



Hunter  
Development  
Corporation

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# COMPLAINTS HANDLING POLICY AND GUIDELINES

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Suggested amendments or additions to the contents of this report should be forwarded in writing to:

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# COMPLAINTS HANDLING POLICY AND GUIDELINES

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Relevant legislation:	Growth Centres (Development Corporations) Act 1974 and State Records Act 1998  Independent Commission Against Corruption Act 1988  Ombudsman Act 1974  Public Interest Disclosures Act 1994
Related policies / documents:	Internal Reporting Policy  Code of Conduct
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## 1 Complaints Handling Policy

### 1.1 Purpose of this policy

The Hunter Development Corporation is a small agency operating under the Department of Planning and Environment's structure. The Corporation does not employ staff – they are employed by the Department.

The purpose of the HDC Complaint Handling Policy is to:

- Provide guidance for agency employees who may be required to receive and /or address public complaints
- Ensure complaints are handled in a manner that is fair, courteous and respectful of privacy
- Ensure that reasons are provided for decisions made in relation to any complaint received

- Ensure all employees are aware of their responsibilities regarding handling complaints.

## **1.2 Application of this policy**

This policy applies to all employees engaged through the Department that are assigned to the Hunter Development Corporation and who may receive, manage and / or investigate complaints. The policy deals with the local level of complaint handling. The Department's policy applies if it becomes necessary to escalate the complaint.

This document should also be read together with the Department's *Complaints Handling Policy and Guidelines*.

## **2 Policy Statement**

The Hunter Development Corporation is committed to an accessible, fair and equitable complaint handling process where we work together with the community to drive business decisions and improvements. Complainants, wherever possible, will be encouraged to be involved in the complaint resolution process.

### **2.1 Accessibility**

The Corporation will place information about how and where to complain on the Hunter Development Corporation website. The Corporation welcomes feedback and suggestions in order to build knowledge and improve services proactively. It also welcomes complaints from customers who are dissatisfied with decisions, actions or services. Customer friendly and flexible mechanisms are provided in order to meet the needs of all customers.

### **2.2 Approach**

The Corporation will acknowledge and endeavour to resolve complaints promptly, addressing complaints in accordance with their urgency. It will keep complainants informed of the progress of their complaint and will endeavour to resolve at the local level wherever possible. If this is not possible, the complaint will be escalated and will then come under the Department's *Complaints Handling Policy and Guidelines*.

Complaints will be addressed in a sensitive, fair, transparent, equitable, objective, professional and unbiased manner through the complaint handling process.

The Corporation believes that a person who makes a complaint is entitled to a review of the issues raised and a considered response. Complaints about staff members will be investigated impartially and independently and the staff member(s) will be provided with an opportunity to respond to the complaint.

In addition, staff members will be encouraged to learn from the complaints handling process and to develop an understanding of the perspective of the person making the complaint.

Customer feedback will be used to improve processes and services.

All complaints will be handled confidentially to avoid prejudicing any investigation or causing any unnecessary embarrassment to innocent people.

### **2.3 Definition of complaint**

We will treat a matter as a complaint where it:

- is an expression of concern, dissatisfaction or frustration with the quality or delivery of the business of the Corporation or the conduct of an employee, or
- alleges misconduct or corruption on the part of an employee which may involve issues of lack of probity or other matters which have the potential, amongst other things, to seriously compromise the Corporation's professional reputation, and
- does not involve dissatisfaction about decisions of the Corporation for which there is an established or formal right of review.

## 2.4 Key responsibilities

**Employee:** (including all contract, agency and temporary staff) responsibilities include dealing professionally, promptly and courteously with complaints and, where appropriate, provide assistance and information to people looking to make a complaint in accordance with this policy.

**General Manager and Managers** are responsible for:

- Ensuring complaints are effectively addressed in accordance with this policy
- Working in a constructive manner to address and identify opportunities to resolve complaints as promptly as possible, and to avoid their escalation
- Ensuring appropriate records are kept
- Elevating complaints that cannot be resolved at this level to the Department of Planning and Environment.

The Secretary of the Department of Planning and Environment is responsible for the overall management of the Department's complaint handling process and approving the escalation of a complaint to a body outside of the Corporation, such as to the IAC or NSW Ombudsman.

## 3 Guidelines

### 3.1 If you have a complaint

In the first instance please try to resolve the issue with the staff member you are dealing with. If you are not satisfied speak to the staff member's manager.

If the matter is not resolved, or if the above suggestions are not appropriate in the circumstances, write to the General Manager.

You may complain verbally or in writing to any officer of the Hunter Development Corporation or to the Secretary Department of Planning and Environment, the Minister for Planning and Infrastructure or the Minister's office.

You may complain to external bodies such as the Ombudsman and the Independent Commission Against Corruption (ICAC).

### 3.2 Framework

The Hunter Development Corporation is committed to an accessible, fair and equitable complaints handling process where we work together with our customers and the community to drive business decisions and improvements. From time to time members of the public will compliment or complain about the Corporation's performance or the performance of its staff.

External bodies such as the Ombudsman and the ICAC may also refer complaints about the Corporation to us.

The purpose of these guidelines is to outline the Corporation's complaints handling procedures to assist the public, the Department and its staff in making and responding to these complaints in a timely and appropriate way.

### **3.2.1 Approach**

Hunter Development Corporation staff are required to respond to complaints consistent with the principles and processes outlined in these guidelines. The governing principles which guide the way complaints are handled are described in the Complaints Handling Policy – refer to items 1 and 2.

### **3.2.2 What are complaints and allegations?**

A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of the business of the Corporation or the conduct of an employee.

Generally, complaints can be about:

- failure to act
- dissatisfaction with decision-making processes
- performance in relation to how a decision was made
- unexplained or unreasonable delays in the making of a decision
- not responding to an issue
- unreasonable delays in responding
- communication problems
- incorrect or misleading advice
- staff behaviour such as being rude, abrupt or aggressive.

Allegations are complaints alleging misconduct or corruption on the part of a Corporation staff member which may involve issues of probity or other matters that have the potential to seriously compromise the Corporation's professional reputation. Examples include:

- theft or misuse of resources
- corrupt behaviour
- undeclared conflicts of interest
- public behaviour which is detrimental to the reputation of the Department.

Whenever staff report possible incidences of corrupt conduct, maladministration or serious and substantial waste the report should be taken to be a public interest disclosure under the Public Interest Disclosures Act 1994 and dealt with under the Department's Internal Reporting Policy (Plannet/About Us/Governance).

This complaint-handling policy and procedure does not cover complaints and allegations about:

- decisions of the Corporation for which there is an established or formal right of review or reconsideration. eg: a statutory right of appeal to the Information Commissioner or the

Administrative Decisions Tribunal in relation to decisions under the Government Information (Public Access) Act 2009.

- grievances lodged by staff about the actions of other staff, or protected disclosures -these issues are dealt with through other departmental and government policies, which can be found on the Department's intranet.

### **3.2.3 Who can complain?**

Any person can complain to the Corporation - for example, a member of the public, local council staff and councilors, developers, interest groups, and any other person who has contact with the Department.

Complaints can also be made by a complainant to an external body such as the Ombudsman and ICAC, which may refer the complaints to the Corporation.

### **3.2.4 Who is responsible for complaints handling?**

*The General Manager is responsible for:*

- the overall management and monitoring of the complaint handling process and objectives within the Corporation
- overseeing complaints handling and ensuring complaints are investigated and dealt with appropriately
- dealing with and resolving local complaints
- rapid and effective notification to the Secretary of the Department of any significant complaints
- periodically reviewing the complaints handling process to ensure that it is effectively and efficiently maintained and improved and reporting results to the Committee and the Board
- overseeing all complaints received by the Minister, the Secretary and the Department and making recommendations to the Secretary in relation to the management of complaints. This includes all complaints received from external bodies such as the ICAC or the Ombudsman's Office
- elevating complaints that cannot be resolved at this level to the Department of Planning and Environment identifying where systemic problems are occurring and raising these issues with the appropriate managers
- regularly updating the Audit and Risk Committee and the Secretary on external complaints received by the Department and the action taken.

*The Commercial Manager is responsible for:*

- ensuring a central register is maintained for monitoring and tracking complaints and reporting on actions and decisions with respect to complaint handling
- ensuring the promotion of awareness of the complaints handling process and the need for a customer focus throughout the Corporation
- dealing with and resolving local complaints
- ensuring staff are trained in the complaints handling policy and process.

*All staff in contact with customers and complainants should:*

- participate in training regarding complaints handling

- comply with the complaints handling policy
- treat customers and complainants in a courteous manner and respond to their complaints or direct them to an appropriate individual promptly
- report complaints which may have a significant impact on the Corporation or the Department.

**If the complaint cannot be resolved at the local level it will be dealt with under the Department of Planning and Environment's complaints handling process.**

### **3.2.5 Dealing with complaints**

Every reasonable effort should be made to understand all the relevant circumstances and information surrounding a complaint. The level of inquiry should be commensurate with the seriousness, frequency of occurrence and severity of the complaint.

### **3.2.6 Reporting on complaints**

All complaints received will be reported on a monthly basis in aggregated data to the HDC Board and to the meetings of the Audit and Risk Committee.

### **3.2.7 Media**

The Communications Manager should be advised of the details of the complaint if it is considered likely that it will be made public.

### **3.2.8 Confidentiality**

Personal identifying information concerning the complainant will be made available where needed but only for the purposes of addressing the complaint within the Corporation / Department. Otherwise it will be actively protected from disclosure, unless the customer or complainant expressly consents to its disclosure.

Complaints will be handled confidentially to avoid prejudicing any investigation or causing unnecessary embarrassment to innocent people. The privacy of the complainant and any staff member(s) that are the subject of a complaint should be respected.

In normal circumstances, negative comments on the actions of staff members will not be recorded in complaint handling reports or on personal files. However, where complaints handling identifies staff performance issues these will be dealt with according to performance management policies and guidelines.

If at any time staff believe they have been unfairly affected by the manner in which a complaint is handled they can seek advice and assistance from a more senior manager or from the Manager Human Resources.

### **3.2.9 Maintenance and improvement**

The General Manager may monitor and review the performance of the complaints handling process by:

- reviewing the complaints handling procedures and assessing whether the objectives of the complaints handling policy are being achieved
- assessing the time taken to respond to complainants

- analysing complaints to identify system, recurring and single incident problems and trends, and to help eliminate the underlying causes of complaints
- ensuring appropriate disposal of records
- ensuring confidentiality
- conducting audits in terms of process conformity to complaints handling procedures and assessing process suitability to achieve complaints handling objectives
- surveying the satisfaction of complainants
- monitoring the number of complaints received and the number of complaints resolved at the point at which they are made
- monitoring the number of complaints resolved or referred to external parties
- noting improvements in procedures due to complaints or feedback.

The audit of the complaints handling process will:

- assess the conformity of complaints handling practices with the policy and procedures
- assess the ability of the existing complaints handling process to achieve objectives
- assess the strengths and weaknesses of the complaints handling process, and
- identify the opportunities for improvement in the complaints handling process and its outcomes.

Outcomes of the review will be reported to the HDC Board.

### **3.3 Dealing with complaints about the Corporation**

The objective of the Corporation's complaints handling procedures is to resolve complaints through objective assessment and in a timely, fair, transparent and professional manner.

***All complaints from external bodies (e.g. Ombudsman, ICAC) should immediately be forwarded to the General Manager.***

In relation to complaints about staff, complaints handling procedures are separate from disciplinary procedures.

#### **3.3.1 Receiving a complaint**

Complaints may be lodged in person, by phone, by email or in writing to any officer or office of the Corporation or Department or to the Minister or Minister's office.

When an officer receives correspondence they must assess whether or not the correspondence contains a complaint (in whole or part) as defined in this guideline.

Whether or not a customer uses the word 'complaint', if he / she is expressing dissatisfaction (whether in writing or verbally) it is possible he / she is making a complaint. When you receive a complaint in person or by phone you should record the name and contact details of the complainant and what the complaint is about, and inform your manager as soon as possible after the complaint is made.

There is a form which can be used to record the complaint (Appendix A). When you think it is likely you are reading or hearing a complaint (as defined in these guidelines) but you are not sure, you should:

- ask the customer whether they are making a complaint
- be ready to give a brief overview of the complaint process
- record the details of the complaint, if made, on the form at Appendix A
- inform your Manager as soon as possible.

### **3.3.2 Registering complaints**

All complaints are to be registered centrally in the Corporation's complaints register. To ensure consistency of reporting this is the responsibility of the Commercial Manager, not of the officers who receive the complaints.

Apart from the usual identification information used to monitor the progress of individual complaints, the critical variables that should be captured in the Complaints Register are:

- description of the complaint and relevant supporting data
- requested remedy
- mode of complaint eg oral or written
- services, practices or products identified in complaint
- responsible officer
- due date for a response
- action taken and response time
- outcome provided to complainant
- underlying causes and rectifications.

When a complaint is contained in correspondence, or when a complaint is received in person or over the phone, if the complaint is to be dealt with locally the Commercial Manager must be advised so that the complaint can be registered.

Please file all correspondence and records on complaints in file no AD5502B1 in Objective.

It is important to save this information to allow regular review of this complaint handling policy and procedures to check on its effectiveness for audit; for reference, in case the matter is raised again at a later date, and for analysis on how service delivery can be improved.

It is not necessary, however, to maintain detailed records for minor verbal complaints which are dealt with quickly.

### **3.3.3 Acknowledgement of complaint**

Every complaint should be acknowledged to the complainant within five working days of receipt (unless dealt with and finalised within that time).

### **3.3.4 Local or central management and tracking of complaints**

Complaints should be handled and resolved as far as possible at the local level. Exceptions are where:

- the complaint includes allegations of a serious nature, or
- local resolution does not appear possible eg where there may be the appearance of a conflict of interest, or where the issue raised relates more broadly to the Department rather than just to the Corporation.

**In either case the matter should be immediately referred to the Department of Planning and Environment Director Governance, who will arrange registration on the Department's Complaints Register.**

### **3.3.5 Resolution Timeframe**

All complaints should be resolved in a timely manner.

If possible, all complaints should be resolved within 20 working days of the acknowledgement of the complaint. If this is not possible the complainant is to be informed of an estimated resolution date.

### **3.3.6 Resolving Complaints**

In accordance with the Corporation's complaint handling policy the emphasis when dealing with a complaint should be on providing a resolution or an appropriate explanation, not on formal investigation.

When a complaint is successfully resolved but highlights a systemic service delivery problem, then that problem should be addressed as soon as practicable after the complaint has been dealt with and the General Manager informed.

It is not always necessary to detail your consideration process in the response to the complainant, i.e. the conclusions and resolutions are usually more important to the complainant. However, details of considerations should be included in the 'complaint handling record' to demonstrate the process and justify actions taken should the matter be pursued further or raised again later.

### **3.3.7 Steps to handle complaints**

The main steps in complaint handling are to:

- respond quickly, within established timeframes
- always establish the facts prior to drawing a conclusion about the complaint (this could include review of the file and discussions with staff)
- meet with or phone the complainant to discuss the issues
- ensure that you identify and understand all the complaint issues - seek clarification if the issues are not clear - summarising the main points made and asking whether your summary is correct can be useful here
- show empathy: remember whether or not the complaint appears to you to be justified the person's sense of grievance is real, and the Corporation's job is to deal with that grievance successfully, not dismiss it out of hand

- ask the complainant what they are seeking in terms of a resolution to their problem, if this has not been made clear: ‘What do you want to happen?’ or ‘What do you want to be done?’
- attempt to ‘manage the complainant’s expectations’ early in the process, i.e. advise what is possible and feasible in terms of a resolution, if it is likely the complainant will not get the outcome they are seeking
- if the complaint is about a specific staff member, afford that staff member a right to respond to the complaint handler in relation to the complaint
- decide the appropriate course of action and, if possible, gain the agreement of the complainant to that action
- take responsibility for solving the problem on the spot if possible, trying to meet any reasonable requests that would resolve the matter
- provide any relevant information that will assist the complainant to better understand the decision or action he / she is aggrieved about
- offer solutions which can be delivered
- prepare a written response to the complainant, signed by at least the Commercial Manager, ensuring that assessments and conclusions are communicated clearly and in ways which are appropriate to the complainant
- if action cannot be taken immediately, inform the complainant what will be done and when this is likely to occur
- record the complaint and the action taken on the form at Appendix A, and inform the Commercial Manager for completing the register and for future analysis
- propose changes to a process or system to the Commercial Manager if the complaint has drawn attention to a broader systemic issue.

### **3.3.8 Effective complaint handling**

When people complain they want certain essential things. These are to:

- feel secure
- be listened to (patiently)
- be heard but not judged
- have their point of view understood
- be treated with respect and courtesy, and as an individual
- be provided with an explanation
- be given an apology, if warranted
- have corrective action taken as soon as possible, and while action is taken, to be kept up to date

- be treated fairly, and
- make sure the problem never happens again.

Even if the Corporation is unable to take the action the complainant wants, if the other elements are provided and the process seems fair, the complainant will usually be reasonably satisfied. (From the NSW Ombudsman's 'Effective complaint handling guidelines – 2nd edition December 2010').

### **3.3.9 Requests for review of complaint outcome**

Where the complaint cannot be resolved at the initial complaint-handling stage it must be escalated to a more senior manager of the Corporation, and the results of the review reported to the complainant.

Where it cannot be resolved at this level, the complainant should be given the option of referral to the Department of Planning and Environment. If this is not acceptable to the complainant he / she should be referred to an outside agency such as the Ombudsman, the ICAC, or to some relevant appeals tribunal.

For further information, refer to Effective complaint handling guidelines – 2nd edition December 2010 NSW Ombudsman.

## Appendix A

### Recording of complaints

Officer's Name (receiving complaint): \_\_\_\_\_

Officer's Title: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Form of Complaint (Tick):    Written \_\_\_\_\_ Verbal (Phone) \_\_\_\_\_ Verbal (Face to face) \_\_\_\_\_

Name and contact details of complainant \_\_\_\_\_

Brief description of complaint including services or practices complained about:

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1. Referred to relevant officer for local resolution: Name of Officer/Title

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2. Registered in Objective: Date \_\_\_\_\_ Objective Id no. \_\_\_\_\_

3. Referred to Commercial Manager for registration: Date: \_\_\_\_\_

4. Escalated to General Manager: by whom/date/to whom:

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Due Date to Complainant (20 working days of Receipt Date): \_\_\_\_\_

Response Date (To Complainant): \_\_\_\_\_

**Reason/s for extension in provision of response:**

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**Summary of Response:**

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When the complaint is finalised file a copy of this form in file no AD5502B1 Date \_\_\_\_\_