

### 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 an organisation, related to its products, or the complaints handling process itself, where a response or resolution is explicitly or implicitly expected”<sup>1</sup>.

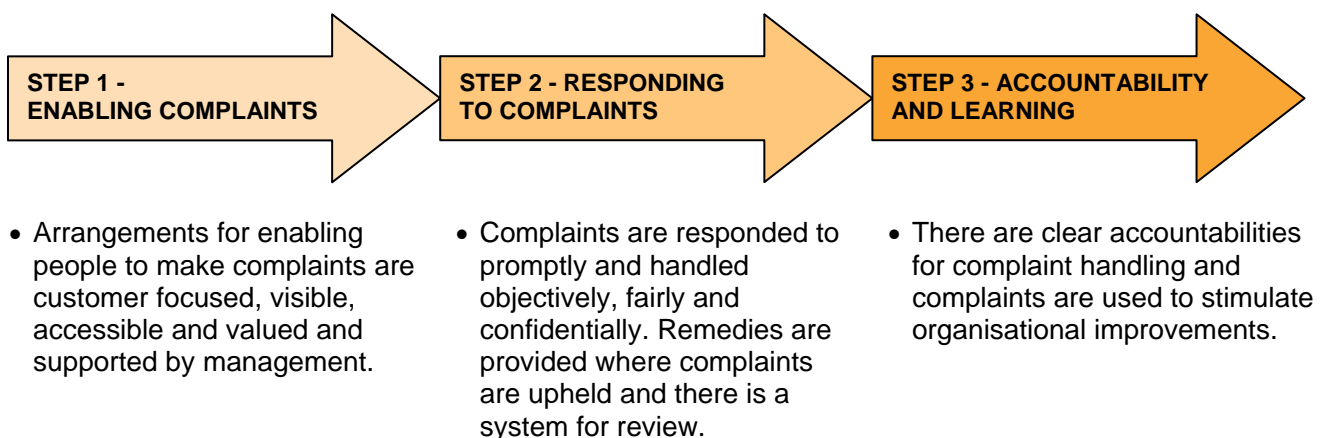
An effective complaint handling system provides three key benefits to an organisation:

- 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.

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

The public wants:	The organisation needs:
<ul style="list-style-type: none"><li>• a user friendly complaint handling system</li><li>• to be heard and understood</li><li>• to be respected</li><li>• an explanation</li><li>• an apology</li><li>• action as soon as possible</li></ul>	<ul style="list-style-type: none"><li>• a user friendly system for accepting feedback</li><li>• clear delegations &amp; procedures for staff to deal with complaints and provide remedies</li><li>• a recording system to capture complaint data</li><li>• to use complaint data to identify problems and trends</li><li>• to improve service delivery in identified areas</li></ul>

### Effective complaint handling systems



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](#).

1. See *Australian Complaint Handling Standard ISO AS 10002-2006*, available at [www.standards.com.au](http://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.

<p>Customer focused</p>	<p><b>Principle: The organisation is committed to effective complaint handling and values feedback through complaints.</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>
<p>Visibility</p>	<p><b>Principle: Information about how and where to complain is well publicised to customers, staff and other interested parties.</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>Front-line staff should be aware of the complaint handling process and the contact details of the organisation's Complaint Handling Officer(s).</li> <li>The information about how to complain should identify any appropriate alternative external parties the complainant can go to with their complaint.</li> </ul>
<p>Accessibility</p>	<p><b>Principle: The process of making a complaint and investigating it is easy for complainants to access and understand.</b></p> <ul style="list-style-type: none"> <li>Complaints should be handled at no charge and this should be made clear in information provided about the complaint handling process.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p>For more information, see the Ombudsman WA Guidelines <a href="#">Making your complaint handling system accessible</a>.</p>

## 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.

<p><b>Responsiveness</b></p>	<p><b>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.</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Complaints should be addressed promptly in order of urgency and staff should be aware of any target timelines for resolving complaints.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<p><b>Objectivity and fairness</b></p>	<p><b>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.</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>The Ombudsman WA publications <a href="#"><u>Conducting administrative investigations</u></a>, <a href="#"><u>Investigation of complaints</u></a>, <a href="#"><u>Procedural fairness</u></a> and <a href="#"><u>Dealing with unreasonable complainant conduct</u></a> may assist your staff in handling complaints with objectivity and fairness.</p>

Confidentiality	<p><b>Principle: Personal information related to complaints is kept confidential.</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
Remedy	<p><b>Principle: If a complaint is upheld, the organisation provides a remedy.</b></p> <ul style="list-style-type: none"> <li>Mechanisms should exist for enabling appropriate remedies to be provided when complaints are upheld and staff should be familiar with them.</li> <li>Staff should be empowered to provide these remedies at the appropriate level, for example some appropriate remedies may be provided by front-line staff.</li> <li>Staff should be able to give the complainant reasons for decisions relating to remedies.</li> </ul>
Review	<p><b>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.</b></p> <ul style="list-style-type: none"> <li>There should be an independent internal review or appeal process.</li> <li>Details of external rights of review or appeal for unresolved complaints should be made available to complainants.</li> </ul>

## Accountability and Learning

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

Accountability	<p><b>Principle: Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Remedies and proposed improvements to practices should be followed up and acted on.</li> <li>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.</li> <li>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 <a href="#">Good record keeping</a>.</li> <li>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.</li> </ul>
----------------	---

## 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 its 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: <ul style="list-style-type: none"> <li>• Adequate reasons for any decision made;</li> <li>• Any changes or action that have resulted from the complaint;</li> <li>• A remedy, where appropriate; and</li> <li>• Information on where to seek independent internal and external review (e.g. the Ombudsman).</li> </ul>

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	<ul style="list-style-type: none"> <li>• Mistakes are admitted and put right;</li> <li>• A sincere and meaningful apology is offered;</li> <li>• Redress is fair and reasonable;</li> <li>• As far as possible, redress restores the complainant to their original position;</li> <li>• Decisions about redress are procedurally sound; and</li> <li>• Arrangements and reasons for providing redress are made transparent.</li> </ul>
Possible remedies that may be offered to complainants	<ul style="list-style-type: none"> <li>• An apology;</li> <li>• Reconsideration of a decision;</li> <li>• Amending or retracting documentation (e.g. publications, media statements, web pages);</li> <li>• An offer of non-financial assistance, as appropriate (e.g. providing information or contact details);</li> <li>• Appropriate compensation for loss;</li> <li>• Changed policies or practices to prevent a reoccurrence; and</li> <li>• Action to modify the behaviour of the staff member who the complaint was about, if applicable.</li> </ul>

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](http://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