumstances that warrant the provision of redress and remedies by an organisation to a complainant can arise in many ways, but in broad terms, are when any one, or a combination, of the following occurred:

- Poor communication resulted in misunderstandings or misapprehensions;
- An inadequate or unfair process was used to arrive at a decision or provide a service; or
- A decision or action was unfair, disproportionate or unreasonable in the circumstances.

The following principles and possible remedies may be useful in determining appropriate remedies:

Principles involved in the consideration of redress	• Mistakes are admitted and put right; • A sincere and meaningful apology is offered; • Redress is fair and reasonable; • As far as possible, redress restores the complainant to their original position; • Decisions about redress are procedurally sound; and • Arrangements and reasons for providing redress are made transparent.
Possible remedies that may be offered to complainants	• An apology; • Reconsideration of a decision; • Amending or retracting documentation (e.g. publications, media statements, web pages); • An offer of non-financial assistance, as appropriate (e.g. providing information or contact details); • Appropriate compensation for loss; • Changed policies or practices to prevent a reoccurrence; and • Action to modify the behaviour of the staff member who the complaint was about, if applicable.

For more information, see the Ombudsman WA Guidelines ***Remedies and redress***.

Dealing with unreasonable complainant conduct

Most complainants act responsibly. However, some complainants are difficult to satisfy and occasionally the conduct of some complainants can be challenging because of:

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of cooperation.
- Unreasonable arguments;
- Unreasonable behaviour; or

In these circumstances, special measures to deal with this conduct may be required. It is important to remember that, even where a person's conduct may be unreasonable, they may have a valid complaint and their complaint should be handled appropriately. Fair consideration must be given to the complaint while ensuring that there is not undue use of resources to investigate and resolve the complaint.

The subject of the complaint may also show unreasonable conduct and special measures may also be needed to handle their conduct while ensuring they are treated fairly.

For more information on how to handle unreasonable conduct, see the Ombudsman WA Guidelines ***Dealing with unreasonable complainant conduct***.

Resources

Other Ombudsman Western Australia Publications

The following Ombudsman WA publications are available on our website at www.ombudsman.wa.gov.au and provide further details that may be useful in the development of complaint handling systems and for staff involved in handling complaints:

- *Guidance for Complaint Handling Officers*
- *Complaint handling systems Checklist*
- *Making your complaint handling system accessible*
- *The principles of effective complaint handling*
- *Investigation of complaints*
- *Conducting administrative investigations*
- *Procedural fairness*
- *Dealing with unreasonable complainant conduct*
- *Remedies and redress*
- *Good record keeping*

The Ombudsman's Report *2009-10 Survey of Complaint Handling Practices in the Western Australian State and Local Government Sectors* also provides further information on complaint handling practices in public authorities.

Ombudsman Western Australia

GUIDELINES

Making your complaint handling system accessible

Revised November 2010

Accessible complaint processes

The process for making a complaint and investigating it should be easy to access and understand. Information about the process should be available in a variety of forms of communications, formats and languages appropriate to the needs of all members of the diverse Western Australian community.

Receiving complaints

Complaints and related correspondence during an investigation should be accepted in a number of different ways including in person, over the phone, and in writing via email, fax and letter. Access should be provided to translating and interpreting services for non-English speaking people to assist them to make a complaint.

Complainants who require additional assistance

Organisations should pay particular attention to ensuring that their complaint handling system is accessible to members of the public that may require additional assistance or different approaches such as people with disabilities, people living in regional and remote areas, Indigenous Australians, children and young people, and people from linguistically and culturally diverse backgrounds. Organisations should consider taking the following actions:

Indigenous Australians	• If your organisation has high numbers of Indigenous clients, appoint an Indigenous liaison officer to improve access to your organisation's services and complaint handling systems. • Identify people in regional and remote locations who can assist with cultural communications. • Provide training for complaint handling officers in cultural awareness and cross-cultural communications. • Adapt your complaint handling process to meet cultural requirements of Indigenous people such as less formal meeting arrangements and be aware that communication with remote areas may take longer. • Accept complaints from representatives and translation services on behalf of non-English speaking Indigenous complainants.
People with disabilities	• Provide a text telephone (TTY) service for people with a hearing impairment. • Make websites accessible to people using screen readers and, if necessary, make publications and correspondence available in Braille, large print or audio formats for people with sight impairment. • Ensure offices are accessible to wheelchairs and to people with mobility impairment. • Ask people if they have any special requirements for access or communications. • Offer assistance to help complainants with reading or writing difficulties to formulate and lodge complaints. • Accept complaints on behalf of people with intellectual impairment from representatives.
People in regional and remote areas	• Provide a toll-free phone number for making phone enquiries and complaints from regional areas. • Provide hard copy information such as brochures and posters in areas with limited online access. • Be aware that communication with remote areas may take longer.

Children and young people	• Make information about your organisation's services and how to provide feedback/make complaints accessible online and in locations regularly visited by young people such as schools, colleges and libraries. • Make information about your complaints process simple and clear, provide it in an age appropriate format, and respond to complaints promptly. • Use Complaint Handling Officers who are trained and experienced to adapt their communications skills when talking to and corresponding with young people. • Ensure the young person is aware of the nature and limitations of your organisation's services. • Accept complaints on behalf of children and young people from representatives such as parents, guardians and teachers. • Establish if the young person making the complaint requires any further assistance due to a disability, being located in a regional area, coming from a linguistically or culturally diverse background or being an Indigenous Australian, and offer appropriate assistance. • For further guidance, see the **Commissioner for Children and Young People's Complaints Guidelines**.
People from linguistically and culturally diverse backgrounds	• Make information about your services and the complaint handling process available in alternative languages. • Encourage complainants to use the Translating and Interpreting Service (TIS), which provides a free, national 24 hour telephone interpreting service, publicising the contact number as part of your complaint handling process information and accept complaints through TIS. • Allow complainants to bring people with them who can translate for them in meetings. • For further guidance, see the **Office of Multicultural Interest's Language Services Policy**.

Tracking complaints

An effective complaint handling system should be able to provide information on the demographic make up of complainants. This allows analysis of feedback and complaints information to be used to:

- determine whether the complaint process is accessible and appropriate for various customer groups;
- enable an assessment of differing service delivery needs for people from a range of backgrounds; and
- identify and implement improved practices for particular customer groups including people with disabilities, people living in regional and remote areas, Indigenous Australians, children and young people, and people from linguistically and culturally diverse backgrounds.

Resources

Other Ombudsman Western Australia Publications

The following Ombudsman Western Australia publications provide further details that may be useful in the development of complaint handling systems and for staff involved in handling complaints:

- ***Effective handling of complaints made to your organisation – An Overview***
- ***Complaint handling systems Checklist***
- ***Guidance for Complaint Handling Officers***
- ***The principles of effective complaint handling***
- ***Conducting administrative investigations***
- ***Investigation of complaints***
- ***Procedural fairness***
- ***Dealing with unreasonable complainant conduct***
- ***Remedies and redress***
- ***Good record keeping***

For further information about the role of the Ombudsman and guidance for complaint handling, visit our website at **www.ombudsman.wa.gov.au**.

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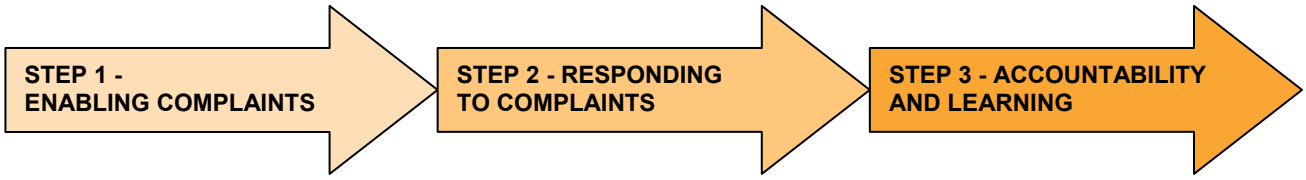
Ombudsman Western Australia

Complaint handling systems Checklist

Revised May 2011

Effective complaint handling systems

An effective complaint handling system is one that provides confidence that complaints are dealt with effectively through the following three steps:



- Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued, and supported by management.
- Complaints are responded to promptly, handled objectively, fairly and confidentially. Remedies are provided where complaints are upheld and there is a system for review.
- There are clear accountabilities for complaint handling and complaints are used to stimulate organisational improvements.

Fit for purpose

An effective complaint handling system should be a 'fit for purpose' system. This is a system that is varied to fit an organisation's circumstances and is proportionate to the number and type of complaints it receives. Decisions about building a 'fit for purpose' system could incorporate the following considerations:

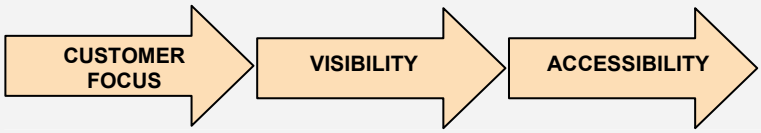
- The number and demographics of the organisation's customers, and how they generally communicate with the organisation;
- The nature and breadth of the organisation's interactions with the public;
- The level of complaints that is considered reasonable for the organisation (by examining trends in its level of complaints over time and industry benchmarks);
- The organisation's risk management strategy – complaints are an important way of monitoring and mitigating any risks;
- The value the organisation derives, or wishes to derive, from complaints to improve its operations over time, as well as other information needs of management; and
- The cost of operating a complaint handling system.

Checklist for complaint handling systems

The following checklist sets out ten good practice principles for complaint handling. When using the checklist, consider the type of system that will meet your needs. Not all components of the checklist will apply to your organisation. They are prompts to guide your decision making in designing the right type of system for you. Some aspects of the principles may be more relevant to your organisation than others and different organisations may be able to meet the complaint handling principles in different ways.

Organisations can use this checklist in conjunction with the Ombudsman's guideline for ***Effective handling of complaints made to your organisation – An overview*** to assess their complaint handling system against the key features of an effective system. This Guideline, along with more detailed guidelines about the steps within the complaint handling process, are available on the Ombudsman WA website at **www.ombudsman.wa.gov.au**.

Step 1 - Enabling Complaints



Customer focus

Principle: The organisation is committed to effective complaint handling and values feedback through complaints.

- ❑ Do you have customer service standards and a complaint handling process that is valued, supported and followed by management?
- ❑ Is your organisation open to feedback from customers, including through complaints?
- ❑ Are the benefits of complaints and the complaint handling process communicated to staff, including new staff at their induction?

Visibility

Principle: Information about how and where to complain is well publicised to customers, staff and other interested parties.

- ❑ Is information about how to make a complaint and how it will be handled readily available, for example, on your website and front counter?
- ❑ Are the contact details for making complaints prominently displayed, for example. in brochures, on your website, or on posters?
- ❑ Are front-line staff aware of the complaint handling process and the contact details for your complaints officer?
- ❑ Does your complaint handling system identify alternative external parties the complainant can go to with a complaint?

Accessibility

Principle: The process for making a complaint and investigating it is easy for complainants to access and understand.

- ❑ Are complaints handled at no charge to the complainant and is this information clear in publications about how to make a complaint?
- ❑ Can complaints be made in a number of different ways verbally and in writing, for example, in person, over the phone, and in writing via email, fax, SMS and letter?
- ❑ Do you provide access to translating and interpreting services for non-English speaking people to assist them to make a complaint?
- ❑ Is the process for making a complaint accessible and easy to use by all members of the community including Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds?

The Ombudsman WA publication ***Making your complaint handling system accessible***, may assist you in making your complaint handling system accessible to all members of the diverse Western Australian community.

Step 2 - Responding to Complaints

Responsiveness

Principle: Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is kept informed throughout the process.

- ❑ Do you provide guidance to staff on how to respond to and prioritise complaints (for example through guidelines) and does this cover:
  - who will be responsible for handling the complaints;
  - how to assess complaints to decide what can be resolved easily and what requires investigation;
  - how and when the complainant will be kept informed during the process;
  - how to identify, handle and, if necessary, refer public interest disclosures and complaints about misconduct and corrupt behaviour?
- ❑ Is each complaint acknowledged promptly (within a specified timeframe) and is the complainant (and, if applicable, the person who is the subject of the complaint) kept informed throughout the process?
- ❑ Are complaints addressed promptly and in order of urgency and do you have performance targets which set out the timeframe for resolving complaints?
- ❑ Are front-line staff empowered to resolve certain complaints at the earliest point of contact with the complainant?
- ❑ Does your organisation have special arrangements for responding to complaints from particular client groups, for example, Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds?

Objectivity and Fairness

Principle: Complaints are dealt with in an equitable, objective and unbiased manner. This will help to ensure that the complaint handling process is fair and reasonable. Unreasonable complainant conduct is not allowed to become a burden.

- ❑ Do you ensure that your staff are aware of, and given guidance on, conflict of interest requirements and how to make declarations where required?
- ❑ Are relevant staff given guidance or training in complaint resolution and evidence based investigation techniques and effective handling of unreasonable conduct by complainants or people who are the subject of a complaint?
- ❑ Is the complainant (and, if applicable, the person who is the subject of the complaint) given:
  - sufficient opportunity to present their position and is the information they provide given adequate consideration, taking into account all relevant material and factors;
  - the opportunity to comment on any adverse findings; and
  - reasons for the decisions made about the outcome of a complaint?
- ❑ Where appropriate, is there a process in place for a suitable colleague or superior to review the decision made by the person handling the complaint prior to finalisation?

The Ombudsman WA publications ***Conducting administrative investigations***, ***Investigation of complaints***, ***Procedural fairness*** and ***Dealing with unreasonable complainant conduct*** may assist your staff when handling complaints.

Step 2 - Responding to Complaints (continued)

Confidentiality

Principle: Personal information related to complaints is kept confidential.

- ❑ Do you advise staff about confidentiality requirements when handling or involved in complaints?
- ❑ Are the personal details of the complainant kept confidential and only used for the purposes of addressing the complaint?
- ❑ Are the personal details of any people who are the subject of the complaint kept confidential and only used for the purposes of addressing the complaint and any follow-up actions?

Remedy

Principle: If a complaint is upheld, the organisation provides a remedy.

- ❑ Do you support and give guidance to staff on providing remedies when complaints are upheld?
- ❑ Are responsibilities for providing remedies clearly defined and at the appropriate level in the organisation, for example, are front-line staff empowered to provide appropriate remedies?
- ❑ Do you give guidance to staff on the appropriate use of remedies?
- ❑ Are the reasons for decisions relating to remedies provided to the complainant?

The Ombudsman WA publication ***Remedies and redress*** may assist you to provide appropriate remedies when resolving complaints.

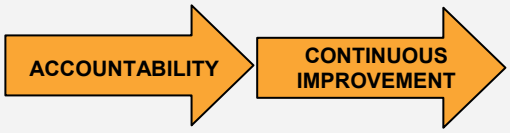
Review

Principle: There are opportunities for internal and external review and/or appeal about the organisation's response to the complaint, and complainants are informed about these avenues.

- ❑ Do you provide complainants with access to an independent internal review of the handling of their complaint by someone who was not involved in dealing with the complaint?
- ❑ Do you provide the complainant with information about external review or appeal options, such as the Ombudsman, at the conclusion of the complaint process?

The Ombudsman WA has publications on how to make a complaint to the Ombudsman on their website at www.ombudsman.wa.gov.au. You may wish to direct complainants to these publications or the website.

Step 3 - Accountability & Learning



Accountability

Principle: Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.

- ❑ Are staff aware of their responsibilities for handling complaints and the responsibilities of specific nominated complaint handling staff, if applicable?
- ❑ Are reasons for complaint decisions and any remedies recorded and are any remedial actions and proposed improvements to practices followed up, acted on and reported to management?
- ❑ Do you have a 'fit for purpose' information system for recording and tracking complaints and can it provide information about the demographic make-up of complainants compared to the Western Australian community or your customer base?
- ❑ Do you ensure that all correspondence relating to feedback and complaints is managed in accordance with the organisation's record keeping plan, policies and procedures?
- ❑ Is standardised and consistent data from complaints reported to the Corporate Executive along with proposed or actual improvements to your organisation's practices?
- ❑ Is the effectiveness of complaint handling monitored through appropriate quality assurance or internal audit processes and reported to the Corporate Executive along with recommended improvements to the complaint handling system?

The Ombudsman WA publications ***Guidance for Complaint Handling Officers*** and ***Good record keeping*** may assist you to identify, empower and train staff in their responsibilities when handling complaints

Continuous Improvement

Principle: Complaints are a source of improvement for organisations.

- ❑ Do you use analysis of feedback and complaints data to identify:
  - Recurring themes that may highlight systemic issues;
  - Service, process and information inadequacies; and
  - Opportunities for improvements?
- ❑ Is the analysis of feedback and complaints reported to the Corporate Executive and used to identify and implement improvements to practices?
- ❑ Where appropriate, is analysis of feedback and complaint information used to identify and implement improved practices for particular customer groups including Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds?

Other resources

The Ombudsman's Report ***2009-10 Survey of Complaint Handling Practices in the Western Australian State and Local Government Sectors*** along with further information about the role of the Ombudsman and guidance for organisations, is available on our website at **www.ombudsman.wa.gov.au**.

Ombudsman Western Australia

GUIDELINES

The principles of effective complaint handling

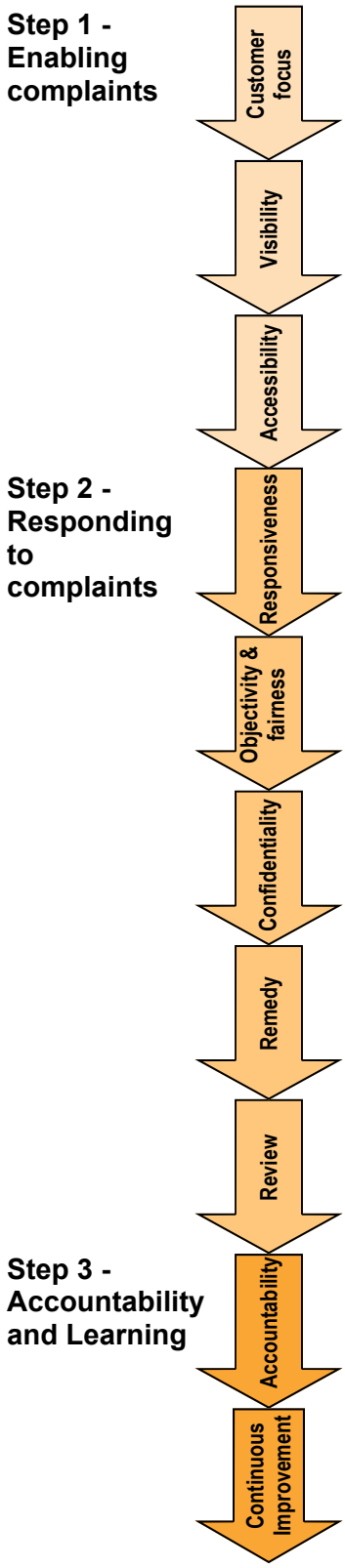
November 2010

The key features of an effective complaint handling system can be organised according to ten principles for good practice. These principles form the three steps of complaint handling:

- Enabling complaints - arrangements that enable people to make complaints to organisations;
- Responding to complaints - ensuring that complaints are dealt with in a prompt, objective and confidential manner; and
- Accountability and Learning - using complaints to demonstrate accountability and stimulate organisational improvement.

The principles of effective complaint handling

1. **Customer focus** – the organisation is committed to effective complaint handling and values feedback through complaints.
2. **Visibility** – information about how and where to complain is well publicised to customers, staff and other interested parties.
3. **Accessibility** – the process for making a complaint and investigating it is easy for complainants to access and understand.
4. **Responsiveness** – complaints are acknowledged promptly, addressed according to urgency, and the complainant is kept informed throughout the process.
5. **Objectivity and fairness** – complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable. Unreasonable complainants are not allowed to become a burden.
6. **Confidentiality** – personal information related to complaints is kept confidential.
7. **Remedy** – if a complaint is upheld, the organisation provides a remedy.
8. **Review** – there are opportunities for internal and external review and/or appeal about the organisation's response to the complaint, and complainants are informed about these avenues.
9. **Accountability** – accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.
10. **Continuous Improvement** – complaints are a source of improvement for organisations.



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GUIDELINES

Guidance for Complaint Handling Officers

Revised November 2010

Complaint Handling Officers are the most important factor in ensuring that an organisation's complaint handling system is responsive to complainants. Complainants are more likely to be satisfied with the complaint handling system if the person dealing with their complaint is competent, objective and efficient.

The role of Complaint Handling Officers

Complaint Handling Officers should:

- Have the skills to be able to act with sensitivity as well as be objective and impartial;
- Have knowledge of, and be able to advise on, all aspects of the organisation's internal complaint procedures and be trained to receive, investigate and deal with complaints about the organisation's products and services;
- Have access to rooms with adequate privacy to ensure the complainant's confidentiality is maintained and appropriate information technology equipment, with access to the organisation's complaint handling database and reference material;
- Ensure that they are not directly involved in the subject matter of the complaint, and raise the matter with a superior should such an issue arise;
- Be able to assist in the formulation of a written complaint for complainants who require additional assistance;
- Have access to staff at all levels of the organisation so that complaints can be resolved quickly; and
- Have clearly defined power to act and provide redress to complainants or to refer the matter to someone who has this power.

Empowering Complaint Handling Officers

Complaint Handling Officers should be empowered to make decisions, or have access to someone who can make decisions, in order to deal with complaints promptly, and, where possible, to achieve early resolution. All organisation staff should be made aware of their responsibilities in providing information to Complaint Handling Officers to help investigate and resolve complaints, and to implement actions to provide remedies or systemic improvements arising from complaints.

Selection of and guidance for Complaint Handling Officers

Complaint handling is an important role in an organisation and should be recognised as such by management. Staff who are responsible for responding to and/or resolving complaints should be given guidance or training in customer contact and communication skills. Management should determine the particular skills and aptitudes necessary for complaint handling and use selection and training procedures that are appropriate to recruit and retain the most suitable staff in complaint handling roles.

Guidance or training provided to staff should cover:

- The benefits of good complaint handling and the consequences of poor complaint handling;
- The policy and legal framework for complaint handling within which the organisation operates;
- The organisation's complaint handling procedures;
- Declaration of conflicts of interests;
- Evidence based investigation skills;
- Skills in alternative dispute resolution such as mediation or conciliation;

- Interpersonal skills, such as listening, questioning skills and conflict management;
- Communication skills for dealing with unreasonable complainant conduct or the unreasonable conduct of the person who is the subject of the complaint; and
- The organisation's record keeping plan, policies and procedures.

Delivering an effective complaint management system

Complaint Handling Officers play a key role in ensuring that an organisation's complaint management system meets the key features required to make the system effective.

Complaint Handling Officers should apply the ten key principles for effective complaint handling when managing complaints. Effective complaint handlers should:

- Take a customer focused approach to handling complaints;
- Ensure that information about how and where to complain is kept up to date and available at all service delivery points;
- Ensure that the process for making complaints is easy to access and understand;
- Acknowledge complaints in a timely manner, address complaints promptly and according to the order of urgency and keep the complainant informed throughout the process;
    - Manage the complainant's expectations by explaining the complaint handling process, what the organisation can and cannot do, the timeframes for dealing with the complaint and when they might expect a response;
- Deal with complaints in an equitable, objective and fair manner;
    - Declare any actual or potential conflicts of interest;
    - Clarify the key issues of the complaint with the complainant;
    - Act with courtesy, showing empathy and understanding but do not take sides;
    - Consult people within the organisation who have expertise relevant to the issue;
    - Ensure the principles of procedural fairness are maintained by providing the affected parties with an opportunity to give their side of the story and to comment on any adverse views;
    - Act without bias, reach conclusions and form views on the facts of the case, taking into account matters that are relevant and not those that are irrelevant;
    - Give reasons for any decisions made, any changes that have resulted from the complaint and details of any remedy;
- Keep personal information relating to complaints confidential;
- Ensure remedies are provided where appropriate;
    - Where possible, consider the use of alternative dispute resolution methods to resolve complaints at the earliest opportunity;
- Ensure complainants are informed of independent internal and external review or appeal processes;
- Ensure responses and outcomes of complaints are recorded, filed and reported to management and monitor implementation of remedies and actions to improve practices; and
- Analyse complaints to identify recurring themes and trends and report these to management to assist with organisational continuous improvement programs.

The Ombudsman WA publications ***The principles of effective complaint handling***, ***Effective handling of complaints made to your organisation - An Overview***, ***Making your complaint handling system accessible*** and ***Complaint handling system Checklist*** provide additional advice to assist Complaint Handling Officers.

Dealing with unreasonable complainant conduct

Most complainants act responsibly. However, some complainants are difficult to satisfy and occasionally the conduct of some complainants can be challenging because of:

- unreasonable persistence;
- unreasonable demands;
- unreasonable lack of cooperation;
- unreasonable arguments; or
- unreasonable behaviour.

In these circumstances, special measures to deal with this conduct may be required. It is important to remember that, even where a person's conduct may be unreasonable, they may have a valid complaint and their complaint should be handled appropriately.

Fair consideration must be given to the complaint while ensuring that there is not undue use of resources to investigate and resolve the complaint.

For more information on managing unreasonable complainant conduct, see the Ombudsman WA Guidelines on ***Dealing with unreasonable complainant conduct***.

Resources

Other Ombudsman Western Australia Publications

The following Ombudsman WA guidelines provide further details that may be useful in the development of complaint handling systems and for staff involved in handling complaints:

- ***Effective handling of complaints made to your organisation – An Overview***
- ***Complaint handling systems Checklist***
- ***Making your complaint handling system accessible***
- ***The principles of effective complaint handling***
- ***Investigation of complaints***
- ***Conducting administrative investigations***
- ***Procedural fairness***
- ***Dealing with unreasonable complainant conduct***
- ***Remedies and redress***
- ***Good record keeping***

Acknowledgement

Ombudsman Western Australia wishes to thank the NSW Ombudsman for use of their publication *Effective Complaint Handling, June 2004* in the development of these guidelines.

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Ombudsman Western Australia

GUIDELINES

Revised November 2009

Dealing with unreasonable complainant conduct

Since its establishment in 1972, Ombudsman Western Australia has dealt with thousands of complaints. Over time, we have observed that some complainants are difficult to satisfy and take up a disproportionate amount of time for agencies attempting to deal with their complaints.

This fact sheet provides practical information to help agencies handle complainants whose behaviour makes them a challenge to deal with. It is intended to contribute to good public administration in complaints handling.

In cases where the complaint has arisen as a result of matters under the agency's control, such as agency error, remedial action should be taken as promptly, courteously and efficiently as possible. Where matters raise questions of law or are contentious, further professional or legal advice should be sought.

Understanding complainant behaviour

As a general rule, when a person approaches an agency with a request, application, concern or complaint they first need to be heard, understood and respected. They need to:

- have the matter dealt with quickly, fairly and properly
- be given information or an explanation
- be given an apology, if required
- have action taken to address their concern or fix their problem.

For the small percentage of individuals who are genuinely unreasonable to deal with, special measures outside the agency's standard complaint handling policies and procedures are required.

Unreasonable complainants tend to fall into three broad groupings, as follows:

- Habitual or obsessive complainants. This includes people who:
  - cannot 'let go' of their complaint
  - cannot be satisfied despite the best efforts of the agency
  - make unreasonable demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)
- Rude, angry and harassing complainants
- Aggressive complainants

Agency options for responding to unreasonable complainants

- Let staff and customers know about expected standards of courtesy and behaviour.
- Adopt and publicise a policy stating that correspondence to the agency containing personal abuse, inflammatory statements or material clearly intended to intimidate will be returned to the sender and not acted upon.
- Where such comments or statements are made in telephone conversations or interviews, these may be terminated at the discretion of agency staff after warning callers of that intention.
- Consider limiting access to agency staff and resources.

Hints for agency staff

- Don't be rude or abusive to customers, even when provoked
- Avoid making or recording inappropriate statements or comments about complainants. Stick to objective, descriptive comments such as "he spoke rapidly, with increased volume, and shook his finger at me" rather than "he was crazy and threatening".

Administrative controls

Deciding to restrict, withhold or withdraw the provision of service to unreasonable complainants is a serious step to take. Before doing so, these threshold tests should be met:

- the agency's complaint procedure must have been correctly implemented and no material element of the complaint overlooked or inadequately addressed
- the behaviour of the complainant must have become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on the agency's resources
- all internal review or appeal procedures have been exhausted.

Balance empathy with objectivity

Empathy for an individual whose complaint is motivated by tragic events or significant incidents must not compromise an agency's responsibility to uphold the public interest, which requires matters to be considered objectively.

If the agency decides to restrict the unreasonable complainant's access to its services, this decision should only be made by the CEO (or a senior delegate in large agencies). This senior officer should also approve and sign any letters to that effect. This step should only be taken in extreme situations, where a failure to do so would compromise the agency's obligations as an employer or divert resources from other complaints deserving attention.

Types of administrative controls

When the complainant makes constant calls or visits:

- only take calls at specific times on specific days
- require an appointment to meet with staff.
- Where all internal appeals have been exhausted but the complainant will not accept the agency's decision:
- notify them of their right to take the matter to the Ombudsman
- consider limiting all future dealings to writing
- advise that you will only respond to future correspondence which provides significant new information about the complaint or raises new issues which the agency believes warrant fresh action.

At all times maintain adequate documentary records.

Angry complainants

Manage the anger first. It is only possible to deal with key issues once the complainant's emotion has been diffused. Staff members confronted with an angry complainant must keep in mind that the anger is not about them personally, but about the complainant's circumstances. Their task will be to solve the problem, not get involved in responding to a highly emotive situation.

In these circumstances, it is useful to:

- obtain details about the complaint and then about the complainant
- seek to understand what the person is looking for
- be direct and clear about what can be done, how long it will take and what it will involve
- give clear and valid reasons why requests cannot be met, if this is the case.

At all times, take detailed file notes.

Aggressive behaviour

Aggressive behaviour may be at any point along the scale from verbal aggression to actual physical violence. For behaviour at the lower end of the scale, try to put aggressive people at ease and calm them down. If the behaviour continues however, they should be calmly told that such behaviour is totally unacceptable, the interview terminated and the person asked to leave the premises.

Staff should never continue or persevere with interviews when they feel distressed or threatened.

Recommended actions for agencies

Develop a policy outlining your general commitment to public access, but describe why this may be restricted in particular circumstances, such as where full access would be likely to:

- compromise the agency's obligations as an employer
- be an unreasonable invasion of a person's privacy
- be excessively wasteful of agency resources
- encourage or allow behaviour which disregards the rules of common courtesy.

Adopt a policy which defines aggression and guides staff in how to deal with it, ensuring the safety of staff and other customers is paramount. Develop and promote your approach to dealing with people who threaten, harass or intimidate staff, whether in writing or on the phone.

Nominate a senior officer to maintain a list of people whose access to the agency has been restricted, including specific directions for each person. Appropriate notations should be inserted on all relevant hard copy or computerised case records.

Resources

Managing Unreasonable Complaint Conduct Practice Manual

Ombudsman Western Australian has been involved in a national research project coordinated by the New South Wales Ombudsman to develop better strategies for managing complainants whose behaviour is challenging. The result of this project is the **Managing Unreasonable Complainant Conduct Practice Manual** which provides information, strategies and practical tools, including scripts, to help agencies deal with unreasonable complainant conduct.

Other Ombudsman Western Australia Publications

The following Ombudsman Western Australia publications provide further details that may be useful in the development of complaint handling systems and for staff involved in handling complaints:

- **Effective handling of complaints made to your organisation – An overview**
- **Making your complaint handling system accessible**
- **Complaint handling systems checklist**
- **Guidance for Complaint Handling Officers**
- **Investigation of complaints**
- **Conducting administrative investigations**
- **Procedural fairness**
- **Remedies and redress**
- **Good record keeping**

For further information about the role of the Ombudsman and guidance for complaints management, visit our website at **www.ombudsman.wa.gov.au**.

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Investigation of Complaints

Revised May 2009

What is an investigation?

A fact-finding process – a search for, gathering and examination of information in order to establish facts.

It is one step in a decision making process which starts with an issue and ends with a decision.

Its purpose is to establish and document relevant facts, reach appropriate conclusions based on the available evidence, and determine a suitable response.

The nature and scope of an investigation will depend on the circumstances of each case and any relevant statutory requirements that may apply.

More detailed information on investigation of complaints is available in the Ombudsman WA Guidelines *Conducting administrative investigations*.

Acknowledgement: We thank the Office of the NSW Ombudsman for allowing us to use their excellent publication "Public Sector Agencies Fact Sheets A-Z" in the development of this Information Sheet, and for their continuing advice and assistance.

What are the essential steps in an investigation?

STEP 1 ASSESS THE COMPLAINT

Determine what action is required, which may include options other than a formal investigation.

STEP 2 SELECT THE APPROPRIATE INVESTIGATIVE APPROACH

This can depend on factors such as statutory requirements which may apply; the nature of the issue; the likely outcome of the investigation.

STEP 3 PLAN THE INVESTIGATION

Define the subject matter and develop an investigation plan.

STEP 4 ENSURE PROPER POWERS AND AUTHORITY

Assess whether the investigation has the necessary powers to obtain evidence from relevant witnesses and to access relevant records

Ensure the investigator has the authority to conduct the investigation.

STEP 5 OBTAIN EVIDENCE

Carry out the investigation by gathering sufficient reliable information to enable the issue to be properly addressed by proving or disproving matters relevant to the issue being investigated.

STEP 6 REPORTING

Prepare your document setting out the complaint, how the investigation was conducted, relevant facts, conclusions, findings and recommendations.

TIPS

You will need to consider a range of factors, such as:

- whether the complaint involves a communication problem that can be resolved through explanation or discussion
- whether a more appropriate means of dealing with the issue is available
- whether the complaint can or must be referred or notified to a relevant government agency
- how much time has elapsed since the alleged events occurred
- the significance of the issue for the complainant and/or the organisation.

Ask yourself whether the investigation is either evidence-focused or outcome-focused. Evidence-focused inquiries seek to pursue all lines of inquiry in a way that will meet all legal and procedural requirements. Outcome-focused inquiries are primarily directed at quickly identifying and remedying problems, and so seek to obtain sufficient information for a fair and informed judgement about the issues in question.

Identify what questions need to be answered, what information is required to answer those questions, and the best way to obtain that information.

Distinguish between the right to ask and the power to demand.

If the investigation is major or sensitive, ensure you have approved terms of reference and adequate resources.

Where possible separate the investigation and decision making functions.

Procedural and evidentiary requirements

Impartiality

Investigators must be impartial, adopting an inquisitorial approach, attempting to ascertain the truth and uncover all relevant facts.

Procedural fairness

This is very important in an investigation that could result in an outcome that affects the rights, interests or reputation of an individual.

Confidentiality

This can be very important in an investigation such as an evidence-focused investigation into the alleged conduct of an individual.

Communication

As a general rule, keep both the complainants and person or bodies the subject of an investigation informed about the progress of the investigation.

Standard of proof

In administrative investigations, allegations must be proved according to the balance of probabilities, that is, it must be more probable than not that the allegations are made out.

Rules of evidence

The rules of evidence will not apply to the majority of administrative or disciplinary investigations.

Nevertheless it is useful for an investigator to understand the basic rules of evidence.

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GUIDELINES

Procedural fairness (natural justice)

Revised May 2009

What is procedural fairness?

Procedural fairness is concerned with the procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. The Ombudsman considers it highly likely that a decision-maker who follows a fair procedure will reach a fair and correct decision.

Is there a difference between natural justice and procedural fairness?

The term procedural fairness is thought to be preferable when talking about administrative decision-making because the term natural justice is associated with procedures used by courts of law. However, the terms have similar meaning and are commonly used interchangeably. For consistency, the term procedural fairness is used in this fact sheet.

Does procedural fairness apply to every government decision?

No. The rules of procedural fairness do not need to be followed in all government decision-making. They mainly apply to decisions that negatively affect an existing interest of a person or corporation. For instance, procedural fairness would apply to a decision to cancel a licence or benefit; to discipline an employee; to impose a penalty; or to publish a report that damages a person's reputation.

Procedural fairness also applies where a person has a legitimate expectation (for example, continuing to receive a benefit such as a travel concession). Procedural fairness protects legitimate expectations as well as legal rights. It is less likely to apply to routine administration and policy-making, or to decisions that initially give a benefit (for example, issuing a licence in the first instance).

In some rare circumstances, the requirement to provide procedural fairness is specifically excluded by Acts of Parliament (for example, section 115 of the *Sentence Administration Act 2003*).

The rules of procedural fairness require:

- a hearing appropriate to the circumstances;
- lack of bias;
- evidence to support a decision; and
- inquiry into matters in dispute.

What is "the hearing rule"?

A critical part of procedural fairness is 'the hearing rule'. Fairness demands that a person be told the case to be met and given the chance to reply before a government agency makes a decision that negatively affects a right, an existing interest or a legitimate expectation which they hold. Put simply, hearing the other side of the story is critical to good decision-making.

In line with procedural fairness, the person concerned has a right:

- to an opportunity to reply in a way that is appropriate for the circumstances;
- for their reply to be received and considered before the decision is made;
- to receive all relevant information before preparing their reply. The case to be met must include a description of the possible decision, the criteria for making that decision and information on which any such decision would be based. It is most important that any negative information the agency has about the person is disclosed to that person. A summary of the information is sufficient; original documents and the identity of confidential sources do not have to be provided;

- to a reasonable chance to consider their position and reply. However, what is reasonable can vary according to the complexity of the issue, whether an urgent decision is essential or any other relevant matter; and
- to genuine consideration of any submission. The decision-maker needs to be fully aware of everything written or said by the person, and give proper and genuine consideration to that person's case.

How does procedural fairness apply to an individual who may be negatively affected by a government decision?

If you are going to be negatively affected by a government decision, you are entitled to expect that the decision-maker will follow the rules of procedural fairness before reaching a conclusion. In particular, you are entitled to:

Be told the case to be met (for example, that an agency is considering withdrawing an existing entitlement or benefit such as a rebate or an allowance), including reasons for this proposal and any negative or prejudicial information relating to you that is to be used in the decision-making process.

The case to be met could be a letter or a draft report, or it could be a summary of the issues being considered by the decision-maker. It is not necessary for you to receive copies of all original documents or the identity of confidential sources be revealed.

A real chance to reply to the case to be met, whether that be in writing or orally. The type of hearing should be proportional to the nature of the decision. For instance, if the consequences of the proposed decision are highly significant, a formal hearing process may be warranted. In contrast, if the matter is relatively straightforward, a simple exchange of letters may be all that is needed. Generally, in any oral (or face-to-face) hearing, it is reasonable to bring a friend or lawyer as an observer, so you may wish to consider this.

In your reply, you may, amongst other things, wish to:

- deny the allegations;
- provide evidence you believe disproves the allegations;
- explain the allegations or present an innocent explanation; and
- provide details of any special circumstances you believe should be taken into account.

You must have the chance to give your response before the decision is made, but after all important information has been gathered. This is so you can be given all the information you are entitled to and be aware of the issues being considered by the decision-maker.

The decision-maker should have an open mind (be free from bias) when reading or listening to what you have to say.

How does procedural fairness apply to an investigator?

If you are investigating a matter or preparing a report for a decision-maker, it is good practice to consider the requirements of procedural fairness at every stage of your investigation.

Procedural fairness is an essential part of a professional investigation and benefits both parties. As an investigator, acting according to procedural fairness can help you by providing:

- an important means of checking facts and identifying major issues
- comments made by the subject of the complaint that can expose weaknesses in the investigation
- advance warning of areas where the investigation report may be challenged.

Depending on the circumstances, procedural fairness requires you to:

- inform those involved in the complaint of the main points of any allegations or grounds for negative comment against them. How and when this is done is up to you, depending on the circumstances
- provide people with a reasonable opportunity to put their case, whether in writing, at a hearing or otherwise. It is important to weigh all relevant circumstances for each individual case before deciding how the person should be allowed to respond to the allegations or negative comment.

- In most cases it is enough to give the person opportunity to put their case in writing. In others, however, procedural fairness requires the person to make oral representations. Your ultimate decision will often need to balance a range of considerations, including the consequences of the decision
- hear all parties to a matter and consider submissions
- make reasonable inquiries or investigations before making a decision. A decision that will negatively affect a person should not be based merely on suspicion, gossip or rumour. There must be facts or information to support all negative findings. The best way of testing the reliability or credibility of information is to disclose it to a person in advance of a decision, as required by the hearing rule
- only take into account relevant factors
- act fairly and without bias. If, in the course of a hearing, a person raises a new issue that questions or casts doubt on an issue that is central to a proper decision, it should not be ignored. Proper examination of all credible, relevant and disputed issues is important
- conduct the investigation without unnecessary delay
- ensure that a full record of the investigation has been made.

Of course, wherever there is a requirement to apply particular procedures in addition to those that ensure procedural fairness, the terms of that statutory obligation must also be followed.

The Ombudsman recommends that whenever it is proposed to make adverse comment about a person, procedural fairness should be provided to that person before the report is presented to the final decision-maker. This should be done as a matter of best practice.

There is no requirement that all the information in your possession needs to be disclosed to the person. However in rare cases, such as a serious risk to personal safety or to substantial amounts of public funds, procedural fairness requirements may need to be circumvented due to overriding public interest. If you believe this exists, make sure you seek expert advice and document it.

How does procedural fairness apply to the decision-maker?

Except in rare circumstances where procedural fairness is excluded by statute, if you are making a decision which will affect the rights, interests or legitimate expectations of a person, you must comply with the rules of procedural fairness. In other words, you must ensure:

- you allow the individual a fair hearing (or verify that the individual has been granted a fair hearing) that is neither too early or too late in the decision-making process; and
- you are unbiased. This includes ensuring that from an onlooker's perspective there is no reasonable perception of bias. For example, personal, financial or family relationships, evidence of a closed mind or participation in another role in the decision-making process (such as accuser or judge) can all give rise to a reasonable perception of bias. If this is the case, it is best to remove yourself from the process and ensure an independent person assumes the role of decision-maker.

If you are relying on a briefing paper that summarises both sides of the case and makes a proposal, it is often a good idea to disclose a draft of the briefing paper to the person, even though a hearing has earlier been held.

Acknowledgements

Ombudsman Western Australia wishes to thank the NSW Ombudsman for use of their publication *Investigating complaints - A manual for investigators* in the development of these guidelines, and their continuing advice and assistance. Thanks also to Clayton Utz for use of their publication *Good decision making for government*.

Ombudsman Western Australia

GUIDELINES

Remedies and Redress

Revised April 2010

Public sector agencies deliver a vast range of services to members of the public who usually do not have the option of obtaining these services elsewhere. Under these conditions, it is important that the community has confidence that agencies will act fairly and reasonably in delivering their services.

In the Ombudsman's view it is essential that, when the service provided to an individual is unsatisfactory and the agency has in some way contributed to this, the agency should provide redress to remedy the situation.

These guidelines provide a framework to help managers make decisions about addressing a complainant's sense of grievance when they are dissatisfied with the service they have received from the agency. Ultimately, the guidelines should assist agencies to better manage their business, improve the transparency of their processes, and thus enhance public confidence in their operations.

Codes of conduct and organisational values

Public sector agencies, which include government departments, statutory authorities and local governments, have codes of conduct setting out values that include being honest and exhibiting high levels of integrity, openness and ethical behaviour.

The values in these codes should guide the way staff deal with aggrieved complainants. For example, "fairness" is demonstrated by maintaining an open mind in investigation and action; recognising the lawful rights of others to natural justice and equitable outcomes; and allowing people access to due process. The principle of "openness" requires acknowledging mistakes, explaining actions and apologising. These principles underly the redress guidelines.

In the Ombudsman's view, the ethical principles in the codes of conduct of public sector agencies are consistent with a redress framework which provides that, when people are unfairly or unreasonably affected by decisions, the agencies should take all fair and reasonable steps to make good.

Redress circumstances

Circumstances that warrant the provision of redress by an agency to a complainant can arise in many ways, but in broad terms may arise when any one of or a combination of the following occur:

- poor communication results in misunderstandings or misapprehensions;
- an inappropriate, unfair or unreasonable decision is made;
- an inadequate or unfair process was used to arrive at a decision; or
- a decision was made that was disproportionate or unreasonable in the circumstances.

Redress principles

There are six principles involved in the consideration of redress:

- All mistakes are admitted and put right.
- A sincere and meaningful apology is offered.
- Arrangements for considering redress are made public.
- Redress is fair and reasonable.
- As far as possible, redress restores the complainant to their original position.
- Redress is procedurally sound.

Principle 1: Admitting mistakes	An organisation that values openness and accountability should be willing to admit and make good its errors. For this principle to be effective, staff must be confident that they have full support from their agency to take these actions. To achieve this, it is important that management provide suitable resources (including training) so that staff not only handle complaints properly but also have a good understanding of the benefits of handling a complaint well. Management should also outline the scope of employees' decision-making delegations - giving them the power to deal with complaints, and explaining the limits of redress that can be offered. For example, in the case of a claim made against an agency by a third party, RiskCover requires there be no admission of liability. In this instance, a 'claim' is defined as "an allegation, request, or demand for compensation". Even complaints by third parties about conduct could be regarded as a claim. For further information, see **www.riskcover.wa.gov.au/liability/riskcover_claimsmanagement_liability_forms**
Principle 2: Apologies	The *Civil Liability Act 2002* defines 'apology' as: An expression of sorrow, regret or sympathy by a person that does not contain an acknowledgment of fault by that person (see **Appendix A**). The Act provides that an apology expressed in this way does not constitute an admission of liability, and therefore should not be relevant to the determination of fault or liability in connection with civil liability of any kind, nor should it be admitted into evidence in a court hearing. The impact of a sincere apology, offered early in the process, should not be underestimated. Even where an apology may not appear to be warranted, it is worthwhile expressing regret or sympathy in a way that does not accept blame; for example "*I'm sorry that this situation has left you feeling disappointed*". It will often avoid the escalation of a dispute and the significant cost in time and resources that can be involved. Apologising should not be seen as a sign of organisational weakness. To the contrary, it is a sign of organisational strength and maturity.
Principle 3: Visible mechanisms	In order to convince the public that complaints are taken seriously, agencies should publicise their mechanisms for complaint handling. This gives the public confidence that the agency will listen to complaints and act on them, and that making a complaint is worthwhile.
Principle 4: Fair and reasonable	Redress should be fair and reasonable to both the person affected and the agency. There are a number of criteria that need to be considered. **Decisions not based entirely on legal grounds** – Technical legal questions cannot and should not be ignored. However, fairness involves considering all of the ways in which the circumstances in question have affected the complainant and the wider community. This involves both legal and non-legal issues. An approach guided solely by legal principles risks being rigid, lacking the flexibility necessary for customer-focused agencies. Appropriate weight should be given to broad questions of reasonableness, the effect of decisions and the ethical obligations of fairness and accountability. **Equal treatment** - Like cases should, as a matter of principle, be treated equally. Differences in redress between similar cases should be clearly attributable to material differences in the circumstances.

Principle 4: Fair and reasonable ***continued***	**Resources not used to disadvantage** - Agencies are typically large, with access to resources and advice not usually afforded to most citizens. Using these to the disadvantage of complainants only exacerbates the detriment suffered. **Proportion** - Redress should be proportional to the detriment suffered. This involves weighing the problem and possible solutions to find an appropriate balance.
Principle 5: Restoration	Generally, when a person suffers a detriment wholly or partly as a result of the inappropriate actions of an agency, that person should be restored to their original position. When this is not possible, fair and reasonable alternatives should be offered.
Principle 6: Procedurally sound	A proper response by an agency to a person who has suffered a detriment involves: • covering all of the consequences of the decision in question. Failing to do so is likely to simply generate further complaints; • providing all relevant information about what happened, why it happened, what steps are being taken to rectify the position and why those steps are being taken; • accepting that agreements made in ignorance of rights and the available information are not fair and reasonable; • taking into account the views of the people affected; • taking into account protection of the public purse; • taking into account these guidelines and previous decisions about similar complaints; • dealing with the complaint in a timely manner. Agencies are much more likely to meet the ethical principles of respect, openness and accountability if redress circumstances are dealt with quickly. Delaying redress is liable to intensify the detriment already suffered.

Limitations

There are limits to what steps might be reasonably expected to be taken in order to make good. The following issues should be explored in order to determine the limits in individual cases.

Elapsed time

As a general principle the greater the elapsed time since the decision in question the less compelling the obligation on the agency to make good.

Remoteness

People not directly affected should not expect redress, unless special circumstances exist.

Contribution

Complainants may have themselves contributed to redress circumstances. It is reasonable for the agency to take into account the extent to which its officers and the people affected have contributed to the detriment suffered.

Mitigation

People affected by activities have a responsibility to take reasonable steps to minimise the impact on them.

Unwarranted enrichment

Redress should be aimed at making good the detriment suffered. It should not lead to a person making a profit or gaining an advantage.

External considerations

Providing redress is likely to be delayed or even inappropriate when other processes have not been completed. However, as a general principle, an agency should not delay providing redress while such processes are still in train once the need to provide it has been acknowledged. Some of the more important considerations include:

Agency internal review

Where appropriate, having regard to the particular circumstances of each case, providing redress should not be delayed because the agency's internal review is incomplete.

Legal liability

In some cases the person suffering detriment will have a legal entitlement to redress, and in this situation, where possible, the agency should provide appropriate redress that obviates the need for that person to pursue their legal remedies. While concerns about legal liability are an important consideration, such concerns should not be the sole or even primary consideration in assessing whether to offer redress. Agencies have a duty to correct or rectify problems arising from maladministration for which they are responsible. Agencies should make sensible decisions to reach out of court settlements, or better still, to forestall the need for legal proceedings at all. Redress can be offered without admission of liability. The agency may wish, if offering an Act of Grace payment, to enter into a deed with the complainant by which they release the agency and the State from any liability related to the complaint.

Government expenditure

Making good a detriment suffered should be primarily based on the moral obligation of the agency to do so on a balanced assessment of the relevant circumstances. But sometimes agencies limit their responses in a bona fide attempt to limit the financial exposure of government. While it is always important to use government resources wisely, this must be accomplished in a way that does not disadvantage complainants. When considering the public interest, agencies need to take account of the improvement in public confidence in service delivery that may result from a fair and timely response to service failures. In these cases the cost of providing redress could be viewed as one of the costs of providing a reasonable standard of service.

Of course agency expenditure must have a legal foundation. The *Financial Management Act 2006* includes authorisation to request approval for Act of Grace payments (section 80(1)), which provides for the following:

> If the Treasurer is satisfied that it is appropriate to do so because of special circumstances, the Treasurer may authorise an amount to be paid to a person even though the payment would not otherwise be authorised by law or required to meet a legal liability.

The procedure for making such requests is set out in **Treasurer's Instruction 319**.

Western Australian Government policy encourages agencies to develop policies on the provision of redress (or remedies) as part of their complaints management process.[3]

The redress process

An agency's complaint handling system must have the capacity to identify and efficiently and effectively deal with decisions about redress. In the Ombudsman's view, a model redress mechanism incorporates the following four steps:

Step 1. Decide whether redress circumstances resulting in a person suffering a detriment exist.

Step 2. Consider the nature of the detriment.

Step 3. Decide what it would take to satisfy the complainant or restore the complainant to their original position.

Step 4. Determine what would need to be done to prevent a recurrence.

Step 1: Decision resulted in a detriment	There are many occasions when a complainant may suffer a detriment when an agency is acting lawfully and reasonably. Depending on the circumstances, however, an apology may be appropriate. Similarly, redress does not need to be provided when legislation is operating as intended or to remedy major legislative deficiencies.
Step 2: Nature of detriment	Establishing the nature of the detriment that the complainant has suffered and their desired outcome should be a standard component of the complaint-handling process. In determining this, agencies should take into account: • the amount of quantifiable financial loss (such as loss or damage to property, injury or damage to health, loss of earnings, medical and legal costs, time and trouble where the person dealt with the matter without professional assistance); and • any non-financial damage (such as gross inconvenience, embarrassment, humiliation, or stress). Many complainants are eager to move on and merely seek acknowledgement of their grievance and a timely apology. Some are satisfied with the knowledge that remedial action has been taken and elect not to pursue civil claims.
Step 3: Restoring complainant to original position	Sometimes agencies offer only partial redress, resulting in the complainant remaining dissatisfied. This occasionally occurs when property has been damaged or lost as a result of an agency's action. The agency may offer a part payment on the basis that the damage or loss was accidental. However, if the complainant's actions did not contribute to the damage or loss, the principle of fairness indicates that the complainant should be fully reimbursed.
Step 4: Prevent recurrence	One of the principal functions of a good complaint handling system is to allow the agency to learn from its complaints and improve its services. It is expensive, inefficient and poor administrative practice to simply deal with complaints as they arise and fail to fix the cause. Each complaint should be assessed to determine whether the circumstances are likely to arise again and if there is a better way to deal with the matter. Often this will involve identifying training needs or making amendments to procedural manuals.

Common excuses to avoid making good

The Ombudsman's experience is that agencies are often motivated to avoid making good to avoid expenditure or embarrassment or because they believe making good risks being seen as an admission of liability. In our view, such decisions are ill-conceived and inconsistent with the principles of accountability and openness.

The following common responses are unacceptable reasons to avoid making good:

Avoiding setting a precedent (or "the floodgates" argument)

If the flawed decision is demonstrably unfair and unreasonable in a specific set of circumstances, then this is what must be addressed.

Not legally required to offer redress

This confuses the issues of lawfulness and fairness. Fairness involves considering both legal and non-legal issues. Appropriate weight should be given to broad questions of reasonableness, the effect of decisions and the ethical obligations of fairness and accountability.

Fix the system but not resolve individual complaint

The original complainant may obtain little satisfaction from actions to prevent a recurrence of the incident that led to the complaint. When an agency identifies a deficiency that needs correction, fairness requires that the complaint which led to that identification be addressed in an appropriate manner.

Don't want to create a bigger problem

This approach is inconsistent with the ethical principle of openness. If making good alerts people to the fact that a bigger problem exists, then this is itself a useful outcome.

Forms of redress

When things go wrong, many complainants want no more than to be listened to, understood, respected and, where appropriate, provided with an explanation and an apology.

There are various forms that redress can take.

Explanation	It may be possible to resolve the complaint by providing information about the decision-making process or relevant policies or legislation, or by giving reasons for decisions if this has not already been done. A complainant's sense of grievance is likely to be lessened when they are satisfied that their position has been understood and taken into account.
Apology	A prompt apology can be extremely effective. Apologise promptly, sincerely, face to face, and confirm it in writing. Depending on the circumstances, it may be appropriate for the agency to acknowledge responsibility and express sympathy or regret. If legal liability may be a concern, an expression of sorrow, regret or sympathy, without acknowledging fault, can still be helpful.
Reconsidering conduct	Taking into account new information or information that may have been unintentionally ignored during the original assessment may lead to stopping action or taking alternative action or otherwise changing the consequences of a flawed decision.
Changing policy or practice	Some complainants are satisfied by the fact that changes will be made to prevent future similar incidents.
Mitigation	Mitigation reduces the impact of the detriment suffered and may involve replacing damaged property, correcting records, returning property or refunding fees.
Restitution	Compensation for loss or damage to property.
Reimbursement	Compensation for costs that were incurred as a result of the flawed decision, including medical costs, professional costs, or time and trouble involved.
Satisfaction	Compensation for loss of amenity or rights, or for inconvenience. When an agency is not under a legal liability to provide financial compensation (i.e. restitution, reimbursement and satisfaction), it may still decide that it has a moral obligation to offer this type of redress. This can be done by way of an Act of Grace payment under section 80 of the *Financial Management Act 2006*. Treasurer's Instruction 319 provides the procedure and guidelines for making such requests.

Develop agency-specific guidelines

The availability of redress is a crucial component of a fair and reasonable complaints system. When a complainant suffers a detriment and it can be established that an agency contributed to that detriment, an agency that wishes to be seen as accountable must take steps to rectify the perceived damage. If agencies lack a proactive approach to providing remedies, they risk complainants remaining aggrieved.

To ensure public confidence is safeguarded, the Ombudsman suggests that agencies develop a "menu" of remedies, including examples, to assist staff in considering what remedy to provide. This will ensure that staff provide consistent and appropriate responses. To ensure transparency, the agency's commitment to appropriate redress (including limitations, where these apply) should also be made accessible to members of the public.

Resources

The following Ombudsman Western Australia publications provide further details that may be useful in the development of complaint handling systems and for staff involved in handling complaints:

- **Effective handling of complaints made to your organisation – An overview**
- **Making your complaint handling system accessible**
- **Complaint handling systems checklist**
- **Guidance for Complaint Handling Officers**
- **Investigation of complaints**
- **Conducting administrative investigations**
- **Procedural fairness**
- **Dealing with unreasonable complainant conduct**
- **Good record keeping**

For further information about the role of the Ombudsman and guidance for complaints management, visit our website at **www.ombudsman.wa.gov.au**.

Acknowledgement

Ombudsman Western Australia wishes to thank the **NSW Ombudsman** for allowing us to use their publication *The Complaint Handler's Tool Kit 2004* in the development of these guidelines.

Appendix A

CIVIL LIABILITY ACT 2002

Apologies Part 1E

s. 5AF Interpretation

In this Part — "apology" means an expression of sorrow, regret or sympathy by a person that does not contain an acknowledgment of fault by that person.

s. 5AG Application of this part

Subject to sections 3A and 4A, this Part applies to civil liability of any kind unless this section states otherwise.

This Part extends to a claim even if the damages are sought to be recovered in an action for breach of contract or any other action.

This Part does not apply unless the civil liability giving rise to the claim arises out of an incident happening on or after the commencement day.

If in a claim for damages:

- it cannot be ascertained whether or not the incident out of which the personal injury arises happened on or after the commencement day; and
- the symptoms of the injury first appeared on or after the commencement day, the incident is to be taken, for the purpose of subsection (3), to have happened on or after the commencement day.

In this section "commencement day" means the day on which the Civil Liability Amendment Act 2003 section 8 comes into operation.

s. 5AH Effect of an apology on liability

An apology made by or on behalf of a person in connection with any incident giving rise to a claim for damages:

- does not constitute an express or implied admission of fault or liability by the person in connection with that incident; and
- is not relevant to the determination of fault or liability in connection with that incident.

Evidence of an apology made by or on behalf of a person in connection with any incident alleged to have been caused by the person is not admissible in any civil proceeding as evidence of the fault or liability of the person in connection with that incident.

You can access a full copy of the *Civil Liability Act 2002* at the **WA State Law Publisher** website

GUIDELINES

Good record keeping

Revised May 2009

Why are records important?

Records tell us what, where and when something was done and why a decision was made. They also tell us who was involved and under what authority. They provide evidence of government and individual activity and promote accountability and transparency.

What are the benefits of good record keeping?

Records:

- help you work more efficiently
- enable you to meet legal obligations applicable to your work
- protect the interests of the government and of your agency
- protect your rights as an employee and citizen
- demonstrate the cost and impact of your business
- enable review of processes and decisions
- retain the corporate memory of your agency and its narrative history
- help research and development activities
- enable consistency and continuity in your business.

Who is responsible?

Making and keeping your agency's records depends on the cooperation of everyone in your agency. Whilst your agency's chief executive and its corporate records section (if appropriate to your agency) are responsible for meeting the requirements of the *State Records Act 2000*, effective record keeping ultimately depends on you.

Creating and looking after records is central to your responsibilities as a public official. As an individual government employee, it is possible to be charged with an offence under the *State Records Act 2000* if you fail to keep a record in accordance with your agency's Record Keeping Plan.

What do we have to do?

Create records routinely as part of your work

Records may naturally arise in the course of your work, such as sending an email. In other cases, where the activity does not automatically result in the creation of a record, you need to create one. Examples of this include meetings, telephone conversations, informal discussions and the receipt of funds. It is important that the record accurately reflects the transaction or activity that has taken place.

File records into official records systems

Your agency has official systems for managing its records, whether they are created and received in paper or electronically. Failure to capture records into official records systems makes them difficult or impossible to locate when needed. They may even end up lost or destroyed.

Do not be tempted to hoard records in your own private store, separate from your agency's official records system. This also applies to emails: those you send or receive in the course of your employment are official records. If an email needs to be kept to document a transaction or decision, then it should be captured into your agency's official records system.

Handle records with care

For paper records to survive and be available for as long as they are needed, they must be properly cared for. Avoid storing records near known hazards and try not to damage them.

Records are a corporate asset of your agency and do not belong to you. Do not remove them from official records systems for extended periods of time or take them out of your agency. It is important they remain available to other staff.

Do not destroy records without authority

Your agency's records, whether paper or electronic, generally cannot be destroyed without proper authority from your agency's records staff. Some kinds of records have only temporary value and can be destroyed when no longer needed. Make sure you know which records are required long term and which are not. This information is part of your agency's Retention and Disposal Schedule, and records staff can provide information about this.

Failing to maintain records for the length of time they are needed puts you and your agency at risk of being unable to account for what has happened or been decided. This can result in problems for your agency's clients, monetary losses from penalties or litigation, embarrassment for your agency or the Government, or, in extreme cases, disciplinary action for you or your colleagues.

Protect sensitive records from unauthorised access

Records can contain personal and confidential information which must not be disclosed to unauthorised persons. Ensure that records storage areas are secure, protect passwords and do not leave sensitive records lying around.

Know your agency's policies and procedures for managing records

Every WA public sector body is required to establish policies and procedures for the management of their records in all forms. It is every public official's responsibility to create and keep records according to their agency's Record Keeping Plan. You can help support good record keeping in your agency by being familiar with these policies and procedures and applying them so you can better create and manage records in your daily work.

What happens to records once the business need ceases?

Most of your agency's records, whether paper or electronic, can be destroyed with proper authority from your records staff. However, some records have permanent value to the State and to the people of Western Australia as evidence of your agency's activities and the role of government in our society.

These records will become State archives to be retained permanently and transferred to the State Records Office once they are 25 years old. Subject to certain restrictions, they will be made available to the public on request and to future generations of researchers who might use these records many years from now.

Make sure you know which records you deal with have continuing value. Good record keeping includes taking proper care of records which have archival value and will be retained permanently.

Record keeping tips

Meetings

Delegate someone to make a record of the meeting, either minutes or a simple summary of decisions. Ensure decisions and dissent are clearly recorded. Circulate the minutes of the meeting to other participants and sign or confirm the accuracy of the record.

Conversations

Make a record of significant business you conduct via the telephone or face-to-face, such as:

- providing advice, instructions or recommendations
- giving permissions and consent
- making decisions, commitments or agreements.

Transcribe voicemail messages or capture the message directly into your agency's official records system.

Decisions and recommendations

Document reasons for decisions or recommendations that you make.

Correspondence

File or attach emails, letters, faxes and internal memos (sent or received) that relate to your work onto files within your agency's official records system.

Further information

Australian Standard AS15489 Records Management

State Records Act 2000

State Records Commission Principles and Standards 2002

State Records Office of Western Australia

Record Keeping in Western Australia: Who is Responsible

Your agency's Record Keeping Plan and Retention and Disposal Schedule

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Ombudsman WA Publications

The following guidelines, information sheets and forms are available in the Publications section of our website at **www.ombudsman.wa.gov.au**.

General Publications	
• Ombudsman WA DL Brochure • How We Assess Complaints • Ombudsman WA Simplified A4 Poster • Ombudsman WA Simplified Information Sheet • Ombudsman WA Simplified DL (Hard copy only on request)	
For Complainants	
• How to complain to the Ombudsman (Also available in Arabic, Amharic, Croatian, Chinese Simplified, Chinese Traditional, Cocos-Malay, Dari, Indonesian, Italian, Japanese, Persian, Serbian , Somali, Spanish and Vietnamese) • Ombudsman's complaint resolution process - Information for Complainants • Making a Complaint to a State Government Agency • Assessment of Complaints Checklist • Being Interviewed by the office of the Ombudsman • Requesting the Review of a Decision • Complaints from overseas students (Also available in Chinese Simplified, Chinese Traditional, Hindi, Indonesian and Malay)	
For Agencies	
• Ombudsman's complaint resolution process - Information for public authorities • About the Ombudsman - Information for public sector agencies • About the Ombudsman - Information for local governments • About the Ombudsman - Information for universities • Effective handling of complaints made to your organisation - An Overview • Complaint Handling Systems Checklist • Making your complaint handling system accessible • Guidance for Complaint Handling Officers • The principles of effective complaints handling • Management of Personal Information • Management of Personal Information Checklist • Good Practice Principles for the Management of Personal Information • Conducting administrative investigations • Investigation of Complaints • Procedural Fairness (Natural Justice) • Giving reasons for decisions • Exercise of discretion in administrative decision making • Dealing with Unreasonable Complainant Conduct • Remedies and Redress • Good Record Keeping • Information for Boards and Tribunals	
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