

# **GOOD PRACTICE GUIDE**

**Ombudsman Victoria's  
guide to  
complaint handling for  
Victorian Public Sector Agencies**

**November 2007**

# 1. FOREWORD

This guide is designed to assist Victorian public sector agencies in achieving standards of excellence in complaint handling.

The development of this guide is in keeping with my office's promotion of fairness, integrity, respect for human rights and administrative excellence in the Victorian public sector.

As Ombudsman I investigate complaints from over 600 public sector bodies including professional boards, municipal and shire councils, universities and government schools, prisons including private prisons, and authorised officers on public transport.

I also have a central role in handling disclosures of improper conduct made under the *Whistleblowers Protection Act 2001* and the oversight of requests made under the *Freedom of Information Act 1982*.

In 2008, with the requirement for all public sector agencies to comply with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter), an increased function of my office will be to enquire into or investigate whether any administrative action is incompatible with a human right set out in the Charter.

There are a wide range of agencies handling a diversity of complaints that call for different mechanisms of complaint handling. Nevertheless, there are a number of common key features and requirements in dealing with complaints. It is my hope that this generic guide will be useful to the range of agencies under my jurisdiction for which complaint handling is an important aspect of their overall work.

I invite agencies to contact my office for further assistance in developing and enhancing their complaint handling systems.

G E Brouwer  
**OMBUDSMAN**

## 2. DEFINITIONS

|                                  |   |
|----------------------------------|---|
| <b>Australian Standard</b>       | <i>Australian Standard AS ISO 10002-2006 Customer Standard-Guidelines for complaints handling in organisations. This guide is based on the current Australian Standard.</i>                           |
| <b>Complainant</b>               | Person or entity affected by the action or inaction of an agency.   |
| <b>Complaint</b>                 | An expression of dissatisfaction with a specific action or service of an agency, including the failure by an agency to comply with its public service charter or mission.                             |
| <b>Complaint handling system</b> | The way individual complaints are dealt with by an agency including the policy, procedures, practices and technology.   |
| <b>Complaint office</b>          | Person/s or unit within the agency responsible for independently handling complaints.   |
| <b>Respondent</b>                | The Victorian public sector agency. In general terms Victorian government departments, local councils, universities, TAFE colleges, boards or other statutory authorities or state owned enterprises. |
| <b>Systemic complaint</b>        | Issue identified through complaints to be a problem in service or action of an agency, which is likely to be ongoing and to apply to multiple cases.  |
| <b>Whistleblower</b>             | Any person who makes a disclosure about improper conduct by public bodies and public officers under the <i>Whistleblowers Protection Act 2001</i> .   |

### 3. HOW TO USE THE GUIDE

This guide sets out good practice in complaint handling. It can be used to evaluate an existing complaint handling system or as an aid to establish a new system.

Each agency needs to decide how their complaints system will work most effectively and efficiently in their particular circumstances.

This guide is not copyright and may be downloaded and customised to suit each agency. The intention is to regularly review and continuously improve the guide. Agencies are encouraged to refer to our web address at [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au) for revised and updated versions.

You may wish to read the whole document or click on the blue text to quickly find the relevant section:

- ⇒ [key features](#) of an effective complaint handling process
- ⇒ [building](#) an effective complaint handling system
- ⇒ requirements of a good complaint handling [policy](#)
- ⇒ how to [investigate](#) a complaint
- ⇒ a [web-based link](#) where complainants can be referred to if the complaint is unable to be resolved
- ⇒ the Ombudsman's role in [reviewing a complaint](#)
- ⇒ dealing with [challenging behaviours](#) and unreasonable complainant conduct
- ⇒ a [checklist or audit tool](#) to assist in recognising any gaps in complaint handling systems
- ⇒ [investigation report](#) template
- ⇒ [investigation plan](#) template
- ⇒ [complaints register](#) template

Many agencies already have a good complaint handling system in place but realise that it may not meet all of the Australian Standards. The [self-audit checklist](#) has been developed to enable Victorian public service agencies to assess their compliance against these standards.

The aim of this generic guide is to provide agencies with useful tools and a practical framework which may assist in the continuous improvement of complaint handling.

## 4. KEY FEATURES OF AN EFFECTIVE COMPLAINT HANDLING PROCESS

### 4.1 Commitment

The agency should demonstrate a commitment to an effective complaints handling system that reflects the needs, expectations and rights of complainants. This requires a culture within the agency that recognises the complainant's right to complain and provides the mechanisms for complaints to be addressed in an efficient, fair and timely manner. Management commitment should be shown by the provision of adequate resources including training.

A dedicated system should be in place to address a complainant's concerns.

Everyone in the agency from the CEO to the person on the front counter should know how to direct a complainant to their agency's complaints handling system.

*To check whether your complaints handling system is effective randomly quiz staff on how a client might make a complaint.*

The following are examples of good practice in outlining an agency's commitment to complaint handling:

#### **Health Services Commission Policy Statement**

Commitment - The Commission and its senior management are fully committed to an integrated complaints handling system and provide the necessary support for it to operate effectively.

#### **ANGLISS HOSPITAL WELCOMES FEEDBACK**

Feedback may range from letters and/or cards expressing gratitude or suggestions on improvement, through to complaints about the care and/or services provided by Angliss Hospital and its staff.

Angliss Hospital views feedback as a valuable opportunity to review policies, procedures and practices, and to make changes where necessary.

#### **GIVING YOUR FEEDBACK TO THE HOSPITAL**

1. You may give your feedback (compliment, suggestion, complaint) directly to the person in charge of the ward or department.
2. To the Manager, Patients Relations.

If you are unsure of the contact details of the person to whom you are sending or giving your feedback, your nurse or other health care professional will provide assistance.

## 4.2 Fairness

A good complaints handling system recognises the need to be fair to the complainant, the agency and/or the person against whom the complaint is made.

Fairness works both ways. A complaint handling system should treat both clients and agency staff with respect and courtesy. The rules of natural justice should be applied and, where appropriate, all parties involved in the complaint should be given the opportunity to respond to any issues raised.

*To be fair your agency needs to:*

- *judge all complaints on their merits and facts*
- *give equal treatment to all people*
- *ensure that any action is compatible with the Victorian Charter of Human Rights and Responsibilities Act 2006*
- *take all complaints seriously*
- *treat complainants with sensitivity, respect and courtesy*
- *give clients the opportunity to have their complaint dealt with by an officer not previously involved in the matter*
- *ensure all conflicts of interest are disclosed and acted upon*
- *ensure an appropriate remedy is provided if the complaint is substantiated*
- *have an appropriate policy for dealing with anonymous complaints*
- *provide all parties with clear reasons as to why any actions have been taken*
- *provide further avenues of review.*

### **Transport Accident Commission (TAC)**

Fairness – The TAC has a complaints office that is independent of the operational business and free to access. The complaints office provides the complainant with an opportunity to have their complaint considered and appropriate action taken.

## 4.3 Transparency and access

A good complaints handling system should be well known to clients and staff of the agency. It should include information about the right to complain, how to do it, where to do it and how the complaint will be handled. Details on the complaints handling process should be available to all. There should also be no charge to the complainant for accessing the complaints handling system.

The complaints handling system and supporting information must be easy to understand, use, and be in plain language. Where the agency is dealing

with non-English speaking background clients, interpreter services should be provided where possible.

All clients should be able to make a complaint with appropriate support if required.

*Every person employed or contracted to your agency should be able to inform a client how to make a complaint and what will happen to the complaint.*

#### **Department of Human Services - Office of Housing (OOH)**

Access – The OOH has an efficient and effective process of providing forms in the client’s language when they wish to appeal against a decision. The appeal officer has access to a CD-Rom with forms in multiple languages. The Complaints Unit has brochures about ‘Making a Complaint to the Department of Human Services’ available in other languages.

#### **City of Monash Council**

Transparency – The City of Monash Council provides information on its website and freely available at its offices to advise complainants as to the steps involved in lodging a complaint. The Council welcomes feedback and links this to improving its service.

### **4.4 Responsiveness**

Complaints should be dealt with quickly, courteously, fairly and within established timelines.

Complainants should be advised of how long it will take to deal with the complaint in accordance with the agency’s complaint handling timelines and kept informed of the progress. Resolve or make further enquiries as soon as possible. If additional time is required to resolve the issues the complainant should be kept informed and advised of the additional time required and the reasons for the delay.

If the complaint is still not resolved to the complainant’s satisfaction, explain your decision clearly, and offer any possible alternative actions or review opportunities.

*Being responsive to complainants lets them know an agency has a commitment to quality service and prevents the escalation of complaints.*

### State Trustees 'Resolving Concerns' Brochure

Responsiveness – State Trustees makes a commitment to promptly acknowledge all written complaints within ten working days and all verbal complaints in three working days.

#### 4.5 Privacy and confidentiality

All agencies must handle complaint information according to the relevant privacy legislation and any other Act that prescribes how information should be handled by their agency. Staff must have an understanding of the *Information Privacy Act 2000* (Victoria), *Health Records Act 2001* (Victoria), *Whistleblowers Protection Act 2001* (Victoria), *Privacy Act 1988* (Commonwealth) and *Victorian Charter of Human Rights and Responsibilities Act 2006*. Training on relevant parts of these Acts should be included in induction and ongoing training programs.

The complaint handling process should ensure complainant confidentiality and also ensure confidentiality in the case of complaints against agency staff. Details of complaints should only be known by those directly concerned.

The organisation should establish and implement a procedure for recording complaints and responses and for using these records and managing them, while protecting any personal information and ensuring the confidentiality of complainants. However, it is essential that confidentiality is not used as an excuse to avoid dealing with a complaint.

When a complainant identifies themselves as a whistleblower it is imperative that they are immediately directed to the agency's Protected Disclosure Coordinator (PDC). All staff must be aware that the whistleblower's identity should only be disclosed to the PDC. For further information on how to handle disclosures from whistleblowers, staff must refer to the agency's whistleblower policy and the [Whistleblower Protection Act 2001: Ombudsman's Guidelines](#).

*Information gathered during the complaint process should only be:*

- *used in order to deal with and resolve the complaint or to address systemic issues arising from the complaint*
- *disclosed in a de-identified format when data is disclosed to the public*
- *shared with agency staff on a need to know basis.*

**Victorian WorkCover Authority (VWA) Complaints Handling Policy**

Confidentiality – The VWA advises that all personal and health information collected by the VWA in connection with a complaint will be handled in accordance with all applicable privacy laws and will only be used for the purpose of investigating the complaint.

**4.6 Accountability**

A complaint handling system should be open to scrutiny by clients, the responsible minister, agency staff, Ombudsman Victoria or another reviewing body.

There should be appropriate reporting on the operation of the complaints process against documented performance standards. A [complaints register](#) should be maintained. The complaint handling system should be followed.

Information on trends or aggregated complaints data should be publicly available and preferably reported annually by agencies. There should also be regular audits of the complaints handling system and appropriate action plans formulated to address any deficiencies.

**Veterinary Practitioner’s Registration Board of Victoria**

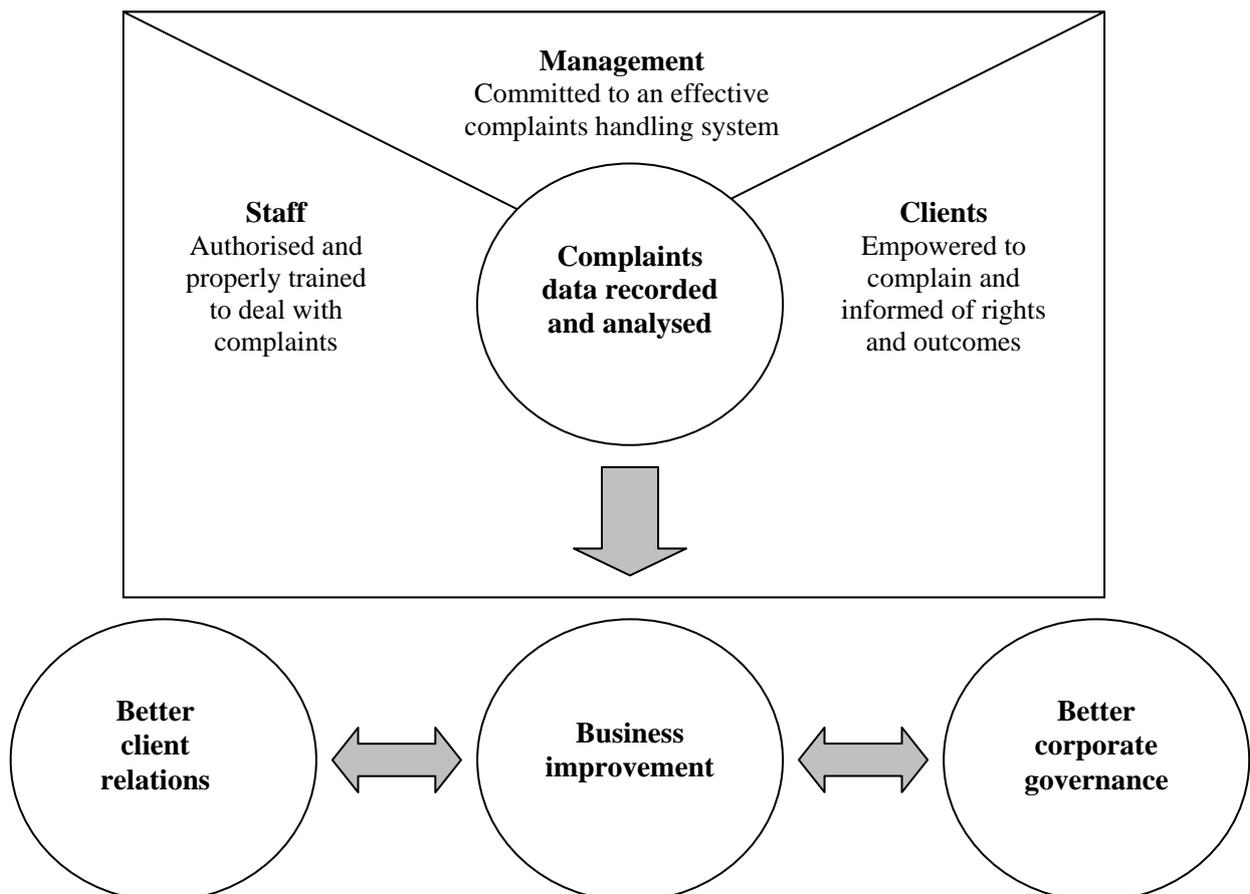
Accountability –The Board in its 2004/05 annual report published information on the number of complaints referred to Ombudsman Victoria and the actions taken by the Board in response to recommendations made by the Ombudsman. The Board advises complainants that if they are unhappy about the process used in conducting an investigation into the unprofessional conduct of a veterinary practitioner, they can complain to Ombudsman Victoria.

## 4.7 Business improvement

A key to achieving business improvement for agencies from a complaints handling system lies in having a systematic approach in recording complaints and outcomes, particularly whole of agency data. This data needs to be collected in sufficient detail to allow analysis to guide business improvement.

Sufficient resources need to be allocated to allow an analysis of aggregated complaint data and identification of recurring or system wide problems. The findings should then be used to address the action or service of the agency that has been the source of the complaints. This may be through corrective and preventative actions and innovative improvements. The agency should take action to eliminate the causes of existing and potential problems leading to complaints in order to prevent further complaints.

The following flowchart illustrates the benefits of complaint handling.



Source: Benefits of effective complaints management, Queensland Ombudsman Office (2003)

*It is important to take action to change the underlying business process or service where investigations reveal several complainants have been wronged in similar circumstances. It is also important to extend corrective measures to all those that have been similarly affected.*

### **The Victorian WorkCover Authority (VWA) Complaints Handling Policy**

Business Improvement – The VWA has established a complaints tracking system to ensure that systemic problems are identified, classified and analysed. The VWA's Director, Service Improvement, is responsible for:

- regular reporting of complaints data to VWA senior management
- identifying any areas leading to disproportionately high levels of complaints
- identifying any generic issues which require action and bringing them to the attention of the relevant operational areas
- communicating systemic issues to agents through appropriate forums.

## **4.8 Internal Review**

A good complaint handling process should also have the means by which a complainant's expression of grievance about how their complaint was handled can be dealt with.

*The internal review process should:*

- *be accessible to all complainants*
- *ensure the complaint or feedback is taken seriously and addressed promptly at a senior level*
- *ensure the reviewer is a more senior officer who has not previously dealt with the matter*
- *respond to the complainant and take appropriate remedial action, this may include an apology where appropriate*
- *rectify any systemic issues identified by the internal review.*

## 5. BUILDING AN EFFECTIVE COMPLAINT HANDLING SYSTEM

### 5.1 First Steps

The first steps for agencies in achieving standards of excellence in complaint handling are to:

- evaluate current policy, resources, procedures and practices
- identify any potential areas for improvement, and, where required
- develop a plan of action to improve the current system.

The [self-audit checklist](#) provides an agency with a tool to assist in this process.

*Arrange for an external or internal unrelated party to conduct the assessment with the view to ensuring a more robust analysis.*

This section describes the requirements of an effective complaint handling system.

### 5.2 Policy

Agencies should have a policy which clearly sets the direction of their complaint handling system. This policy should be freely available to clients and staff. Check your policy against the following requirements of a good complaint policy.

| <b>Requirements:</b>  | <b>Our policy has:</b> |
|---|------------------------|
| 1. Policy title, ownership and scope  |                        |
| 2. Policy commitment statement  |                        |
| 3. Definition of terms used in the policy   |                        |
| 4. Model for complaints   |                        |
| 5. Roles and functions  |                        |
| 6. Complaint categories   |                        |
| 7. Reporting of complaint trends  |                        |
| 8. Communication  |                        |
| 9. Safeguards against retribution   |                        |
| 10. Remedies  |                        |
| 11. Compliance with agency's strategic goals and risk management  |                        |
| 12. Authorisation/legislative basis for the policy including the <i>Charter of Human Rights and Responsibilities Act 2006</i> |                        |
| 13. Resources   |                        |
| 14. Implementation/effective date   |                        |
| 15. Evaluation/Audit  |                        |
| 16. Review date/cycle, review responsibilities  |                        |

## 5.3 Resources

### 5.3.1 Staff

Agencies are required to have an appropriate complaints office. This may range from one officer to a whole unit depending on the size of the agency and number of complaints.

Agencies should ensure that the complaints office:

- has well trained staff with product and service knowledge
- has staff with the interpersonal skills to handle the range of complaints and complainants that the agency deals with
- is adequately resourced
- has staff with sufficient levels of delegated authority to make required decisions.

Agencies should also ensure all members of staff, not just the complaints office staff, have a working knowledge of the complaints process and a thorough understanding of the agency's policy on complaints.

Dealing with complaints can be a stressful job. Providing regular breaks and allowing complaints officers to debrief when necessary through a support network may help prevent stress. It will also ensure an ongoing positive healthy attitude to dealing with complainants.

As the people involved in the complaints process are the most important resource in the complaints handling system, it is imperative that sufficient resources are allocated to training and support.

*Select complaints staff carefully. People who demonstrate the following attributes are ideal to handle complaints:*

- *accept complaints as a normal part of life*
- *non-judgmental*
- *recognise complaints are an opportunity to improve services*
- *sensitive to cultural, literacy or other differences*
- *do not consider complaints are a personal attack*
- *respect the complainants' opinions, privacy and human rights*
- *good communication, negotiation, conflict resolution, problem-solving and investigating skills.*

### 5.3.2 Recording, tracking and reporting

Staff need to have appropriate information communication technology skills and the ability to access the levels of the organisation necessary to handle a complaint.

All complaints should be recorded in a simple and meaningful way, even if the complaint is perceived as a trivial or minor issue. The progress of a complaint should be tracked and recorded from initial receipt to when the complainant is either satisfied or a final decision on the outcome of the complaint is made.

Where appropriate an electronic system may be necessary to track complaints, monitor progress and to ensure compliance with complaint handling timelines. In-built tracking mechanisms are particularly important where complaints are handled at a regional level as they facilitate the capturing of information on any central database.

In larger agencies a centralised system should be a feature of the complaint handling system. There should also be systems set up to report on the outcome of complaints as well as a means of analysing and reporting on trends identified to address systemic complaints.

*Critical elements captured in a good electronic complaints handling system are:*

- *complainant's details*
- *nature of complaint*
- *requested remedy*
- *mode of complaint (oral, e-mail, on-line form, letter)*
- *responsible officer, service area location*
- *practices or procedures identified*
- *action taken, response time and outcome*
- *recommendations for improvements*
- *complaints of a similar nature.*

## 6. HOW TO INVESTIGATE A COMPLAINT

Agencies deal with a wide variety of complaints and often the complaint may be resolved informally without the need for a formal investigation. This section of the guide provides agencies with practical assistance on the key issues to be considered in the formal investigation of a complaint.

This section must be considered in conjunction with any statutory provisions and guidelines applicable to the particular jurisdiction in which the investigation is being undertaken. The investigation of complaints involving allegations of serious improper conduct, corruption, fraud or other criminal conduct must be referred to the appropriate authority.

### 6.1 Assessment and planning

After providing an acknowledgement to the complainant on receipt of a complaint each complaint should be assessed to determine its nature, how it should be dealt with, when it should be dealt with, who should be involved and whether further information or investigation is required.

The first step is to assess the nature of the complaint, as not all complaints require investigation. Many complaints involve communication problems or misunderstandings that can be resolved informally by talking to the complainant or discussion between the parties, or through other processes such as mediation.

Certain types of investigations such as [whistleblower](#) complaints are subject to particular legislative requirements. In these cases, the assessment of the complaint and the nature of the investigation must be undertaken in light of the relevant legislative framework.

*Issues to consider in the assessment of a complaint:*

- *how serious the complaint is and the significance it has for the complainant and for the agency*
- *the need and requirement of immediate action*
- *complexity*
- *whether it indicates an action not compatible with the Charter of Human Rights and Responsibilities Act 2006*
- *whether it indicates the existence of a systemic problem*
- *whether an alternative and satisfactory means of redress is available*
- *whether the parties are agreeable to informal resolution of the complaint*
- *whether the complaint is trivial, frivolous or vexatious*
- *the time that has elapsed between event and complaint.*

After determining that a complaint requires investigation, an agency must then decide on the nature of the investigation. This includes determining whether the investigation relates to the agency's policies, procedures and practices, a decision or the conduct of individuals.

Determining the nature of the investigation from the outset assists the agency in identifying the powers required to conduct the investigation, the resources needed, whether any authorisation may be required, and the nature of the possible outcome. At this stage, a decision should be made by the agency as to whether the complaint needs to be investigated internally or should be referred externally.

The agency should also be mindful that the effectiveness of the investigation will depend on its available powers. The person investigating the complaint must ensure that they have the necessary powers to obtain evidence from relevant parties and access relevant records. In this context, it is important to distinguish between the right to ask and the power to demand. The person investigating the complaint should consider whether they have the legal powers to compel parties to provide information.

*If an agency is finding it difficult to investigate an issue owing to its lack of powers, the matter may be referred to [Ombudsman Victoria](#). Under section 14 of the Ombudsman Act 1973, the Ombudsman has the power to inspect premises, summons documents and persons, conduct interviews under oath, and initiate actions in the event of obstruction of an investigation, providing the matter is within the Ombudsman's jurisdiction.*

It is critical that one person be responsible for the conduct of the investigation and establishing a framework for the investigation.

This framework should include:

- the appropriate authorisation to conduct the investigation
- terms of reference which establish a focus and set limits on the investigation
- an investigation plan, including identifying the resources required.

*Investing time to ensure that the investigation is well planned will have a major impact on the ultimate success of the investigation.*

#### **The Department of Human Services - Office of Housing**

The Office of Housing has a complaint handling framework which includes:

- a three tiered approach based on level of complexity and stage of resolution
- different levels of authority attached to the investigation process.

## 6.2 Information gathering

The aim of investigating a complaint is to establish what has happened by gathering information, preparing a report where required and formulating resolution options.

The person investigating the complaint should talk to the complainant to ensure that there is clear understanding as to how the complaint system works, what they can expect and how long the investigation process will take.

It is imperative that the complainant's expectations of the investigation are managed from the outset as no matter what the service, the satisfaction the complainant ultimately feels will be determined by how well the agency meets their expectations. With this in mind, the person investigating the complaint must seek to ensure that the complainant's expectations are reasonable and achievable.

Where the agency cannot meet the complainant's expectations, steps should be taken to shape realistic expectations by explaining what the agency can provide and alternative review options.

In dealing with a complaint that involves considerable information gathering and analysis, the complainant should be advised as to the progress of the investigation on a regular basis and the expected timeframe for completion.

*The person investigating the complaint should clarify the issues with the complainant before preparing the investigation plan. Talking through the complaint at this point can ensure that all the relevant issues are considered. Evaluating at this point may also change the focus of the investigation.*

The person investigating the complaint must act reasonably, fairly and objectively, and in good faith. In investigating the complaint, the person should not take advantage of the fact that a complainant may not argue certain matters to their advantage.

In an investigation, the main sources of information are:

- oral evidence (recollections and observations)
- documentary evidence (records)
- expert evidence (technical advice)
- site inspection.

While only one person may be required to prove any fact or set of facts, additional evidence in the form of corroboration may be desirable. An investigator must have a good understanding of the rules of evidence and relevant standards of proof. This is to ensure that the evidence obtained is the best available and, where applicable, will be admissible if any subsequent legal proceedings arise.

Investigators must maintain a central investigation file that is a complete record of the investigation, documenting every step including all discussions, phone calls, interviews, decisions and conclusions made during the course of the investigation. This file must be stored securely to prevent unauthorised access, damage or alteration, and to maintain confidentiality.

### **6.3 Making a decision**

At the conclusion of an investigation, a report should be completed, documenting the findings. Although this report will be used by the agency to arrive at a decision, it may at some later stage be subject to external scrutiny.

The report should reflect the principles of procedural fairness and natural justice.

*Decisions concerning a complaint should be made according to the weight of the evidence and on the balance of probabilities.*

Agencies should seek to ensure that no one person alone investigates, determines, responds to the complainant and closes the investigation. Regardless of the seniority of the person investigating the complaint, he or she can always benefit from the views of a colleague who, having heard a summary or read a draft response, may make useful queries, suggest checks, or offer alternative approaches that may avert error or otherwise improve results.

The outcome of the complaint should be:

- clearly communicated to the complainant
- clearly communicated to appropriate agency staff and management
- integrated where appropriate into the agency's business improvement system.

When communicating this information the agency must ensure private and confidential information is protected.

An agency should provide a complainant with detailed reasons for its decision, including where possible, supporting information on which the decision has been based.

Where an agency has made specific changes as a result of a complaint, the complainant should be advised of the changes and how these will be monitored.

Care should be taken to ensure that the following tasks are completed on making a decision:

- record the outcome of the complaint in the complaint handling system
- implement actions decided as part of the decision
- provide de-identified information to quality improvement teams, managers and senior management, ensuring confidentiality
- monitor the effectiveness of outcomes.

*To maintain confidentiality a case study approach without identifying information may be used as a learning tool to assist staff in process improvement.*

## **6.4 Remedies**

Where an agency considers a complaint is justified, the next step is to determine an appropriate remedy. By working to address the complaint, an agency is making a commitment to meeting the complainant's needs, improving internal processes and maintaining the reputation of the agency.

The remedies offered by an agency should be fair and reasonable for both the agency and the complainant. Depending on the agency and the complaint, an investigation may lead to one or more of a range of possible outcomes, including:

- an explanation
- an apology
- mediation
- an admission of fault
- a change in decision
- a change to policy, procedure or practice
- a change to the relevant law
- a correction of misleading records
- financial compensation, including a refund of any fees
- the waiving of a debt
- the remission of a penalty
- protection to the complainant
- disciplinary action

- referral of a matter to an external agency for further investigation or prosecution.

Where possible, remedies should be implemented as soon as possible. In cases where a remedy is provided to a complainant, steps should be taken by the agency to provide a remedy to other people similarly affected, even if they have not made a complaint.

*If an apology is required the best thing to do is apologise promptly and advise the complainant that appropriate action will be taken to ensure the problem is not repeated.*

## **6.5 Evaluation**

On completion of the investigation, the handling of the investigation should be evaluated, preferably by someone independent of the investigation within the agency. The frequency and depth of the review will depend on the nature of the agency, the volume of complaints and the sophistication of the complaint handling system. This can be done either informally or formally, depending on the nature and complexity of the investigation.

Evaluation enables the investigation to be assessed and any improvements identified in the investigation process recorded for future reference. Regular review of an agency's complaint handling system will ensure it is operating efficiently and effectively.

Regular audit or sampling of investigation files should also be undertaken to confirm the effectiveness of the complaint handling system and to ensure that policy, procedures and guidelines are met.

*Debriefing is a stress minimisation process for complaint handling staff. It is important to debrief with trusted colleagues at the end of a complex or difficult investigation. However, confidentiality should be maintained.*

## 7. ALTERNATIVE AVENUES FOR DEALING WITH A COMPLAINT

Complainants should be encouraged to use any special internal, non-statutory appeal rights or options created to deal with an issue in the first instance. Many agencies offer an internal review process for complainants who wish to appeal a decision.

An external complaints handling body is an independent avenue for complainants to lodge a complaint if they are unable to reach a satisfactory conclusion with an agency. By working with the external reviewer, an agency may identify opportunities for better administrative practices.

Review by an external body or tribunal aims to ensure that the decision making of an agency is fair and reasonable and that proper procedures are followed in making decisions. As a matter of course, agencies should advise complainants of any relevant statutory appeal rights.

Complainants can approach [Ombudsman Victoria](#) for further assistance. Agencies should inform the complainant that they should try to resolve the complaint with the agency in the first instance. However, any person who thinks they may have been treated unfairly may make a complaint to the Ombudsman.

The Ombudsman will then consider the complaint and the administrative actions of the agency. The Ombudsman may conduct an enquiry for the purpose of determining whether an investigation under the *Ombudsman Act 1973* should be conducted or whether the matter may be resolved informally.

If your agency is not able to assist the complainant, or the complaint is outside your jurisdiction, there are other bodies that may be able to help.

### **Victorian complaint and dispute resolution bodies**

#### [Accident Compensation Conciliation Service](#)

Provides an independent service to resolve workers compensation disputes in Victoria.

#### [City Link Customer Ombudsman](#)

Has the power to make decisions on individual customer cases involving City Link that will be binding on the company.

### [Consumer Affairs Victoria](#)

Promotes consumer protection and ethical trading and ensures that consumer protection laws are properly enforced.

### [Dispute Settlement Centre - Victorian Department of Justice](#)

Provides an informal, impartial, accessible, low cost dispute resolution service to the Victorian community.

### [Energy and Water Ombudsman](#)

Investigates and resolves disputes between Victorian electricity, gas and water customers and their providers.

### [Equal Opportunity and Human Rights Commission of Victoria](#)

Responsible for eliminating discrimination in Victoria. Offers information, education and consultancy services, conducts research and provides legal and policy advice.

### [Medical Practitioners Board of Victoria](#)

Statutory authority established to protect the community and guide the medical profession. The board registers doctors and investigates complaints about doctors.

### [Privacy Victoria](#)

The key body regulating the way Victorian government agencies and local councils collect and handle personal information.

### [Public Transport Ombudsman](#)

Deals with complaints about Victorian public transport that members of the community have been unable to resolve directly with the public transport operators.

### [Victorian WorkCover Authority Complaints Team](#)

Respond to complaints/disputes escalated from the WorkCover Agents and the self-insured employers.

## **Federal complaint and dispute resolution bodies**

### [Banking and Financial Services Ombudsman](#)

Considers complaints about banks and their affiliates operating in Australia.

### [Insurance Enquiries and Complaints Scheme](#)

A national scheme for consumers aimed at resolving disputes between insured parties and their insurance companies.

### [Private Health Insurance Ombudsman](#)

Provides private health insurance members with an independent service for health insurance problems and enquiries.

### [Telecommunications Industry Ombudsman](#)

Dispute resolution scheme for residential and small business consumers in Australia who have a complaint about their telephone or internet service.

## **Police**

### [The Office of Police Integrity \(OPI\)](#)

Responsible for handling complaints against police as well as conducting investigations into a range of systemic issues and police corruption.

### [Ethical Standards Department - Victoria Police](#)

Responsible for enhancing and further promoting a culture of high ethical standards throughout Victoria Police through the effective prevention, deterrence and investigation of unethical behaviour.

## **Courts and tribunals**

### [Victorian Civil and Administrative Tribunal \(VCAT\)](#)

### [Magistrates Court of Victoria](#)

### [County Court of Victoria](#)

### [Supreme Court of Victoria](#)

## **Commonwealth and interstate Ombudsman offices**

### [Commonwealth Ombudsman](#)

### [NSW Ombudsman](#)

### [Queensland Ombudsman](#)

### [South Australian Ombudsman](#)

### [Western Australian Ombudsman](#)

### [Tasmanian Ombudsman](#)

### [Northern Territory Ombudsman](#)

### [ACT Ombudsman](#)

## **Dealing with unreasonable behaviour**

- New South Wales Ombudsman— [www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)  
Public Sector Agencies Fact Sheet No 22: *Very difficult complainants*
- [Unreasonable complainant conduct-interim practice manual](#)

- Victorian Health Services Review Council—[www.health.vic.gov.au/hsc](http://www.health.vic.gov.au/hsc) , Guide to Complaint Handling in Health Care Services, 2005
- Victorian Health Information—[www.health.vic.gov.au/archive](http://www.health.vic.gov.au/archive), Lecture Notes on Persistent and Abnormal Claiming and Complaining, Dr Paul E Mullen, Victorian Institute of Forensic Mental Health, 2003

In addition, complainants have the right to raise their complaint with the [Victorian government minister](#) responsible for the agency. [Information Victoria](#) also provides an information service on government agencies.

## 8. HOW TO DEAL WITH CHALLENGING BEHAVIOURS

Dealing with upset, angry, confused, or challenging people can be an extremely difficult task, even for experienced complaint handlers.

There may be a variety of reasons why a person is difficult to deal with. Whatever the reason, an agency should not assume that a 'difficult' person does not have a valid complaint. Wherever possible, agencies should apply the same standards of communication to anyone asking a question or expressing a concern calmly.

In some cases, all that is required is for someone to take the time to talk to the person, listen to their concerns and tell them what is happening. Therefore, it is important to listen to what the person is saying—even if they are being difficult or incoherent at times.

Once the client has had an opportunity to express their point of view, staff may need to ask questions to clarify the information. Remember, tone of voice is extremely important. Try not to make the person feel that they are being cross-examined rather, make it clear to them that questions are being asked out of a desire to assist.

*Things to consider when handling challenging behaviours:*

- *do not make empty promises—it is better to be realistic and honest about any limitations or expected time delays*
- *avoid making premature opinions*
- *do not focus solely on placating an angry or upset person—treat their complaint seriously and try and focus on the issue at hand rather than just their emotions or behaviour*
- *communicate clearly—ask the complainant if they understand what you are talking about*
- *use empathy to diffuse anger—listen without interruption*
- *use direct language—tell them what you can and cannot do*
- *use neutral tone and pitch*
- *be confident in your ability to help*
- *remain flexible—do not be too rigid in your approach*
- *know your limits—be willing to get help from someone else or pass the problem on to someone with more knowledge, time or authority*
- *try to remain calm and think clearly*
- *strike a balance between logic and emotion*
- *always be conscious of your own emotional and physical safety.*

## **8.1 Terminating abusive telephone calls**

Agencies should provide staff with clear guidance about how to deal with abusive, aggressive or threatening telephone calls.

Unfortunately, some occupations have the potential to be subjected to abusive telephone calls. Those agencies should take particular care to adopt appropriate risk management strategies for the protection and safety of staff.

In most instances, staff can impose limits on unreasonable conduct. The basic approach should include:

- naming the behaviour and warning that it is unacceptable
- warning the caller that any further repetition will lead to termination of the conversation
- terminating the conversation if the behaviour continues.

## **8.2 Terminating correspondence**

It is a serious step for a public sector agency to decide it will no longer reply to correspondence on a particular topic. However a small proportion of clients will not accept this outcome regardless of how comprehensively an agency deals with the matter.

It is not productive, nor is it an equitable use of resources, to continue to engage in correspondence when all avenues for internal review have been exhausted.

The following needs to be in place before an agency takes action to cease entering into further correspondence:

- a complaint management system that complies with this guide must be in place
- the client must have been provided with the opportunity to exhaust the internal complaints process
- a senior officer must have reviewed the handling of the complaint
- written reasons for the agency's position on the matter must have been provided
- advice regarding avenues of external review, where applicable, must have been provided in writing.

A decision to cease corresponding with a client on a specific matter should only be taken by a senior officer. This may be the chief executive of a council or statutory authority, or the regional/divisional director of a large

department. A comprehensive briefing should be prepared for the decision-maker.

The decision to cease responding should be specific to that particular matter. Agencies should not impose a 'blanket ban' on an individual. While agencies are entitled to take care that a matter is not simply being redefined to prolong the correspondence, unrelated issues ought to be dealt with on their merits.

Written advice that no further correspondence will be entered into on the issue should re-iterate all of the relevant avenues of external review.

***Unreasonable Complainant Conduct-Interim Practice Manual***

*Please note that a manual has been prepared and is available to assist staff of public sector agencies in their interactions with a small proportion of complainants whose conduct is challenging and unreasonable. Refer to [Unreasonable Complainant Conduct-Interim Practice Manual](#)*

## APPENDIX 1: COMPLAINT SELF-AUDIT CHECKLIST

In 2005, questions based on the Australian Standards (AS) were formulated and provided by Ombudsman Victoria (OV) as part of a review of a major Victorian agency's complaint handling system. The agency was asked to complete a self-audit checklist. The questions were found to be particularly useful in testing an agency's compliance with the standards and to identify opportunities for improvement.

In 2005 the Queensland Ombudsman also developed a similar set of questions as an auditing tool for agencies to use to assess their own complaints management policy and practices.

AS ISO 10002-2006 suggests that a complaints-handling audit will facilitate improvement by providing information on performance of the complaints-handling process against stated criteria.

The following self-audit follows the OV guide to complaint handling and may be used as an effective complaints management self-audit checklist by agencies. Agencies should be able to evaluate the strengths and weaknesses of their existing complaints management arrangements and identify areas for improvement.

**Assessment** uses the following scale to assess compliance on each indicator:

- L Low, not addressed
- M Medium, partially implemented or addressed
- H High, fully addressed
- N/A not applicable

If you have specified that a particular element of your complaints system is fully or partially addressed, record the details. Actions plans should be formulated to ensure that your agency addresses the process, allocates a responsible officer and has reporting requirements and timeframes. A sample response is provided over page as an example of how the checklist may be used.

*This checklist may be able to be completed by one person or may require a team effort. Ideally, a senior member of the complaints team should be involved.  
The checklist may be downloaded and customised to suit an agency's needs.*

**Example of Response to Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A                | What supports<br>your<br>assessment?   | Recommended<br>actions for<br>improvement.                                   | Action plan<br>(Who, what & when.)  |
|--|--|--|--|--|---|
| <p><b>Commitment</b></p> <p>An agency demonstrates commitment to an effective complaints handling system that reflects the needs, expectations and rights of complainants.</p> | <p>You have written policy and procedures to support your complaints handling system.</p>              | <p><b>Sample Response</b></p> <p>H</p> | <p><b>Sample Response</b></p> <p>Complaints Handling Policy</p> <p>Endorsed on 1 July 2007</p> | <p><b>Sample Response</b></p> <p>Need to ensure policy reviewed in 2008.</p> | <p><b>Sample Response</b></p> <p>Review policy</p> <p>John Green to coordinate review to be completed by 3 September 2008</p> |
|  | <p>Your policy is published and a potential complainant can readily access your complaints policy.</p> | <p>L</p>                               | <p>Policy is only available to complaints staff.</p>   | <p>Reviewed policy needs to be placed on website.</p>                        | <p>John Green to provide revised policy to Jane Smith, website coordinator, for inclusion on website by Sept 2008.</p>        |

### Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems

| Features  | Indicator   | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|---|---|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Commitment</b><br>An agency demonstrates commitment to an effective complaints handling system that reflects the needs, expectations and rights of complainants. | You have a written policy and procedures to support your complaints handling system.  |                         |                                      |  |                                    |
|   | Your policy is published and a potential complainant can readily access your complaints policy.   |                         |                                      |  |                                    |
|   | Your agency communicates its commitment to complaint handling to staff.   |                         |                                      |  |                                    |
|   | Your agency communicates its commitment to complaint handling to the general public.  |                         |                                      |  |                                    |
|   | Essential information about your complaint handling system is included in your induction program for new staff.                               |                         |                                      |  |                                    |
|   | Senior management receives regular reports about the effectiveness of the system against measurable objectives and any trends for management. |                         |                                      |  |                                    |
|   | Your agency has reviewed its complaint handling processes in the last twelve months and updated policies and procedures accordingly.          |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b>  | <b>Indicator</b>   | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|--|--|---------------------------------|---|---|--|
| <b>Commitment</b><br>Senior management allocates sufficient resources for complaints management. | Your system is sufficiently resourced with staff that are appropriately trained and empowered to handle complaints.  |                                 |   |   |  |
|  | Your complaint handling system is sufficiently resourced with phone and computer systems.  |                                 |   |   |  |
|  | Senior management allocates resources to ensure that the public are aware of your complaints handling system through brochures and/or web-based information. |                                 |   |   |  |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator   | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|---|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Fairness</b><br>A complaints handling system recognises the need to be fair both to the complainant, the agency and/or the person against whom the complaint is made. | Your agency ensures that the complaint reviewer/investigator has not had significant involvement in an issue under review or has a personal interest in the outcome.  |                         |                                      |  |                                    |
|  | The principles of natural justice are followed (people likely to be adversely affected by a decision or action are given reasonable opportunity to comment on the information or material and the decision maker acts in an impartial and unbiased manner). |                         |                                      |  |                                    |
|  | Responses to the complainants following investigation or internal review of their complaints include reasons for decisions.   |                         |                                      |  |                                    |
|  | Complaints handling staff are aware of the relevant code of conduct requirements where a conflict of interest may have been identified or is likely to be perceived by the complainant.   |                         |                                      |  |                                    |
|  | Your agency provides the complainant with the right and means to be heard.  |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b>  | <b>Indicator</b>  | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|--|---|---------------------------------|---|---|--|
| <b>Fairness</b><br>A complaints handling system recognises the need to be fair both to the complainant, the agency and/or the person against whom the complaint is made. | Your agency informs the complainant of further avenues of review if they are not satisfied with the outcome of the complaint process conducted by the agency.           |                                 |   |   |  |
|  | Your agency informs the complainant of the person or department's response to the complaint.  |                                 |   |   |  |
|  | Your agency informs complainants that their complaint will be reviewed independently, where possible.   |                                 |   |   |  |
|  | Your agency is able to review the complaint confidentially if requested by the complainant and this is appropriate the circumstances.                                   |                                 |   |   |  |
|  | Your agency allows persons or areas about whom the complaint is made the time to properly investigate and respond to the complaint.                                     |                                 |   |   |  |
|  | Your agency informs the person or area about whom the complaint is made, of the agency's decision/s and reason for their decision/s and, if necessary, invites comment. |                                 |   |   |  |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Transparency and access</b><br>A complaint handling system should be open and available to all. | You publicise your complaints handling points of contact through a range of options, such as your website and at your offices.                         |                         |                                      |  |                                    |
|  | Your agency, where possible, offers complainants a toll-free number that connects directly to your complaints section/s. These numbers are publicised. |                         |                                      |  |                                    |
|  | Your complaints office has a facility for complainants to leave a message about their complaints when officers are busy or the office is unattended.   |                         |                                      |  |                                    |
|  | Information on how to make a complaint is easy to understand.  |                         |                                      |  |                                    |
|  | Complaints staff are encouraged to speak to concerned complainants rather than only responding in writing.   |                         |                                      |  |                                    |
|  | Arrangements are in place to assist complainants with special needs, such as sight or hearing impaired people or those with literacy problems.         |                         |                                      |  |                                    |
|  | Complaints staff have access to translation and interpreter services.  |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b>  | <b>Indicator</b>   | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|--|--|---------------------------------|---|---|--|
| <p><b>Transparency and access</b><br/>A complaint handling system should be open and available to all.</p> | <p>You publicise information in languages other than English about where and how to make a complaint.</p>                          |                                 |   |   |  |
|  | <p>Complainants are informed of their right to internal or external reviews and advised on how they may do this by the agency.</p> |                                 |   |   |  |
|  | <p>You liaise with special needs groups in the community to inform them of arrangements to accommodate their needs.</p>            |                                 |   |   |  |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Responsiveness</b><br>Complaint should be dealt with quickly, courteously, fairly and within timelines. | You have written guidelines in place that outline the stages, timelines and primary areas of responsibility for managing complaints. |                         |                                      |  |                                    |
|  | Your agency has target timelines for stages of the complaints handling process and lets complainants know your standards.            |                         |                                      |  |                                    |
|  | You monitor the progress of complaints and advise complainants of reasons for deviation from target timelines.                       |                         |                                      |  |                                    |
|  | Your target timelines are generally met.   |                         |                                      |  |                                    |
|  | Complaints telephone lines and web-based systems are answered promptly and enquiries and questions dealt with in a timely manner.    |                         |                                      |  |                                    |
|  | Your agency, where possible, has a diary system to help meet target timelines for complaints.  |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Privacy and confidentiality</b></p> <p>Complainants and staff have a right to expect appropriate confidentiality</p> | <p>Complaints information, including the identity of the complainant is treated confidentially wherever possible or necessary.</p>   |                         |                                      |  |                                    |
|  | <p>Information on individual complaints is not shared with others in the agency unless it is required as part of the complaint investigation process or it is de-identified.</p> |                         |                                      |  |                                    |
|  | <p>Procedures are in place to manage whistleblower complaints in line with the <i>Whistleblowers Protection Act 2001</i>.</p>  |                         |                                      |  |                                    |
|  | <p>Complaints office is aware of the name and contact details of the Protected Disclosure Co-coordinator (PDC).</p>  |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Accountability</b></p> <p>There should be appropriate reporting on the operation of the complaints process against documented performance standards.</p> | <p>Trends or aggregated complaints data is publicly available and reported by your agency.</p> |                         |                                      |  |                                    |
|  | <p>You maintain a complaints register.</p>   |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features  | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|---|--|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Business improvement</b><br>Complaints data is used to improve business practices and increase organisational effectiveness. | You have a system to collect agency wide complaints data including divisional and regional complaints data.  |                         |                                      |  |                                    |
|   | Complaints data is collected in sufficient detail to facilitate comparisons with previous periods and identify system-wide and recurring complaints.   |                         |                                      |  |                                    |
|   | Information about your agency's complaint management system is included in internal publications to raise awareness of the complaint handling process and how complaints contribute to service improvement.                                  |                         |                                      |  |                                    |
|   | Reports are prepared for senior management based on the analysis of data which include recommendations for <ul style="list-style-type: none"> <li>• complaint reduction strategies</li> <li>• improvements to business processes.</li> </ul> |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Resources</b><br>Complaints staff are appropriately selected and trained to encourage a positive attitude towards complaints. | Your agency's selection process for complaints staff emphasises the need for good interpersonal and conflict resolution skills.              |                         |                                      |  |                                    |
|  | You have a member of staff responsible for ensuring consistency, timeliness and quality in how complaints are dealt with and data collected. |                         |                                      |  |                                    |
|  | You provide training to ensure your staff has the product and service knowledge and the interpersonal skills to handle complaints.           |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b>   | <b>Indicator</b>   | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|---|--|---------------------------------|---|---|--|
|   | Your training program includes: <ul style="list-style-type: none"> <li>• time management</li> <li>• problem solving</li> <li>• client relations</li> <li>• investigating complaints</li> <li>• understanding of the Human Rights and Responsibility Charter</li> <li>• handling difficult behaviours</li> <li>• writing in plain English, and</li> <li>• stress management.</li> </ul> |                                 |   |   |  |
| <b>Resources</b><br>There is adequate information communication technology to support the complaints handling system. | Your complaints handling system allows you to record, track and report complaints to ensure compliance with complaint handling timelines.  |                                 |   |   |  |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b> | <b>Indicator</b>  | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|-----------------|---|---------------------------------|---|---|--|
|                 | <p>You record the following basic complaint information:</p> <ul style="list-style-type: none"> <li>• complainant's details</li> <li>• nature of complaint</li> <li>• expectation of the complainant</li> <li>• mode of complaint</li> <li>• responsible officer</li> <li>• practices or procedures identified</li> <li>• action taken, response time and outcome</li> <li>• recommendations for improvement</li> </ul> |                                 |   |   |  |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features  | Indicator   | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|---|---|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Complaint assessment and planning</b></p> <p>Each complaint is assessed to determine its nature and how it should be dealt with.</p>                        | <p>Your agency has guidelines for the assessment of complaints that identify certain types of complaints and how they should be handled.</p>  |                         |                                      |  |                                    |
|   | <p>Your assessment of the complaint considers a range of relevant factors, such as the seriousness of the complaint, whether it indicates the existence of a systemic problem, or involves an issue of public interest.</p> |                         |                                      |  |                                    |
| <p><b>Assessment and planning</b></p> <p>The investigation process is supported by guidelines detailing the assessment and planning process to be undertaken.</p> | <p>Your agency has guidelines which clearly explain the role of the investigator, their powers and jurisdiction.</p>  |                         |                                      |  |                                    |
|   | <p>Your guidelines suggest early resolution through informal discussions or mediation as an initial process.</p>  |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Assessment and planning</b><br/>The investigation process is supported by guidelines detailing the assessment and planning process to be undertaken.</p> | <p>Your agency has guidelines for investigative officers on how to carry out an investigation. The guidelines detail how to conduct interviews, inspecting sites and documents and natural justice principles.</p>                         |                         |                                      |  |                                    |
|  | <p>Your guidelines provide that decisions are made according to the weight of evidence and on the balance of probabilities.</p>  |                         |                                      |  |                                    |
|  | <p>Your agency has a framework for any investigation which includes appropriate authorisation to conduct the investigation, terms of reference which establish a focus and set limits on the investigation, and an investigation plan.</p> |                         |                                      |  |                                    |
|  | <p>Your agency routinely produces an investigation plan for the more complex complaints.</p>   |                         |                                      |  |                                    |
|  | <p>Your guidelines require investigators to check allegations against agency responses.</p>  |                         |                                      |  |                                    |
|  | <p>Your guidelines require one person to be responsible for the conduct of the investigation and establishing a framework for any investigation.</p>   |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b>   | <b>Indicator</b>   | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|---|--|---------------------------------|---|---|--|
| <p><b>Gathering information</b><br/>The investigation process is supported by guidelines concerning the gathering of information.</p> | <p>Your guidelines state that where appropriate, the person investigating the complaint clarifies the issues and allegations with the complainant.</p>   |                                 |   |   |  |
|   | <p>Your guidelines require that where possible, evidence gathered through the investigation is corroborated by more than one person.</p>   |                                 |   |   |  |
|   | <p>Your guidelines require the person investigating the complaint to act reasonably, objectively and in good faith.</p>  |                                 |   |   |  |
|   | <p>Where legal proceedings are foreseeable, your guidelines require the investigation to be conducted in accordance with established rules of evidence.</p>  |                                 |   |   |  |
|   | <p>Your guidelines require the person investigating the complaint to maintain a secure, central investigation file, documenting each step of the investigation process and all communications.</p> |                                 |   |   |  |

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|--|--|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Making a decision</b></p> <p>The outcome of the investigation is clearly communicated to the complainant, agency staff and management.</p> | <p>Your guidelines require a report to be completed documenting the investigation findings.</p>                                    |                         |                                      |  |                                    |
|  | <p>Your agency provides the complainant with detailed reasons for the decision appropriate to the complexity of the complaint.</p> |                         |                                      |  |                                    |
|  | <p>Your guidelines require complainants to be notified of any specific changes made as a result of the complaint.</p>              |                         |                                      |  |                                    |
|  | <p>Where appropriate agency staff and management are informed of the outcome of the investigation.</p>                             |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features  | Indicator   | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|---|---|-------------------------|--------------------------------------|--|------------------------------------|
| <b>Remedies</b><br>The complaints handling system has the capacity to determine and implement remedies. | Your guidelines outline the range of remedies available, depending on the type of complaint.  |                         |                                      |  |                                    |
|   | The remedies offered are both fair and reasonable for the complainant and agency.   |                         |                                      |  |                                    |
|   | Remedies are implemented as soon as possible.   |                         |                                      |  |                                    |
|   | The remedies offered to complainants with similar issues are consistent.  |                         |                                      |  |                                    |
|   | In cases where a remedy is provided to a complainant, steps are taken by the agency to provide a remedy to other people similarly affected, even if they have not made a complaint. |                         |                                      |  |                                    |
|   | Your guidelines outline who is authorised to determine certain types of remedies.   |                         |                                      |  |                                    |

### Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems

| Features   | Indicator   | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|---|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Evaluation</b></p> <p>Each investigation is reviewed to identify learning from the investigation process.</p>  | <p>Your guidelines require each completed investigation to be reviewed, preferably by an independent person within the agency to identify improvements in the investigation process. This evaluation may be informal or formal depending on the nature and complexity of the investigation.</p> |                         |                                      |  |                                    |
| <p><b>Evaluation</b></p> <p>Regular review of the complaints handling system ensures it is operating effectively and responding to changing needs and circumstances.</p> | <p>Your agency conducts regular reviews to determine how its complaint handling system is working.</p>  |                         |                                      |  |                                    |
|  | <p>Where appropriate, your review process includes an audit or sample of investigation files to confirm the accuracy of information recorded on the complaints system.</p>  |                         |                                      |  |                                    |
|  | <p>Your review of your complaints handling system evaluates complaints policy, procedure and guidelines.</p>  |                         |                                      |  |                                    |
|  | <p>Your review of your complaints handling system evaluates the adequacy of the complaint handling system.</p>  |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| <b>Features</b>  | <b>Indicator</b>   | <b>Assessment<br/>L,M,H,N/A</b> | <b>What supports<br/>your<br/>assessment?</b> | <b>Recommended<br/>actions for<br/>improvement.</b> | <b>Action plan<br/>(Who, what &amp; when.)</b> |
|--|--|---------------------------------|---|---|--|
| <p><b>Evaluation</b></p> <p>Regular review of the complaints handling system ensures it is operating effectively and responding to changing needs and circumstances.</p> | <p>Your review of your complaints handling system seeks the views of complainants, agency staff and management, concerning the complaints handling system.</p> |                                 |   |   |  |
|  | <p>Where appropriate you report the results of your review of your complaints handling system to complainants, agency staff and management.</p>                |                                 |   |   |  |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features  | Indicator  | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|---|--|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Alternative avenues for complaints</b></p> <p>Agencies inform complainants of their right to seek internal review, external review or referral to another body.</p> | <p>Your agency publishes information about a complainant's right to seek internal review, external review or referral to another body.</p> |                         |                                      |  |                                    |
|   | <p>Your staff understand the alternative avenues for dealing with a complaint and advise complainants of their rights.</p>                 |                         |                                      |  |                                    |

**Self-Audit Checklist of Victorian Public Sector Agency Complaint Handling Systems**

| Features   | Indicator   | Assessment<br>L,M,H,N/A | What supports<br>your<br>assessment? | Recommended<br>actions for<br>improvement. | Action plan<br>(Who, what & when.) |
|--|---|-------------------------|--------------------------------------|--|------------------------------------|
| <p><b>Dealing with challenging behaviours</b></p> <p>Agencies take steps to support complaints in dealing with challenging complainants.</p> | <p>Your agency provides training and support for staff in dealing with challenging behaviours.</p>  |                         |                                      |  |                                    |
|  | <p>Your agency has processes in place to ensure complaints staff maintain an ongoing positive healthy attitude to dealing with complainants by providing regular breaks, debriefing and support networks.</p> |                         |                                      |  |                                    |

## APPENDIX 2: INVESTIGATION REPORT TEMPLATE

The template provides a range of generic headings that are suitable for most types of investigations. There may be more appropriate headings for specialised investigation reports.

The purpose of these headings is to provide a clear structure to the report and assist agencies in focusing on:

- the issues examined
- the actions taken, and
- the outcome.

|  |
|--|
| <b>1. Executive summary (usually only used for more detailed reports).</b> |
|  |
| <b>2. Complaint</b>  |
|  |
| <b>3. Introduction</b>   |
|  |
| <b>4. Investigation</b>  |
|  |
| <b>5. Discussion of evidence</b>   |
|  |
| <b>6. Conclusions</b>  |
|  |
| <b>7. Recommendations</b>  |
|  |
| <b>8. Response</b>   |
|  |
| <b>9. Appendices</b>   |
|  |

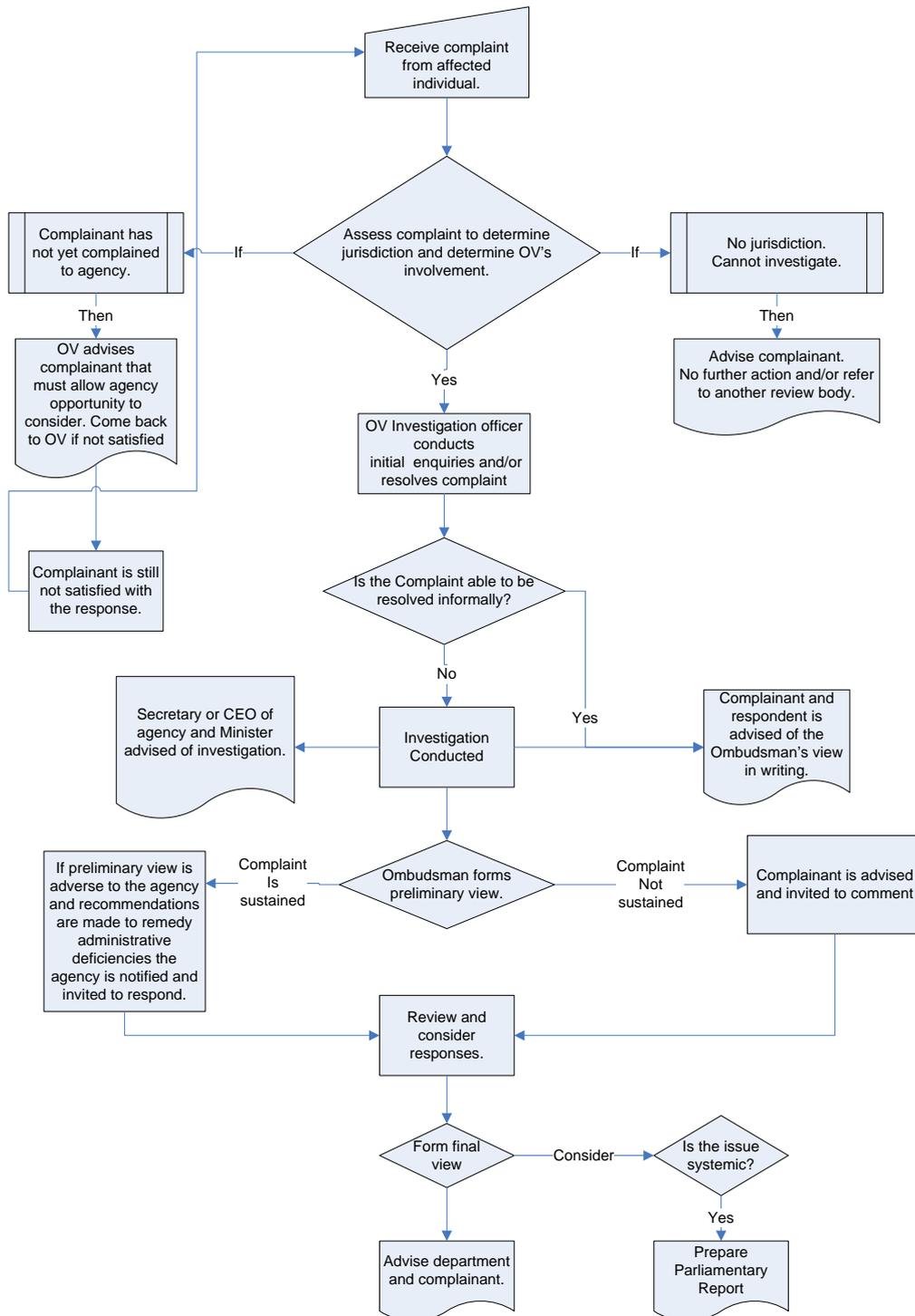
### APPENDIX 3: INVESTIGATION PLAN TEMPLATE

|   |             |
|---|-------------|
| <b>1. Complaint/allegation(s)</b>   |             |
|   |             |
| <b>2. Issue(s) for investigation</b>  |             |
|   |             |
| <b>3. Standards/tests to apply (What are the standards/tests required to be met by the agency? e.g. legal, policy, etc)</b>               |             |
|   |             |
| <b>4. Avenues of investigation</b>  |             |
|   |             |
| <b>5. List of documents to be obtained</b>  | <b>Date</b> |
|   |             |
| <b>6. Persons to be interviewed and/or sites to be inspected, resources required</b>  | <b>Date</b> |
|   |             |
| <b>7. Expert opinion required (e.g. medical, legal, accounting, etc)</b>  |             |
|   |             |
| <b>8. Steps taken to ensure procedural fairness – e.g. report to complainants on adverse comment/give opportunity to respond to facts</b> |             |
|   |             |
| <b>9. Other</b>   |             |
|   |             |
| <b>10. Estimated completion</b>   | <b>Date</b> |
|   |             |



# APPENDIX 5: OMBUDSMAN VICTORIA'S COMPLAINT HANDLING PROCESS

## Overview of complaints investigation process in general jurisdiction



Ombudsman Victoria reserves the right to vary the process when required. This process does not apply to [whistleblower complaints](#).

## APPENDIX 6: POWERPOINT

The PowerPoint presentation is provided for agencies to download and customise as required when introducing the guide. The presentation is available from [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

## APPENDIX 7: ACKNOWLEDGEMENTS

The contribution of staff from Ombudsman Victoria is acknowledged. Thanks must also go to the people who provided valuable comments or information for this manual.

In developing this manual, a number of resource materials were referred to, including:

Angliss Hospital, *Feedback poster*

City Of Monash, *Responding to Your Concerns*, [www.monash.vic.gov.au](http://www.monash.vic.gov.au)

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**This guide has been prepared by Ombudsman Victoria. Every effort has been made to ensure that the information is accurate. Neither Ombudsman Victoria, nor any of its employees shall be liable on any grounds whatsoever to any party in respect of decisions or actions they may take as a result of using the information provided in this guide.**