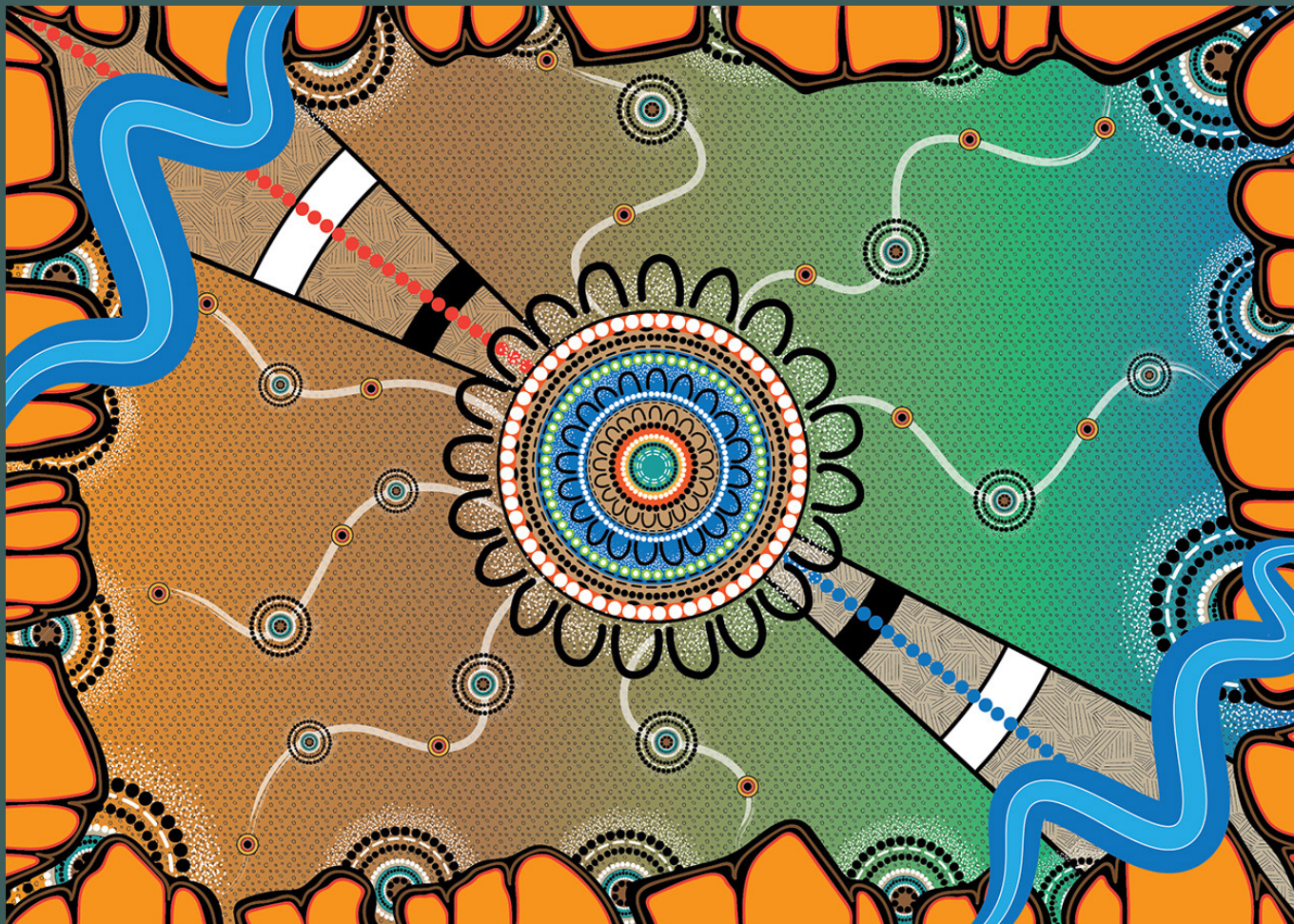




Effective Complaint Management Guidelines

A practical guide to developing a complaint management system and handling complaints



We acknowledge the traditional custodians of the land on which we work and pay our respects to all Elders past and present, and to the children of today who are the Elders of the future.

Artist: Jasmine Sarin, a proud Kamilaroi and Jerrinja woman.

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Foreword

The NSW Ombudsman is an independent integrity agency that pursues fairness for the people of NSW. We strive to ensure that those entrusted with public power and resources fulfil their responsibilities and treat everyone fairly.

The NSW Ombudsman has nearly half a century of experience in managing complaints and supporting public sector organisations to improve their own complaint management systems. Over this time, there have been positive changes in the way complaints are perceived and managed. It is now accepted that complaints are important customer feedback that can help organisations to continuously improve service delivery and the way they engage with their customers.

One of my office's key strategic outcomes is that improvements in public administration and community service delivery occur as a result of our work. One way we pursue this is by providing guidance, education and training to government agencies and service providers to encourage good administrative practice and build capability. Under the Ombudsman Act (for public authorities) and CS CRAMA (for service providers), we are also able to conduct a proactive review into their complaint management system, to ensure it is functioning effectively and fairly, and in accordance with good practice.

In their fourth edition, these guidelines have been updated to align with Standards Australia's *Guidelines for complaint management in organizations* (AS 10002:2022). They also outline the 6 principles for effective complaint management – respectful treatment, information and accessibility, communication, taking ownership, timeliness and transparency.¹ These principles highlight to the public what they can expect when they complain to an organisation. Organisations should apply these principles to ensure all customers can easily lodge a complaint, feel listened to and respected, have clear expectations of the complaints process and have their matter finalised in a timely way.



Paul Miller
NSW Ombudsman

¹ The 6 complaint handling 'commitments' were originally part of a collaboration between the NSW Ombudsman and State government to lift complaint handling across the sector. The Ombudsman will continue to promote these 'commitments,' renamed the '6 complaint management principles,' as they have an enduring value outside of any time-bound complaint handling improvement program.

Introduction

A complaint is made whenever a person expresses dissatisfaction – usually about an organisation’s services, or how they have been treated by staff – in circumstances where they (implicitly or explicitly) expect or are entitled to expect a response to their concerns.

Complaints can range from very informal to the very formal. For example, they can be an oral complaint about a decision or action of frontline staff which those staff may be able to address and resolve immediately. They can also be a written complaint about an organisation to an external oversight body.

Effective complaint management systems need to provide for the full spectrum of complaints – recognising that, in most cases, early resolution at the first point of contact will be the most effective way of handling a complaint.

Everyone has the right to make a complaint.

How an organisation responds to a complaint can be just as important to a customer as the issue that they complained about. To help your organisation manage complaints effectively, the NSW Ombudsman has created these guidelines with practical advice about developing a strong complaint management system.

The guidelines have been designed for senior executives, managers and frontline staff in NSW departments and agencies, local councils and community service providers (organisations).

They are consistent with Standards Australia’s *Guidelines for complaint management in organizations* (AS 10002:2022). This standard sets the benchmark for what members of the public should expect when raising a concern about an organisation, local council or community service provider.

In [Part A](#), we explain what makes an effective complaint management system:

- what is and isn’t a complaint
- understanding the barriers to making a complaint
- the 6 principles for effective complaint management
- a positive complaint management culture
- a clear policy and procedures
- a 3-level model for escalating complaints
- a skilled and supported team
- a commitment to continuous improvement.

In [Part B](#), we provide step-by-step instructions for handling complaints, including how to:

- receive, clarify and acknowledge complaints
- make records of a complaint and how it has been handled
- assess a complaint
- decide what to do
- finalise a complaint and take corrective action when things go wrong
- monitor, analyse and report on complaint data.

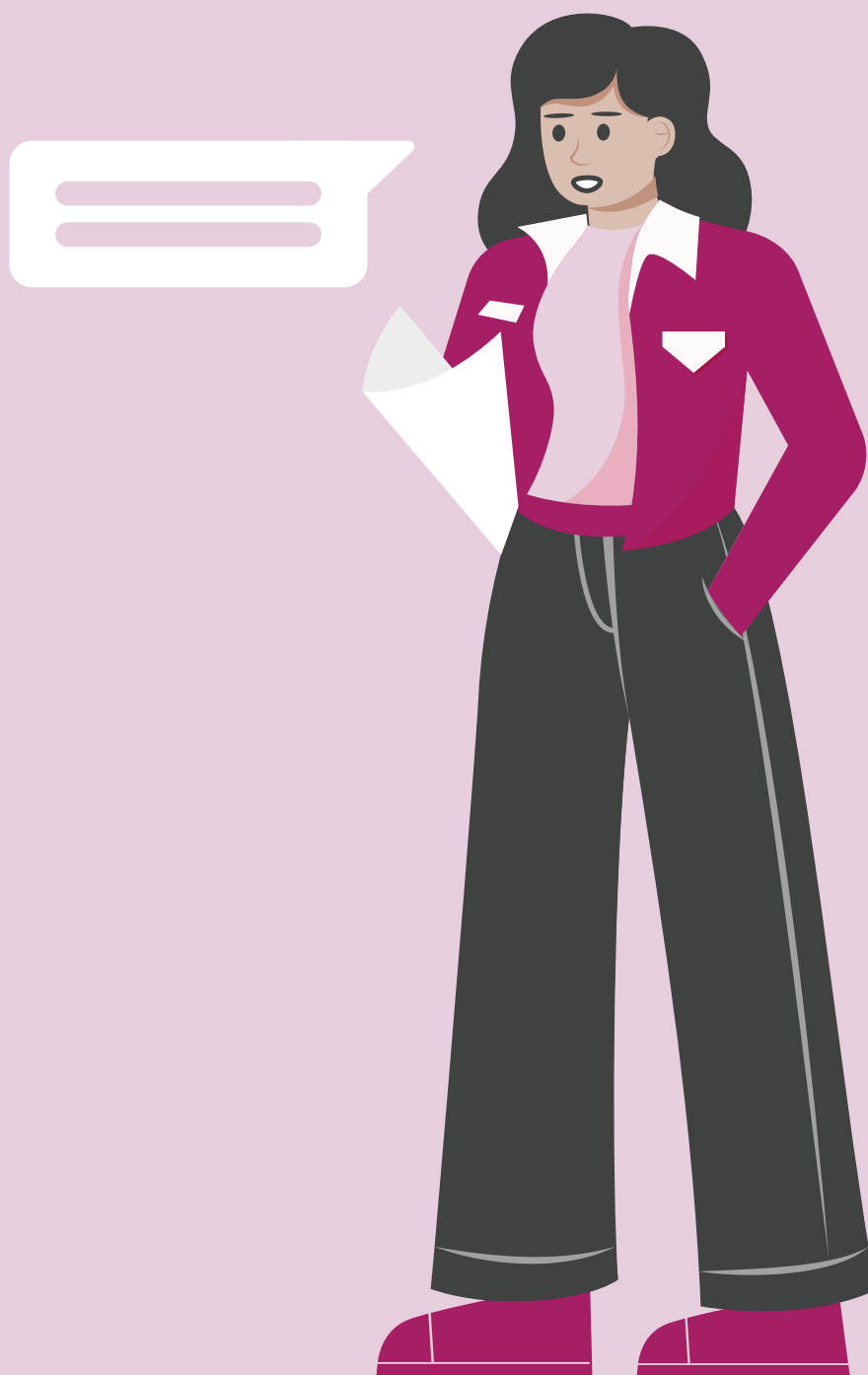
Part B also includes helpful advice for dealing with specific types of complaints and complainants. For example, how to respond compassionately to complainants who are in distress, need additional support or have diverse needs.

At the end of these guidelines, you’ll find a:

- checklist for developing a complaint management policy
- list of key terms used in these guidelines and for writing your complaint policy and procedures
- list of resources to help you develop and implement a complaint policy and procedures.

Part A:

What makes an effective complaint management system?



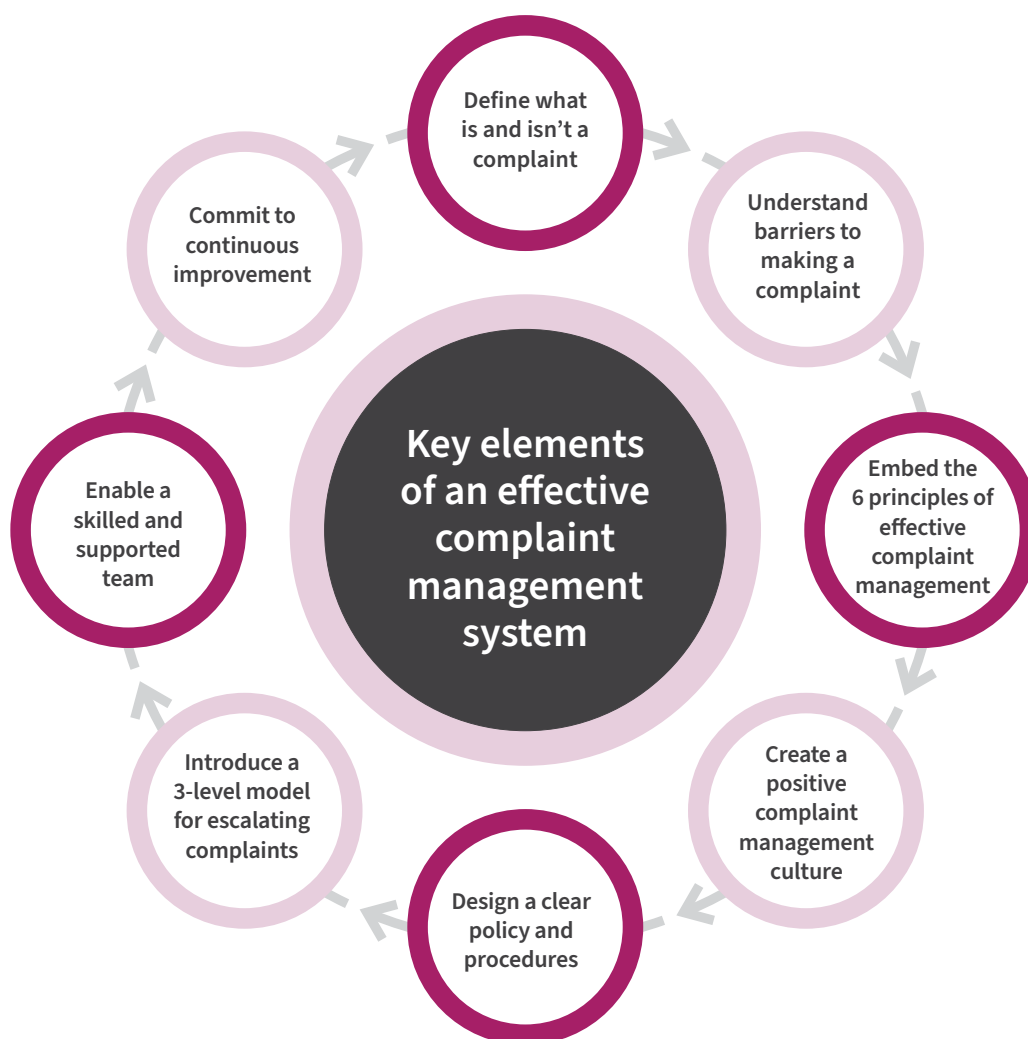
An effective complaint management system is tailored to your organisation's needs. We suggest that you use these guidelines to design your system to suit:

- your organisation's size and statutory functions
- your financial, operational and organisational requirements
- the number, demographics and characteristics of the people accessing your services
- the nature and breadth of your interactions with the public
- the number and type of complaints your organisation receives.

Consult with staff and other stakeholders for insights into complainants' potential needs and how to address them.

The following figure highlights key elements of an effective complaints management system. Each element is detailed below.

Figure 1: Key elements of implementing an effective complaint management system



1. Define what is and isn't a complaint

Being able to identify a complaint (or what isn't a complaint) is an important first step in developing an effective complaint management system. Clearly defining what a complaint is, how it will be managed and by whom, will help your organisation to consistently respond to your customers.

In these guidelines we refer to **customers** and **complainants**. A customer is anyone who lives, works, visits or invests in NSW. A **customer** becomes a **complainant** when they make a complaint to a NSW organisation or business. See the [Key terms](#) section for full definitions.

1.1 What is a complaint?

A complaint is an expression of dissatisfaction made to or about an organisation related to its products, services, staff or management of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.² Customers may complain either directly to your organisation or to a third party.

Customers make complaints when their expectations are not met, standards are not upheld or when they perceive they, or someone else, has been unfairly treated. Adopting a broad definition of a complaint recognises the range of concerns that your customers may have.

It might sometimes be difficult to distinguish, particularly during frontline interactions, whether a customer is making a complaint or an enquiry, or requesting a service. Often it is the customer's language or tone that indicates if a complaint is being made.

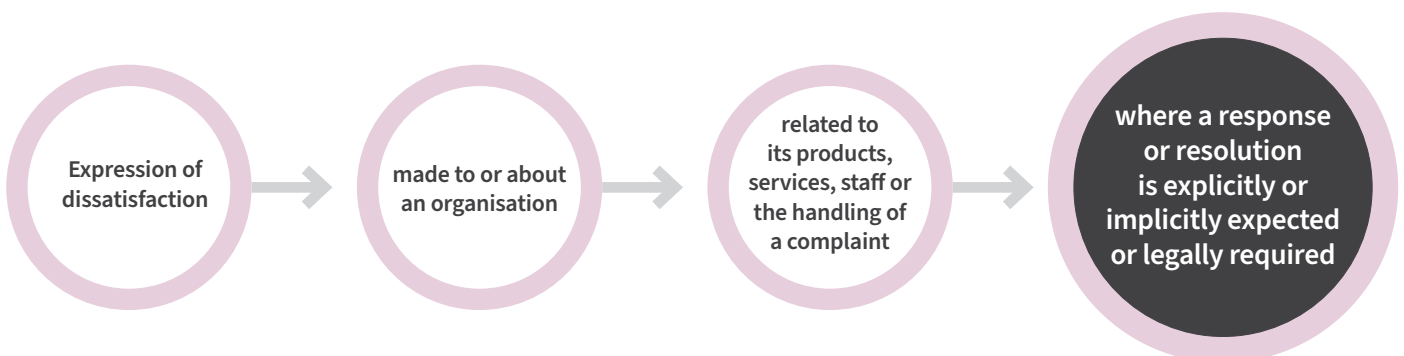
Organisations should not seek to downplay a complaint by characterising it simply as 'feedback.' The difference between feedback and a complaint is that:

- feedback can be positive, negative or neutral, whereas a complaint always involves an expression of dissatisfaction
- with a complaint, a response to that dissatisfaction is expected.

Understanding what a complaint is can help improve:

- decision-making
- relationships with customers dissatisfied about the fairness of a decision
- service delivery
- information given to customers
- staff conduct.

Figure 2: Definition of a complaint (adapted from AS10002:2022)



2. Standards Australia, *Guidelines for Complaint Management in Organizations (AS 10002:2022)*, 25 March 2022 ('AS 10002:2022').

Table 1: Common complaint areas (adapted from the Commonwealth Ombudsman’s Better Practice Complaint Handling Guide).

Common complaint areas	Examples
Service, program or product	<ul style="list-style-type: none"> • service, program or product accessibility • service, program or product quality • treatment by staff, such as poor customer service
Actions or decisions	<ul style="list-style-type: none"> • customer felt actions or decisions were incorrect or unfair • organisation didn’t properly explain its reasons for an action or decision
Inaction or delay	<ul style="list-style-type: none"> • organisation didn’t respond to requests or applications • services were delayed • organisation didn’t explain inaction or delays
Policy or process	<ul style="list-style-type: none"> • customer disagrees with policy or process • organisation didn’t properly explain policy or process

1.2 What isn’t a complaint

Your organisation also needs to consider what you won’t register as a complaint. It is generally not a complaint when a customer:

- asks for services. However, a repeat request for service may be a complaint about inaction or delay.
- asks for an update. However, some repeat requests for updates may be complaints about inaction or delay.
- asks for information about, or an explanation of, policies or procedures.
- provides feedback or expresses an opinion and doesn’t explicitly or implicitly expect a resolution or outcome.
- applies for an internal review of an administratively reviewable decision. If no legislated review or appeal rights exist, an expression of dissatisfaction with a decision or a decision-making process would be a complaint. Some organisations may choose to combine their recording and reporting on complaints and legislated internal review requests.

You can build a clearer picture of what your customers like and don’t like by recording suggestions, inquiries and compliments separately to complaints. This creates a more balanced view of how they perceive and experience your programs and services than if you were to only record complaints.



Case study: understand what is and isn't a complaint

A local council receives a phone call from a resident about rubbish being dumped in a creek. They report that it has attracted rats and flies and smells unpleasant. The caller wants to know who they can contact to get the creek cleaned up.

Local councils are responsible for removing rubbish, so this is a request for a service rather than a complaint.

If the resident called again and said that the rubbish was still there, the council should consider this a complaint.

Don't assume that a lack of complaints means you are doing a good job. Relatively few disgruntled customers are motivated to complain. Every complaint you receive could represent a much larger group of dissatisfied people.³

If your organisation isn't receiving any complaints at all, this might be because your complaint management system doesn't let or doesn't encourage or make it easy for the public to give feedback or make complaints – or customers might be afraid of detrimental action if they do complain.

Figure 3: Language people use when making a complaint



³ L Abdol Latif, R Bahroom and P Fard, *Improving Accessibility and Responsiveness in a Complaints Management System*, E-Leader, Singapore, 2010.

2. Understand the barriers to making a complaint

Some customers may find it difficult to complain. It is important to understand what barriers they may face, and doing this will help your organisation:

- improve accessibility
- simplify the complaints process
- be more receptive and responsive to complaints.

The following table outlines some of the barriers customer may face.

Table 2: Barriers customers may face

Barrier	Explanation
Power imbalance	A customer may fear or distrust government authorities or feel powerless to complain to a government agency.
Fear of detrimental action	A customer may fear that complaining will lead to detrimental action, damage to their reputation or strained relationships. If a customer is relying on your organisation to provide them with a service, including income or social support, they may be concerned that their service could be negatively impacted if they make a complaint.
Lack of support or guidance	A customer may not have the support they need to successfully navigate the complaint process.
Complex complaint procedures	Lengthy or complicated procedures can stop customers from making a complaint if they see the process as difficult or time consuming.
Lack of awareness	A customer may not be aware of their right to complain. Also, they may not understand the complaint process or the different channels for voicing their concerns.
Feeling that making a complaint is pointless	A customer may think that nothing will change and not be motivated to complain. They may believe that the organisation won't take them seriously.
Previous negative experiences	If a complaint involves reliving a negative or traumatic experience, it can lead to uncomfortable or distressing emotions. These emotions may stop a customer from complaining altogether. Also, a customer may have had previous negative experiences when complaining to another organisation. This may stop them from complaining in other contexts.
Cultural differences	Some cultures consider complaining to be inappropriate or impolite. A complaint system may not suitably accommodate cultural differences or preferences.

To overcome and mitigate these barriers, apply the NSW Government's [6 principles for effective complaint management](#).

3. Embed the 6 principles for effective complaint management

Effective complaints management needs both a proactive and a person-first approach.

A **proactive approach** involves anticipating and preventing complaints. Organisations can do this by seeking customer feedback, monitoring customer satisfaction and expectations, and acting to improve service quality and performance.

A **person-first approach** involves considering and meeting the needs of individual customers where possible. It also involves providing convenient and accessible ways to complain.

This chapter outlines how the 6 principles for effective complaint management contribute to a person-first approach.

Figure 4: 6 principles for effective complaint management



The 6 principles were originally ‘commitments’ and were developed in collaboration with NSW Government organisations to ensure that they were practical and responsive to a range of organisational environments, as well as what complainants want. They are equally relevant for NSW Government departments, local councils and community service providers.

All organisations should ensure that their complaint management system helps them fulfil these principles.



01 | Respectful treatment

3.1 Respectful treatment

Applying this principle will mean that your organisation will:

- treat complainants with courtesy and respect
- require staff to treat complainants with courtesy and respect in your complaint policy
- be responsive
- train public contact staff in customer service, complaint handling and management of complex complaints and complaints from people in distress, who require additional support or have diverse needs
- take appropriate action when your organisation receives complaints about its staff
- ensure that people can complain without fear of detrimental action.



For more information, see:

- NSW Ombudsman, [Respectful treatment](#)
- NSW Ombudsman, [Managing unreasonable conduct by a complainant](#)
- NSW Government, [Act with empathy](#).



02 | Information and accessibility

3.2 Information and accessibility

Applying this principle will mean that your organisation will:

- make it easy for customers to complain, and help them to lodge their complaints
- provide easy-to-access information about the complaints process in different formats and channels
- tell customers about:
 - how to complain, for example, online, email, in person or in writing
 - what information you need from customers to assess their complaints
 - what to expect from the complaints process
 - who to contact for more information
 - how complaints have helped improve your organisation's service.



For more information, see:

- NSW Ombudsman, [Information and accessibility](#)
- NSW Government, [Easy to access](#)
- NSW Government, [Social media guidelines](#)
- World Wide Web Consortium, [Web content accessibility guidelines \(WCAG\) 2.1](#).



03 | Communication

3.3 Communication

Applying this principle will mean that your organisation will:

- keep complainants informed about the status of their complaint
- acknowledge that you've received their complaint, and tell the complainant:
 - who to contact for more information about their complaint
 - what the next steps will be in the complaint process
 - how long your organisation will likely need to finalise the complaint
- use the most appropriate channel to communicate with the complainant, and:
 - update them about their complaint's progress regularly (as specified in your procedure)
 - tell them the outcome of their complaint and explain the reason for it (for example, tell them what action was taken and how you reached your decision)
 - explain and apologise when things go wrong.



For more information, see:

- NSW Ombudsman, [Communication](#)
- NSW Government, [Explain what to expect.](#)



04 | Taking ownership

3.4 Taking ownership

Applying this principle will mean that your organisation will:

- make sure that staff who manage complaints are suitably trained and skilled
- allocate a complaint to one person (or one team) and give complainants their contact details
- generally, have frontline staff resolve a complaint themselves and escalate serious or complex complaints to a more appropriate officer or team
- let the complainant know if you transfer the complaint to another person or team.



For more information, see:

- NSW Ombudsman, [Taking ownership](#)
- NSW Government, [Resolve the situation.](#)



05 | Timeliness

3.5 Timeliness

Applying this principle will mean that your organisation will:

- do your best to deal with complaints as quickly as possible
- set and make public expected timeframes for finalising complaints
- set these timeframes to reflect the different levels of seriousness, urgency and complexity across the complaints you receive
- contact the complainant and, if there are unavoidable delays when dealing with a complaint, explain why.



For more information, see:

- NSW Ombudsman, [Timeliness](#)
- NSW Government, [Respect my time](#).



06 | Transparency

3.6 Transparency

Applying this principle will mean that your organisation will:

- let complainants know that you record and analyse information from your complaints process
- explain that this includes the:
 - number of complaints received
 - number of complaints finalised
 - percentage of complaints acknowledged and finalised within your key performance indicators (KPIs)
 - issues raised by complaints
 - actions and improvements taken in response to complaints
 - systemic issues identified
 - number of requests received for internal or external review.



For more information, see:

- NSW Ombudsman, [Transparency](#)

4. Create a positive complaint management culture

For a complaint management system to be effective, it needs a positive complaint management culture. Organisations with this culture understand that:

- people receiving public services or publicly funded community services have a democratic right to complain if they are dissatisfied with their service or treatment
- complaints provide valuable feedback
- complaints present an opportunity to improve systems, services and staff
- recording and analysing complaint data supports system and service improvement.

To foster a positive culture, leaders should place value on a complaint management system and invest in resources to sustain it.

This chapter sets out the 2 key tasks for building a positive complaint management system:

1. championing a positive complaints management culture
2. understanding the benefits.

4.1 Leaders champion a positive culture

A positive complaint management culture is reflected in the attitudes and decisions of an organisation's leaders. Senior leaders need to champion the complaint management system and demonstrate that complaints are welcomed and valuable. They encourage all staff to actively commit to developing and improving the system.

A strong leadership team prioritises and champions effective complaint management by:

- establishing a robust governance and operational framework
- sending a clear message to staff that complaints are valuable
- sending a clear message to staff that they won't tolerate reprisal or other detrimental action against complainants
- being active in requesting and analysing data about complaints
- changing services, systems, practices, procedures or products if complaint data identifies issues, and communicating these changes to staff and the public
- emphasising that the primary purpose of complaint management is to address issues and improve systems, not to attribute blame. This includes reassuring staff that mistakes can be seen as an opportunity to improve, rather than to reprimand. However, leaders should be prepared to take action, including disciplinary or performance management action, on substantiated cases of misconduct.

The best complaint management systems are reflective, self-critical and innovative. They foster a culture that looks for opportunities to continuously improve programs and services.⁴

⁴ Commonwealth Ombudsman, *Better Practice Complaint Handling Guide*, February 2023, p 33 <https://www.ombudsman.gov.au/__data/assets/pdf_file/0025/290365/Better-Practice-Complaint-Handling-Guide-February-2023.pdf> ('*Complaint Handling Guide*').

4.2 Everyone experiences the benefits

A well-managed complaint system benefits complainants, staff and the organisation.

For complainants, an effective complaint management system can:

- provide solutions
- address problems before they escalate⁵
- increase satisfaction, enhance trust and improve interactions with the organisation
- provide reassurance that the organisation is committed to addressing and resolving problems.

Often the relationship with a member of the public (customer) is ongoing because they continue to rely on your organisation's services. If a complaint isn't managed well, it can negatively impact customers who access your services, and your relationship with them.

On the other hand, customers whose complaints are managed well report higher than average overall customer satisfaction. Building rapport with and helping to resolve problems for customers can positively impact job satisfaction.⁶ When an organisation supports its staff to help these complainants, staff attitudes to the complainant and the organisation are more positive.⁷

For organisations, an effective complaint management system can:

- increase organisational efficiency and cost effectiveness
- help your organisation understand your customers' behaviour, needs and preferences
- produce data and insights that support continuous improvement
- inform decisions about future services and programs
- enhance your organisation's reputation and strengthen public trust in government and the services funded by government
- reduce escalation to external dispute resolution agencies (for example, ombudsman offices, tribunals or courts).

The investment by a public organisation on effective complaint management generates a positive return; the benefits include those listed above. On the other hand, inadequate investment in effective frontline complaint management imposes greater costs for organisations, including those arising because of:

- the extra resources needed for complaint escalation
- the potential negative impact on staff morale.⁸

5 Adapted from Commonwealth Ombudsman, *Complaint Handling Guide* (n 4), p 4.

6 NSW Department of Customer Service, *NSW Whole-of-government Complaint Experience Survey: Detailed Report*, February 2015.

7 NSW Department of Customer Service, *NSW Whole-of-government Complaint Experience Survey: Detailed Report*, February 2015, p 13.

8 T Sourdin et al, *Return on Investment of Effective Complaints Management: Public Sector Organisations*, June 2020, p 13 <<https://www.socap.org.au/public/98/files/Documents/Research/Report%20Summary%20ROI-Report-Public%20Org%20-June%202020.pdf>>. The Society of Consumer Affairs Professionals Australia (SOCAP) in association with Australasian Ombudsman Offices commissioned this research.

5. Design a clear policy and procedures

This chapter explains what an organisation needs to do to make their policy and procedures clear and consistent. This includes:

- documenting who's responsible for what
- making your policy widely accessible.

5.1 Document who's responsible for what

Make sure that your policy clearly states your commitment to managing complaints effectively. Then support your policy with procedures that cover:

- how you manage complaints
- who is involved in the process
- the specific roles and responsibilities of all those involved in finalising a complaint.

When developing policy and procedures, consider your organisation's:

- relevant statutory and regulatory requirements
- financial, operational and other organisational requirements.

It is also critical to seek input from complainants, staff and other stakeholders in designing the system.⁹

Your complaints policy and procedures need to describe:

- relevant terms and definitions, including the definition of a complaint (see [Key terms](#)).
- guiding principles (see [chapter 3: The 6 principles for effective complaint management](#))
- end-to-end process for managing complaints, with relevant timeframes and clear expectations about communication points with complainants
- how to record the receipt, handling, decision-making and outcomes of complaints
- procedures for monitoring trends in complaints
- steps for analysing, reporting and reviewing complaint topics and outcomes.

Make sure that your staff have access to the policy and procedures and know how to implement them.

Documenting who is responsible for what will help staff do this. Also make sure that you regularly review and update your policy and procedures in line with current practice.

The following table outlines complaint management responsibilities and authority at each level in an organisation. It is adapted from AS 10002:2022.¹⁰

⁹ Standards Australia, *AS 10002:2022* (n 2).

¹⁰ Standards Australia, *AS 10002:2022* (n 2), pp 7–9.

Table 3: Complaint management responsibilities and authority

Level in organisation	Responsibilities
Governing body (that is, executive, board or committee)	<ul style="list-style-type: none"> • approves the policy and its review schedule • receives regular reports about complaint volumes, average response timeframes, number of open complaints, systemic issues and media reports • ensures that the complaints system is adequately funded and resourced • ensures that relevant regulators and agencies receive reports and disclosures.
Head of organisation (that is, Chief Executive Officer or Secretary)	<ul style="list-style-type: none"> • develops and promotes awareness about the complaint management policy and procedures within the organisation • ensures that the public can easily access and understand the policy • appoints a complaint management manager where possible and appropriate • ensures a process for escalating any significant complaints or systemic issues identified through complaints • ensures a process for regular reporting to the governing body (that is, executive, board or committee).
The manager who is responsible for the complaint management system	<ul style="list-style-type: none"> • establishes a process for monitoring, evaluating and reporting on the complaint management system’s performance • reports to senior management about the system’s operation • identifies and allocates the resources needed for an effective system • reports to staff and other stakeholders about any concerns identified through complaints • implements and maintains the system, including staff recruitment, training and guidance, and technology implementation • sets and meets key performance indicators • implements internal and external escalation procedures for unresolved complaints.
Operational managers	<ul style="list-style-type: none"> • ensures that the system is implemented in their respective areas • liaises with the manager responsible for the complaint management system • ensures that staff are aware of the system and the benefits of complaints • ensures that staff and the public can easily access the policy • reports to management about staff actions and decisions • ensures monitoring data is recorded and available for senior management to review.
Staff who manage complaints	<ul style="list-style-type: none"> • participates in training in complaint management and the procedures relevant to their roles • identifies and responds effectively to complainants’ support and communication needs and preferences • treats complainants with respect and courtesy • follows all complaint management reporting, policy and procedural requirements.



For more information, see our [checklist for developing a complaint management policy](#).

5.2 Make your policy widely accessible

Public information

An effective complaint management system makes the process easy for customers. It provides clear, publicly available information about how to complain and what types of support are available.¹¹

Make sure that your policy is available to the public, especially to your customers.

Complainants need to know about the entire complaint process, including who they can talk to if they're dissatisfied with how their complaint is managed or the outcome of it.¹²

We discuss accessibility in more detail in [section 10.2](#) (under the heading 'Make your complaints policy as accessible as possible').



¹¹ Standards Australia, *AS 10002:2022* (n 2), p 20.

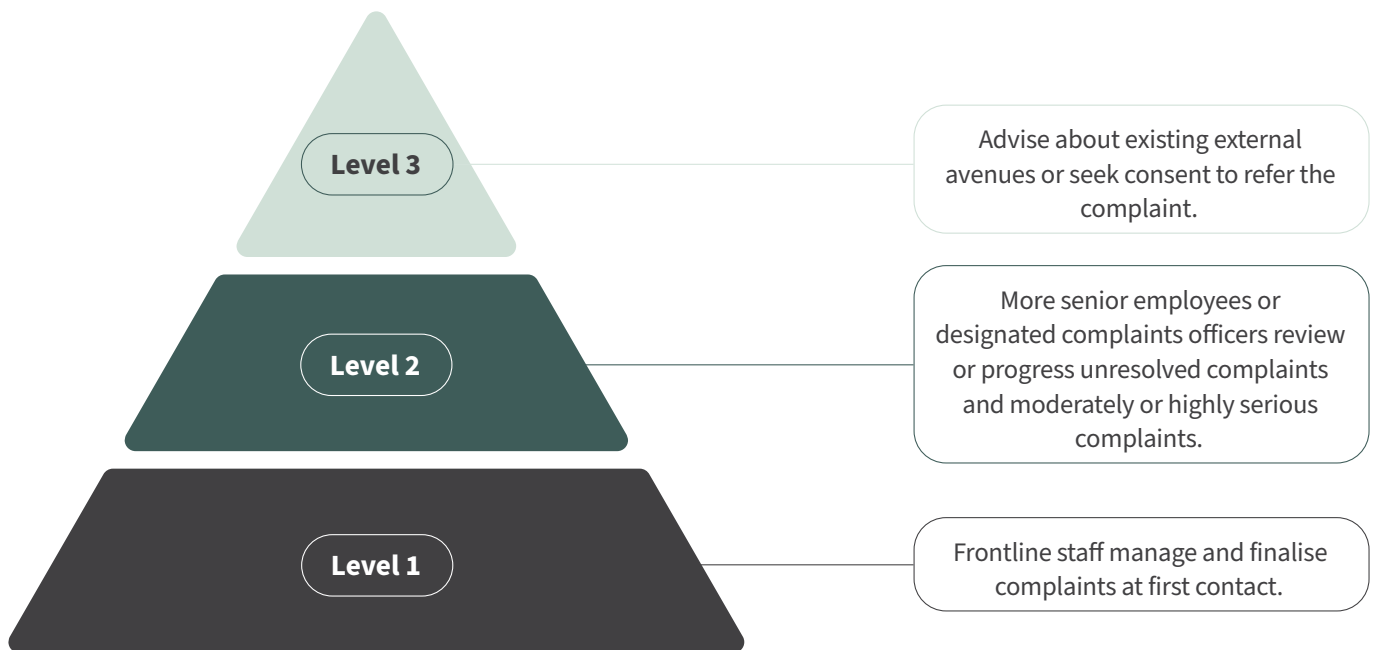
¹² Consistent with Standards Australia, *AS 10002:2022* (n 2), p 7.

6. Introduce a 3-level model for escalating complaints

This chapter explains how to escalate complaints when a complainant disagrees with your decisions, outcomes or actions.

An effective complaint management system has 3 levels of escalation. Make sure that you tell the complainant when you escalate their complaint. The following figure summarises what happens at each level, and highlights that most complaints are dealt with at the first point of contact.

Figure 5: 3-level model for complaint escalation



6.1 Address a complaint at the first point of contact

Ideally, your organisation's frontline or first-point-of-contact staff will resolve most complaints. This is known as early resolution. A situation where the complainant only has to explain their situation once benefits both your organisation and the complainant.

To achieve early resolution wherever possible, clearly explain to frontline staff:

- what types of complaints they can deal with directly
- what options they have to address a complaint
- what authority they have
- when they should delegate or escalate a complaint to a colleague or senior employee for help with early resolution.

You'll also need to train and supervise your frontline staff. This training should include clear guidance about which complaints they should escalate to level 2: to their line manager, dedicated complaint management officer or senior management.¹³

For more information on frontline complaint management see [chapter 7: Enable a skilled and supported team](#) and [chapter 9: Step-by-step process](#).



Case study: address a complaint at the first point of contact

You receive a complaint that your organisation has deducted a payment plan instalment from the complainant's account twice.

The complainant explains that they are a single parent on a pension and only have \$12 in their account. Organisational policy permits that, in extenuating circumstances, a refund can be actioned immediately by a frontline complaint handler. Taking this into account, the complaint handler agrees to issue a refund, clarifying that it may take 2 days for the complainant to receive this in their account.

This is an appropriate response because the:

- complainant's request is reasonable
- request is in line with organisational policy
- complaint doesn't need to be escalated to a team leader or senior manager.



¹³ Standards Australia, *AS 10002:2022* (n 2), pp 38–39.

6.2 Escalate a complaint

Sometimes frontline staff need to refer complaints to level 2 management. This includes complaints that are:

- unresolved
- fall outside a staff member's delegation or expertise
- involve serious allegations, complex issues or multiple staff members
- likely to result in significant disciplinary or other action by your organisation.

When creating your complaint management policy and procedures, make sure that you consider and include what a reasonable timeframe for escalation is.

A level-2 escalation can include:

- a review of the original complaint decision by a more senior staff member
- a facilitated resolution
- an investigation.

When a more senior officer or specialist officer reviews the initial decision that was made in response to a complaint, they may confirm or change the original decision. Generally, senior officers have the power to overturn previous decisions and apply remedies as they have delegated authority to do so.

Facilitated resolutions involve resolving the complaint in a way that both the organisation and the complainant agree with. A representative of your organisation might speak to the complainant, or an independent conciliator might speak with both parties. Where appropriate, the facilitation may be a discussion between a frontline staff member, who is the subject of a complaint, and the person who complained about them.

An investigation may be appropriate when complaints raise significant issues for your organisation or the complainant. Depending on the circumstances, the investigation may be conducted by an appropriate manager, staff from an internal audit, ethical standards or investigation unit, or a contracted external investigator.¹⁴

For more information about investigations, see [section 9.5: Decide what to do](#).

¹⁴ Standards Australia, *AS 10002:2022* (n 2) pp 38–39.



Case study: escalating a complaint

A customer attended a service centre and transferred to themselves ownership of a vehicle along with personalised number plates that had been in their father's name for 50 years. Sometime later, the customer realised that since they transferred ownership, they were being charged for the personalised number plate costs annually.

When they looked into the fees, they found out that the vehicle registration body's policy stipulated that when ownership of a vehicle with personalised plates was transferred between immediate family members, and the right process was followed, no annual fee would be charged. However, the customer had not been told at the time of the transfer that they needed to complete a specific form before they could be exempted from the fee.

The customer raised concerns with the service centre several times. Although the service centre consulted with the vehicle registration body, the issue remained unresolved. The service centre was responsible for processing the paperwork submitted by the complainant, while the vehicle registration body was responsible for the administration of number plates, including the policy and procedure relating to fees.

The customer was unhappy that neither agency had taken ownership of the matter, and they were unable to get a satisfactory outcome despite months of actively pursuing the matter, including by making a formal complaint.

Following receipt of the formal complaint, the service centre decided to escalate the complaint for review by a senior officer, who had no prior involvement with the matter.

The senior officer engaged with the vehicle registration body and worked effectively with the service centre staff to identify what went wrong, and how the problem could be resolved. The senior officer also found that navigating the complaint management process was made more difficult for customers because functions were split between the two agencies.

The recurring annual fee requirement was removed, and the complainant received a refund of past fees paid and an apology. The senior officer also recommended re-engineering the complaint process to make handover between the agencies more seamless.

6.3 Refer the complainant to an external review mechanism

If you cannot address a complaint satisfactorily at level 2, you may need to advise the complainant about any existing external avenues of review or seek their consent to refer their complaint.

External review mechanisms could involve:

- externally facilitated alternative dispute resolution (ADR)
- external investigation
- external review or appeal.

Sometimes a neutral or independent third party can help settle an escalating dispute. This is where externally facilitated ADR comes in.

Both private and public sector organisations use professional mediators to facilitate formal face-to-face discussion to help parties clarify issues and reach a solution everyone agrees with.

The processes involved with ADR are mediation, conciliation, expert evaluation and arbitration. This information is adapted from AS 10002:2022.¹⁵

ADR processes

Mediation is when an independent person:

- helps parties listen to each other
- defines the disputed issues
- determines what everyone agrees on
- clarifies what is important to each person
- develops options that resolve each issue and consider each person's wants and needs.

The aim is to reach an outcome that satisfies everyone.

Conciliation is when a third-party conciliator helps parties communicate their concerns and develops options for a resolution.

This is an opportunity for both parties to openly discuss and identify the relevant issues. A conciliator may advise the parties and help them move towards an acceptable outcome. A conciliator will not force an outcome on the parties.

Expert evaluation is when a person with substantive expertise gives advice about appropriate standards for and approaches to the disputed issues. Use an expert when you can't resolve an outcome using the dispute resolution process.

Arbitration is when a third-party arbitrator imposes an outcome. Arbitration often happens after you've already tried mediation or conciliation.¹⁶

¹⁵ Standards Australia, AS 10002:2022, (n 2) 37.

¹⁶ Standards Australia, AS 10002:2022, (n 2) 37.

Accountability organisations exist that externally investigate allegations within their jurisdictions.¹⁷ What they can do varies.

Government and industry accountability bodies receive and assess complaints from the public about individuals or organisations. Where appropriate, you should refer dissatisfied complainants to these bodies, for example, the NSW Ombudsman or the Health Care Complaints Commission (HCCC).

Make sure staff know about complainants' options for external reviews and appeals. If a complainant is dissatisfied, staff should let them know about appropriate escalation options, including:

- external reviews and appeals
- any relevant time limits.¹⁸

Also make sure that your staff are aware of the duty to report or notify information arising from certain complaints to external agencies, such as referring criminal allegations to the police and corrupt conduct to the Independent Commission Against Corruption (ICAC). These duties to report or notify can arise at any stage of the complaint process. See [section 10.5: Complaints about criminal or corrupt conduct](#) for further information and other types of conduct that may need to be reported to external agencies.



¹⁷ Standards Australia, *AS 10002:2022* (n 2) p 40.

¹⁸ Standards Australia, *AS 10002:2022* (n 2) p 40.

External organisations

Parliamentary or industry ombudsman. Examples include:

- [NSW Ombudsman](#) manages complaints about most NSW government agencies, local councils and community service providers.
- [Energy and Water Ombudsman NSW \(EWON\)](#) is the government-approved dispute resolution scheme for NSW electricity and gas customers, and some water customers.

Professional oversight bodies or professional registration bodies responsible for maintaining standards within professions. Examples are:

- [Health Care Complaints Commission \(HCCC\)](#) acts to protect public health and safety by resolving, investigating and prosecuting complaints about health care.
- [Office of the NSW Legal Services Commissioner](#) receives all complaints about lawyers in New South Wales.
- [Psychology Council of NSW](#) manages complaints about the clinical care and treatment, professional behaviour or health of registered psychologists and students in NSW.

Anti-corruption commissions. Examples are:

- [NSW Independent Commission against Corruption \(ICAC\)](#) is an independent organisation to protect the public interest, prevent breaches of public trust and guide the conduct of public officials in the NSW public sector.
- [Law Enforcement Conduct Commission \(LECC\)](#) encourages members of the public and public officials to report suspected serious misconduct or serious maladministration involving the NSW Police Force or NSW Crime Commission.

Independent industry regulatory bodies and government regulatory bodies. Examples are:

- [NSW Fair Trading](#) is responsible for the administration of consumer protection laws in NSW.
- [NSW Safe Work](#) is the workplace health and safety regulator in NSW.
- [NSW Office of the Children's Guardian](#) implements the Reportable Conduct Scheme and Child Safe Scheme and oversees accreditation and child-safe practices in voluntary and statutory out-of-home care, children's employment and other child-related organisations.

Civil and administrative tribunals. Examples are:

- [NSW Civil and Administrative Tribunal \(NCAT\)](#) is a tribunal that hears and decides civil and administrative cases in New South Wales.
- [NSW Office of the Registrar General](#) reviews decisions if a person is not satisfied with a decision of the Registrar General or NSW Land Registry Services (NSW LRS) made in the exercise of a titling and registry function.
- [NSW Land and Environment Court](#) reviews certain local and State government decisions under planning or environmental laws or mining laws.

Alternative dispute resolution service providers. There are many ADR providers. They range from government provided and publicly funded dispute resolution organisations to private professional organisations.

Other trade or industry bodies.

7. Enable a skilled and supported team

A skilled and supported frontline team is essential for managing complaints effectively. It's important to hire and retain experienced and customer-focused complaints staff.¹⁹

How these staff interact with customers who have become complainants shapes their perceptions of your organisation. When they feel that they have been treated respectfully and fairly, they are more likely to:

- trust your organisation
- be satisfied with your services and programs
- have a positive experience with complaint handlers, increasing complainant and staff satisfaction.

Frontline staff need the knowledge, skills, experience and support to respond sensitively to all complainants, and help customers who might need additional support to complain.

This chapter explains:

- what attributes to look for when recruiting frontline staff
- what types of training usually benefit frontline staff
- how your organisation can support its frontline staff, especially in cases of vicarious trauma
- what resources frontline staff need to be effective.

7.1 Recruit and train frontline staff

When recruiting new complaint management staff, look out for the attributes of an effective complaint handler. We've adapted the following 3 lists from AS 10002:2022.²⁰



¹⁹ T Sourdin et al (n 8), p 6.

²⁰ Standards Australia, AS 10002:2022 (n 2), App F.

Figure 6: Attributes of an effective complaint handler



Candidate Qualities

- is empathetic, respectful and courteous
 - this includes their tone of voice and demeanour
- is discreet and will follow your confidentiality policy
- can problem solve and is resourceful
- has strong communication skills, including listening, questioning, reflecting and summarising
- can connect and build rapport with complainants and colleagues
- has good judgement, pragmatism and common sense
- can provide practical support, help and flexible responses when needed
- is culturally aware.



Candidate Knowledge

An ideal candidate knows about:

- commitments and principles underpinning the complaint process
- legislative and regulatory frameworks that govern complaints
- organisational complaint management system, including policies and procedures
- the roles, functions and ethical framework of a complaint professional
- fairness, including procedural fairness
- referral options and escalation pathways, and when to use them
- case management, data collection and reporting
- legal ramifications and other risk factors of the complaints process.



Candidate Awareness

A candidate should know and identify:

- communication styles and negotiation techniques, particularly for complaints
- language and cultural differences that may affect the complaint process
- factors which may increase a person's need for additional support or exacerbate their distress
- help and alternative options to provide to complainants who are in distress, need additional support or have diverse needs
- trauma and mental distress, and their effect on behaviour
- power imbalance and its effect on negotiations
- strategies to practise their own self-care.

Once your organisation has recruited complaint management staff, managers are responsible for their induction and ongoing complaint management training. Best practice is to provide all new complaint management staff with training during their onboarding, then provide regular refresher training while they work for your organisation.

A mix of internal and external training may suit your staff. Larger organisations may prefer to deliver their own internal training to address specific skill and knowledge gaps. Peers can also support each other and share what they know and have learned on the job – this can be a valuable training tool too.²¹

To make your complaints process more accessible, consider training frontline staff in:

- mental health first aid
- disability confidence
- cultural competence
- trauma-informed approaches to complaint management
- enabling and managing storytelling by the complainant.

Make sure your organisation records what training your complaint management staff receive.²²



7.2 Support frontline staff

Frontline complaint handlers are susceptible to stress, which can occur in response to a single event or can accumulate over time. Everyone reacts differently to stressful events – some people react immediately after an event, while others react much later. Stress may also cause a staff member to react strongly to a minor event that follows a series of stressful events. If not managed properly, staff or team stress can lead to:

- professional burnout
- decreased productivity
- increased sick leave and absenteeism
- poor team morale
- team dysfunction
- increased work-related stress claims.

Responding to complainants can be difficult, especially when complainants are distressed or angry or behave unreasonably, for example being abusive or threatening. It is normal for staff to feel stressed or anxious in these situations. Managers need to help and support staff to recognise and respond to complainants presenting with heightened emotions and complex or challenging behaviours. See [section 10.1: Complainants with challenging or complex behaviours](#) for more information.

Frontline staff are also at risk of vicarious trauma, also known as secondary trauma or compassion fatigue. When frontline staff listen and respond to customers who have experienced trauma, they might take on those feelings which may be anger, but also sadness or a sense of hopelessness. It's a normal response to being repeatedly exposed to and empathetically engaging with customers experiencing trauma.²³ The more a person is exposed to this trauma or traumatic material, the greater their risk of experiencing their own trauma or stress.

Staff experiencing vicarious trauma may be more likely to develop a mental illness (such as anxiety or depression) and misuse drugs or alcohol.

21 T Sourdin et al (n 8), p 45.

22 Standards Australia, *AS 10002:2022*, (n 2), p 17.

23 Knowmore, *Taking Care of You; For Workers in the Field*, 2013, p 1.

Through constant exposure to other's experiences, frontline staff might experience:

- cognitive changes that affect their belief systems
- intrusive thoughts
- disturbed thoughts
- difficulties setting boundaries
- withdrawal from others
- loss of pleasure in life.²⁴

You have a responsibility to support staff who are experiencing stress due to workplace situations, including vicarious trauma. Acting preventatively can also assist to reduce the chances of frontline staff becoming traumatised.

To foster a culture that supports staff to care for themselves, prioritising wellbeing and self-care is crucial. Self-care strategies vary from person to person, so it's important that managers support their staff to do what works best for them. Managers need to:

- identify what type of support staff members need
- ensure that staff and management know and recognise signs of stress or burnout
- consider structuring workloads to rotate staff through positions with high exposure to stressful situations
- create a work culture that supports staff wellbeing, builds resilience and celebrates achievements
- manage leave planning and honour scheduled breaks
- monitor and manage workload
- implement mechanisms that support staff to speak up about concerns and issues in the workplace.

Managers should also encourage staff to:

- use self-care strategies, and provide guidance to staff on helpful self-care strategies
- access employee assistance programs (EAPs) for regular supervision, debriefing and individualised support
- reflect critically by talking to a colleague, manager, counsellor or support person, or reflect on their own, for example by writing in a journal.²⁵

It is also very important that your organisation supports staff members who have been complained about. Being complained about can significantly affect the health, wellbeing and work practices of staff members. Treat complaints about staff members objectively and fairly to minimise any trauma or harm to the staff member being complained about. See [section 10.6: Complaints about staff members](#) for more information.

7.3 Provide frontline staff with the resources they need

An effective complaint management system needs to be adequately resourced. This includes:

- enough staff to manage the volume and complexity of complaints
- trained staff
- adequate materials and equipment, such as computer software to support your human resources.²⁶

24 Victoria State Government, Department of Families, Fairness and Housing, *Framework for Trauma-informed Practice*, 2022, p 4 <<https://www.dffh.vic.gov.au/publications/framework-trauma-informed-practice>>.

25 Victoria State Government, Department of Families, Fairness and Housing, *Framework for Trauma-informed Practice*, 2022, p 46 <<https://www.dffh.vic.gov.au/publications/framework-trauma-informed-practice>>.

26 Standards Australia, *AS 10002:2022* (n 2), p 13.

8. Commit to continuous improvement

An effective complaint management system provides organisations with valuable insights into trends, particularly when there are a lot of complaints. This chapter explains how to monitor complaints and review complaint data. Regularly reviewing complaint data shows your organisation's commitment to continuous improvement through:

- evaluating the effectiveness of your complaint management system
- identifying any problems, gaps or areas for improvement in your system
- adapting quickly to changes in what complainants want and need
- understanding trends
- measuring the quality of your services.

8.1 Monitor complaints

Recording complaints in a systematic way will help your organisation monitor, analyse and report on them more easily.

You can monitor and report on the number or proportion of:

- complaints received
- complaints addressed at the point at which they are made
- complaints acknowledged after an agreed time
- complaints finalised after a set time
- complaints referred to external dispute resolution agencies
- repeat complaints or recurrent issues that have been complained about
- improvements in procedures due to complaints.²⁷

You can also monitor complaints by surveying or auditing complainant satisfaction.

Managers need to regularly report to senior management about complaint trends and systemic issues. They should also report about how well the system is working and how to improve it.²⁸

When senior management considers complaint trends and issues, this fosters an organisational culture that values complaints as a source of feedback on the organisation's performance.

The complaint system should be subject to organisational cyber security controls and action protocols for managing risks and breaches, and privacy and confidentiality policies and procedures.²⁹

²⁷ Standards Australia, *AS 10002:2022*, (n 2) p 54.

²⁸ Standards Australia, *AS 10002:2022*, (n 2) p 9.

²⁹ NSW Department of Customer Service, *Towards a Customer-centric Government*, May 2021, p 14 <<https://www.nsw.gov.au/sites/default/files/2021-08/towards-a-customer-centric-government.pdf>>.



Case study: monitor, analyse and report on complaint data

An organisation receives multiple complaints from separate customers because the organisation denied their applications for a funding grant. In all these complaints, the applicants were not aware that they had to provide specific documents.

The organisation investigates the complaints and identifies that it needs to improve the information on its website about how to apply for a grant.

Make sure that you monitor the impact of any changes made as a result of information and insights gained from the complaints process.

To help reduce complaints, proactively and clearly communicate with the public about your new programs and policies, and reasons for decisions. If you change a policy, procedure or process because of a complaint or feedback, let staff and complainants know. This helps to overcome the perception that ‘nothing ever seems to change.’

8.2 Audit complaint data

You can audit complaint data to improve the complaint management process.

An audit can help you assess whether:

- complaint management procedures follow organisational policy and objectives
- staff follow the complaint management procedures
- the current process achieves your objectives.

Audits also highlight the strengths and weaknesses of your process and show you any areas for improvement.

Interpret complaint data carefully. Quantitative data, such as response times, may tell you how well a system is working, but this doesn’t provide the complete picture. For example, it may not tell you how satisfied complainants are. Similarly, you might notice an increase in complaints after you introduce a new complaint management process. This may indicate that the process is effective rather than an increase in dissatisfied complainants.³⁰

You should also audit your complaint management system. You can do this as part of a quality management system audit.³¹ To do this, you’ll need to evaluate your processes against a set of criteria and objectives.³² In this case, you might audit your policies, procedures and standards for complaint management.³³

³⁰ Standards Australia, *AS 10002:2022*, (n 2) p 55.

³¹ Standards Australia, *AS 10002:2022*, (n 2) p 56.

³² Standards Australia, *AS 10002:2022*, (n 2) p 56.

³³ Standards Australia, *AS 10002:2022*, (n 2) p 56.

8.3 Analyse the underlying cause of complaints

A system focused analysis of complaints can help to determine the cause of a problem so that you can address and prevent any underlying issues. It looks beyond any human causes to find potential gaps in an organisation's processes and systems.³⁴

It is important to look at what is generating complaints, especially where:

- several customers complain about a similar issue
- a single complaint could point to a major service delivery problem.

A systems analysis of complaints usually involves a team of staff from different levels in your organisation, from frontline staff to senior management. Your organisation's size and available resources may dictate whether a systems review can be completed.

The team reviews complaint and feedback data and other information, such as risk registers, to identify problems with:

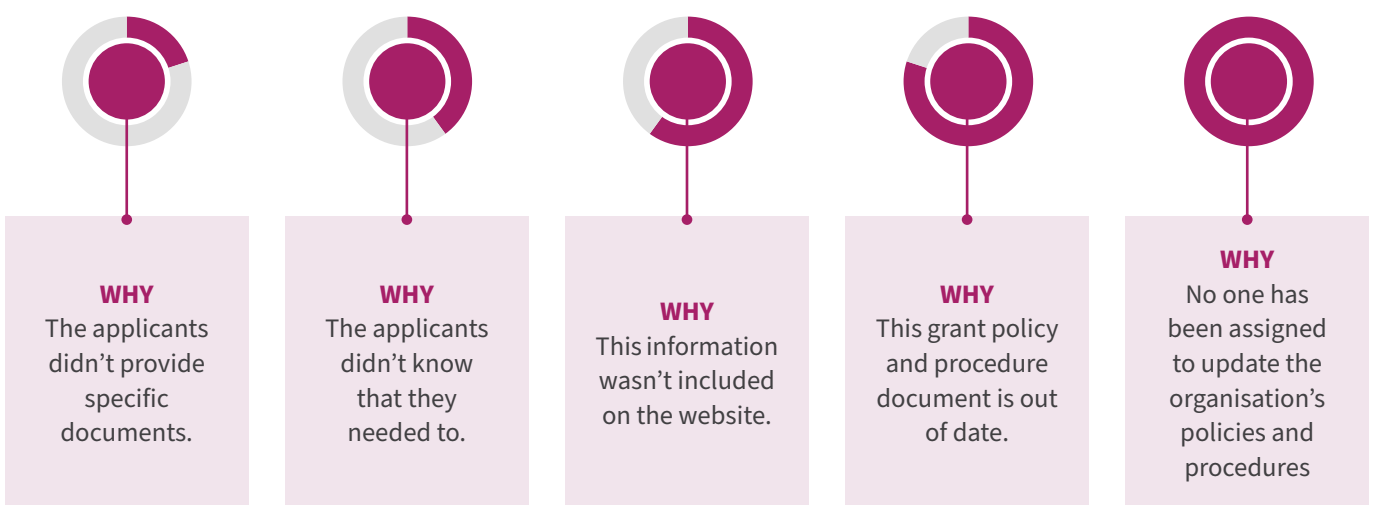
- extra, avoidable organisational costs
- reputational damage
- a regulatory approach
- service quality
- staff skill sets.³⁵

Make sure you report to management about the outcomes from any root cause analysis process.³⁶ After the analysis is complete, it is good practice for your organisation to develop a plan to implement any actions and delegate the responsibility for managing the plan to someone with appropriate authority and knowledge.

One tool that can be helpful in analysing the cause of complaints is the '5 whys.' This involves asking why a problem happened 5 times. The answer to the 5th why should be the root cause of the problem. The following diagram provides an example.

Figure 7: The '5 whys' root cause analysis process

Problem: the organisation has rejected numerous grant applications and applicants complained



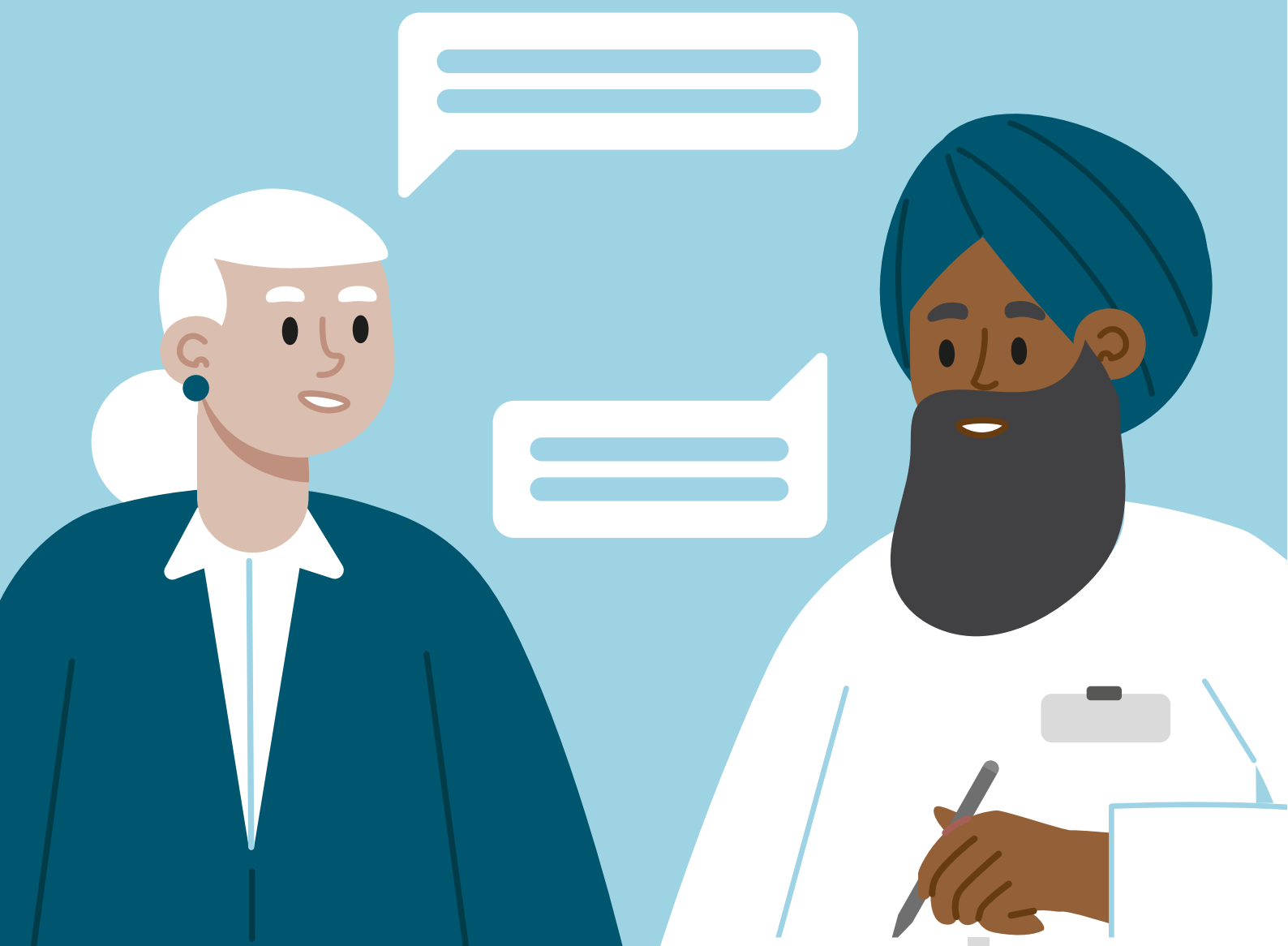
34 Standards Australia, AS 10002:2022, (n 2) p 45.

35 Standards Australia, AS 10002:2022, (n 2) p45

36 Standards Australia, AS 10002:2022, (n 2) p45

Part B:

How do you manage complaints?



Part B explains how to manage complaints. This information is most relevant for:

- frontline staff
- managers who supervise and manage frontline staff.

Part B starts with a step-by-step process for handling complaints. It covers everything from understanding what is and what isn't a complaint to finalising complaints and keeping detailed records.

We've also included advice about how to deal with specific types of complainants and complaints. For example, how to respond to complainants who are in distress, need additional support or have diverse needs, or complaints alleging criminal conduct.



9. Step-by-step process

This chapter explains how to manage complaints in 6 steps.

STEP-BY-STEP PROCESS

01

Understand what is and isn't a complaint

A complaint is made whenever a person expresses dissatisfaction usually about your organisation's services, or how they have been treated by staff - in circumstances where they (implicitly or explicitly) expect or are entitled to expect a response to their concerns.

02

Receive and acknowledge the complaint

Clarify why the complainant is dissatisfied or concerned.

Determine what outcome they want, and whether you can help.

Let the complainant know that you've received their complaint.

Give them the key information they need, such as your initial assessment, timeframes and how and when you will be in contact with them about next steps.

03

Record the complaint

Record the complaint details using a unique identifier. You might need to use the complainant's own words when describing the issues.

04

Assess the complaint

Determine what the complaint is about and clarify its complexity, severity and urgency. Are there any risks or statutory requirements you need to consider? Talk to the complainant to assist your assessment and keep them informed.

05

Decide what to do

Consider whether to finalise the complaint at the first point of contact, gather more information or investigate the complaint.

Tell the complainant about the steps you will take.

06

Finalise the complaint

Advise the complainant about the outcome, actions, reasons and options for redress or appeal. Make sure to record the outcome and any actions taken. Acknowledge when things go wrong and apologise to the complainant. Consider whether redress is appropriate.

9.1 Is it a complaint?

You will need to identify whether the concern raised is a complaint, as defined in your organisation's policy and procedures. See [section 1: Define what is and isn't a complaint](#).

9.2 Receive, clarify and acknowledge the complaint

You might receive complaints through various channels:

- online or via social media
- by phone or email
- in person.

How to clarify a complaint

To manage a complaint well, clarify why the complainant is dissatisfied or concerned – it isn't always clear. You should also clarify what they want to happen or believe should have happened. To do this, encourage complainants to:

- send in any documents that support the complaint or can help in assessing the complaint
- state clearly what they think is wrong with a decision, action or inaction and what should have happened
- describe what they have already done to address the issue
- decide what outcome they want to achieve by formally complaining
- understand what the complaints process involves, and how long it is expected to take.

Remember to check that you are the right organisation for this complaint. Ask yourself: 'is the person complaining about my organisation's services, policies or decisions?'

You might need to help the complainant find the right pathway. This might involve:

- referring them to another organisation
- giving them contact details for the complaints department at another organisation
- giving them details of an advocate or support service.

Always use the most appropriate channel to communicate with the complainant. Ask the complainant what their preference is and aim to accommodate that.

Wherever possible, ensure you provide additional support to customers who need it. If the complainant needs communication support, translation services or has a disability that impacts on communication, consider what the best channel will be for communicating with them.³⁷

For more information, see [section 10.2: Complainants with diverse needs](#).

³⁷ Standards Australia, *AS 10002:2022* (n 2), p 13.

How to acknowledge a complaint

When you receive a complaint, let the complainant know that you have received it as soon as you can, or within 3 business days.³⁸ Keep copies of all acknowledgements. If your acknowledgement was verbal, record the details in the complaint file.

When letting the complainant know that you've received their complaint, also include:

- what their complaint unique identification number is (assign this when you receive the complaint)
- how the complaints process works and how long it takes (provide a realistic timeframe)
- how long will be needed to complete tasks related to the complaint
- who to contact for more information (name and contact details)
- what will happen next
- what the complainant needs to do, how and when (for example, send you more information)
- what the expectations and responsibilities are of the case officer, your organisation and the complainant.

Make sure you are clear about what you personally can and can't do: outline the possible outcomes and any limitations to achieving them. Don't make promises you can't keep – unmet expectations are a key cause of frustration and dissatisfaction with service delivery and complaint management.

If you can finalise a complaint promptly, you might be able to acknowledge the complaint and provide an outcome at the same time. Some complainants prefer or benefit from written communication, for example, if the complaint is complex or likely to be internally or externally reviewed.

Automated written responses acknowledging a complaint can ensure high quality and consistent acknowledgements.³⁹ It is important that a complaint handler or manager checks that these automated acknowledgements:

- have the right content
- are delivered in an appropriate way
- meet the needs of the complainant.



Case study: acknowledge the complaint

A person complained using your website's complaint form and indicated that they are deaf.

The person handling the complaint decides to acknowledge the complaint via email. In the acknowledgement email, the staff member asks the complainant to confirm if email is their preferred way to communicate or if text telephone (TTY), video call or sign language (AUSLAN) would be more appropriate.

The person emails back saying that email is their preference. The staff member then uses email to communicate with the complainant until the complaint is closed.

³⁸ Standards Australia, *AS 10002:2022* (n 2), p 4.

³⁹ Commonwealth Ombudsman, *Complaint Handling Guide* (n 4).

9.3 Record the complaint

After receiving, clarifying and acknowledging the complaint, start recording the complaint. This means tracking the complaint's progress from now until you finalise it.⁴⁰

Collecting complaint data effectively is fundamental to organisational accountability and improved service delivery. The 6 principles for effective complaint management set an expectation that NSW Government organisations will record and analyse complaint handling information.

What complaint data is used for

Organisations should keep full records about any complaints they receive. This allows organisations to analyse their complaints data effectively to help:

- streamline tasks
- identify complaint issues or trends and actions in response to them
- identify system issues or trends and actions in response to them
- assess whether complaint handling complies with your organisation's policies and procedures
- monitor complaint management timeframes
- improve communication with the public.

For example, if a complaint is formally investigated, the records you made early in the process could help the investigation.

Key information to record

- ✓ Unique identifier for each complaint
- ✓ Complainant's name, address and contact details
- ✓ Reason for the complaint, including a description of the complaint
- ✓ Information provided by the complainant (both verbal and written)
- ✓ Underlying causes of the complaint
- ✓ Dates you received and finalised the complaint
- ✓ Date and method used to contact the complainant
- ✓ Outcome requested and actual outcome
- ✓ Complainant's support or accessibility needs
- ✓ Actions responding to the complaint
- ✓ Organisations you referred the complainant to
- ✓ Information you gave the complainant
- ✓ Complainant's satisfaction with outcome
- ✓ Other complaints about the same issue or from the same complainant
- ✓ Free text 'comments' field.⁴¹

When recording the complaint description, consider using the complainant's words, including direct quotes, rather than summarising the complaint.

⁴⁰ Standards Australia, *AS 10002:2022* (n 2), p 13.

⁴¹ Standards Australia, *AS 10002:2022* (n 2), p 15.

How to manage personal information

Complaints can include personal information about:

- complainants
- staff who are the subject of a complaint
- third parties.

It is important to maintain the confidentiality of complaints and complainants. Any disclosure or use of personally identifiable information must adhere to NSW Government privacy laws and ethical obligations – only use relevant information to manage a complaint or address a system issue raised in a complaint, and only share personal information with staff on a need-to-know basis.

Make sure that your organisation’s policy and procedure cover how to respond to requests for records made by a complainant or someone acting on their behalf. This might include:

- what time limits apply
- what statutory rights apply
- what type of information you can provide
- who you can give information to
- what format the information can be in
- how and when de-identified complaint data can be shared with the public or other organisations involved with the complaint.⁴²

Your organisation’s policy and procedure should also clearly state the data collection policies that apply when complaint processes involve social media.

For more information about recordkeeping, see [section 9.6: Finalise the complaint and apologise when things go wrong](#).

9.4 Assess the complaint

After the initial steps outlined above, your next task is to assess the complaint. Use the questions below to guide your assessment.

How to assess the complainant’s needs

Some complainants will be upfront and make their needs clear to you. Others will be more likely to come forward if you ask them what you can do to make the complaints process easier.

Start by considering the following questions:

- Is the complainant in distress? Do they need cultural, language or other supports? Is there anything about their current situation which is particularly stressful or difficult? What can you do to ensure the complaint process is accessible and sufficiently flexible to meet this person’s needs or circumstances?
- Has someone complained on behalf of another person? Do you need consent from the impacted person themselves before investigating or asking for more information?
- Has the complainant already complained about this to your organisation, or another organisation, and received an outcome? If so, do not automatically dismiss their concerns but consider why they are making another complaint.

⁴² Standards Australia, *AS 10002:2022* (n 2), p 51.

How to assess the complaint itself

Clarify the complexity of the issue with the following questions:

- Is the complaint simple to address? For example, is it based on a misunderstanding? Can the complaint be resolved with information or advice? Does the complaint cover multiple issues?
- Are other business units, departments or organisations involved? Do they need to be?
- Are there multiple complaints about the same issue? Is it more effective for one person or selected staff members to handle these complaints?

Decide how urgent the issue is with the following questions:

- Does the complaint raise potentially criminal or corruption allegations?
- Does the complaint raise allegations of staff misconduct?
- Do you need to prioritise or act urgently? For example, are there any health, safety or welfare concerns?
- Is the complainant concerned about facing reprisal or detrimental action for making a complaint? How can you address these concerns?
- Is there potential for the complaint to escalate?

Finally, use these questions to consider any broader issues:

- Is the complaint about events that happened a long time ago? Is it possible or practical to do anything about this now?
- Does the complaint potentially cover any systemic issues or administrative errors?
- Does the nature of the complaint – for example, an allegation of corrupt or illegal activity, or staff misconduct – mean you need to refer it to a specific person or team?
- Is the complaint from a staff member? If so, consider whether it is a Public Interest Disclosure (PID) – a PID is a report about a NSW public official’s wrongdoing that meets the requirements of the *Public Interest Disclosures Act 2022*. See [section 10.3: Complaints from staff members](#) for more information.
- Has the complainant copied in other agencies or stakeholders that could address the issue better? For example, members of parliament.
- Is the complainant’s desired outcome achievable? Will you need to manage their expectations? Will you need to refer them elsewhere?
- What adverse impacts on any individual, the public and your organisation are possible? What are these impacts and how serious or urgent are they?

9.5 Decide what to do

After assessing the complaint, decide how to address the issues it raises. You might decide to:

- resolve the complaint early, including referring it or the complainant to your specialist complaint handling team, another organisation or oversight body
- gather more information
- investigate the complaint.

How to resolve the complaint at the first point of contact

Where possible, manage and finalise complaints at the first point of contact. To do this, you'll need to:

- understand the key issues in the complaint
- understand the outcomes the complainant wants
- have enough information to make a sound decision
- be authorised to decide.

Your response to the complainant needs to be prompt, fair and reasonable. For example, you could use early resolution when the complaint involves a misunderstanding. Resolve this by explaining the misunderstanding at the first point of contact.

If a complaint is outside your organisation's responsibilities or jurisdiction, let the complainant know this as soon as possible and refer them to other agencies that might be able to help. Explain to the complainant, or their advocate or support person, that you have assessed their complaint, and another organisation would manage their complaint better. If needed, refer the complainant to a resource that explains the role of your organisation and the services it provides.

Ask the complainant if they agree to their complaint being referred to another agency. If they don't, you can decide that you can't do anything about the complaint and close it. Let the complainant know that you will close their file and not take any further action. You should also send the complainant details of your recommended referral so that they can contact the appropriate organisation.

Remember to consider if a complainant needs additional support and provide it if needed. For more information about complainants who are in distress, need additional support or have diverse needs, see section 10.2: Complainants with diverse needs.

Consider whether you can and need to notify a relevant government agency about the complaint, such as NSW Police.

How to gather more information about the complaint

You need enough information to decide what to do. As a result, you might need more information from:

- the complainant
- the person, department or unit the complaint is about
- internal contacts, including subject matter experts
- colleagues with experience in similar matters
- legal counsel.

This might involve speaking or writing to the complainant or other parties to ask for more information.

Your information management system can help you identify:

- how your organisation managed similar complaints
- whether the complainant has previously contacted your organisation about this or similar issues
- what records are relevant to the complaint, for example, correspondence with the complainant or notes about the relevant decision or process.

If the complainant has already contacted your organisation, check whether their behaviour was challenging, complex or aggressive. You might need to consider this when asking for more information.

We discuss this further in chapter 10: Specific types of complainants.

How to investigate the complaint

If you can't finalise the complaint early or after gathering more information, you might need to investigate it. Investigations are usually best for serious, complex or systemic issues.

Plan the investigation so that it's focused and stays on track. A plan is also useful if you need to hand the investigation over to someone else to complete, or if the complaint is appealed or reviewed.

An investigation plan defines the 'how', 'why' and 'when' of the investigation. How long and complex the plan is depends on what the complaint is about, how serious it is and how many issues it raises.

If the complaint is about staff misconduct, you might need to refer it to a specialist area within your organisation.

When investigating, remember to apply procedural fairness. This means that before you decide, you must give anyone under investigation an opportunity to:

- provide their version of events
- present relevant information.

The following section 'Finalise the complaint and apologise when things go wrong' discusses procedural fairness in more detail.



For more information, see:
Independent Commission Against Corruption,
[Factfinder: A guide to conducting internal investigations.](#)

9.6 Finalise the complaint and apologise when things go wrong

After deciding what to do, you'll need to finalise the complaint. When finalising a complaint, base your decision on fact and sound logic. To see whether the issues in a complaint are substantiated, weigh them against the available information.

Consider whether you can or need to do anything to fix the issues. You might also need to act on issues you find when gathering extra information, which are beyond the scope of the original complaint.

Questions to consider when finalising a complaint

- Has the complaint identified systemic issues?
- Does your organisation need to improve any systems, processes or policies?
- What caused the problem, and what could have prevented it?
- Do you need to repair the relationship with the complainant?
- What can you do to avoid escalating a difficult situation (if anything)?
- What support do staff who have been complained about need?
- Has your organisation supported other staff through the complaint or investigation process?
- Do staff need further training, counselling or supervision?

Once you've made your decision, contact the complainant using the most appropriate channel to let them know about your decision and acknowledge how the complaint affected them. Tell them the:

- outcome
- reasons for your decision
- actions taken to fix the issues in the complaint
- reasons for not acting, or reasons you couldn't achieve the complainant's desired outcome
- trends or systemic issues the complaint highlighted
- other options to resolve the complaint: ask for an internal review or appeal or complain to an external complaint management body.

In some jurisdictions, complainants have the right to an external review of your organisation's decisions. If this is the case, you must tell complainants about their rights.

Also ensure that your organisation implements, monitors and reports on outcomes in line with any reporting requirements.⁴³

Before you close a complaint, make sure you have recorded the key details of any:

- actions taken to address the complaint
- actions you could not take
- outcomes, including any substantiated aspects of the complaint, recommendations and decisions to approve or reject the recommendations
- follow-up actions needed.⁴⁴

How to ensure procedural fairness

Procedural fairness – or natural justice – is an important principle of good complaint handling and decision-making. You must observe the minimum legal requirements for procedural fairness in the complaint management process.

An organisation with a procedurally fair system:

- bases decisions on facts and acts without bias
- gives complainants reasons for decisions
- shows complainants the evidence that supports decisions
- explains reasons for not accepting a complainant's claims or information
- communicates clearly with complainants and preferably in a way that complainants can understand
- gives complainants an opportunity to respond to a decision (if applicable)
- allows complainants to provide supporting information before finalising the complaint (if applicable)
- has a review process available to complainants.⁴⁵

⁴³ Standards Australia, *AS 10002:2022* (n 2), p 15.

⁴⁴ Standards Australia, *AS 10002:2022* (n 2), p 15.

⁴⁵ Adapted from Commonwealth Ombudsman, *Complaint Handling Guide* (n 4), p 39.

How to apologise and offer a remedy when things go wrong

Be open to criticism or complaints about your organisation or yourself. Acknowledge when things go wrong and apologise to the complainant.

When deciding how to apologise, consider the circumstances of the case and the harm to or effect on the complainant. In your apology:

- describe what went wrong
- acknowledge that the action or inaction was incorrect, inappropriate or unreasonable
- acknowledge that the complainant has been affected by their experience
- accept responsibility for the wrong (this is protected from civil liability in NSW)
- include any actions or steps to address the grievance or problem
- commit to improve systems, procedures or practices.

Also, consider offering redress if a complainant experiences loss, damage or injury due to:

- a poor-quality service or program
- an employee's actions or inaction.

To fix this, you can:

- communicate with the complainant and apologise where appropriate
- stop the action that should not have happened or cancel an intended action
- change the outcome of a decision
- change a process, service or product to prevent further issues
- correct records, waive or refund fees and charges
- ensure future compliance with legal or policy obligations
- support the complainant appropriately
- act to prevent unnecessary loss, damage or injury
- compensate the complainant – this may include reimbursement and ex gratia payments.

Make sure you choose the most appropriate action, whether that be apologising, improving systems and practices, or disciplinary action against a staff member. Help the person lodge a further complaint if that's what they want.



For more information, see [NSW Ombudsman, Apologies guide](#)

10. Specific types of complaints

This chapter explains how to handle specific complaints when:

- complainants
 - have challenging or complex behaviours
 - have diverse needs
 - are staff members
 - include multiple parties
 - are anonymous
- a complaint:
 - alleges criminal or corrupt conduct
 - is about a staff member
 - involves multiple organisations
 - involves a third-party contractor.

10.1 Complainants with challenging or complex behaviours

Customers complain when they are unhappy with a decision, the quality or level of a service, or the behaviour of staff. Complainants might react emotionally with frustration, annoyance or anxiety. In some situations, this reaction goes beyond what is acceptable.

An individual's behaviour at any point in time may be impacted by a range of factors. These factors may be permanent (including some disabilities or enduring mental health conditions) or temporary (like illness or stress). Staff should aim to show empathy and sensitivity and understand that whatever the cause of heightened behaviour, the conduct itself is generally managed according to the same principles.

To help staff distinguish between behaviour that is challenging or complex but acceptable, and behaviour that is unacceptable (such as abusive behaviour) you should have a clear policy. This policy should:

- prioritise staff safety
- include clear guidance about staff rights and options in abusive or aggressive situations
- include simple steps for responding when complainants become abusive or aggressive
- state clearly that your organisation will not tolerate abusive, threatening or violent behaviour.

Support your staff by:

- allowing them to debrief
- helping them access counselling
- providing other support where needed
- making sure staff are aware of their own wellbeing and their right to work without abuse or threats.

For more information about supporting frontline staff, see [chapter 7: Enable a skilled and supported team](#).

The following figure summarises what we consider to be normal, difficult and unacceptable behaviour.

Figure 8: Indicators of normal, difficult and unacceptable behaviour by a complainant



The following table highlights what difficult, challenging or complex behaviour might look like.

Table 4: Characteristics of difficult, challenging or complex behaviour by a complainant

Behaviour	Description
Being overly persistent	People who: <ul style="list-style-type: none">• frequently contact your organisation by phoning, emailing, writing letters or visiting in person• refuse to accept an outcome.
Being overly demanding	People who: <ul style="list-style-type: none">• are manipulative or have unrealistic expectations• don't respond to sensitive, reasonable attempts to challenge an unrealistic preferred outcome.
Being uncooperative	People who: <ul style="list-style-type: none">• do not comply with reasonable requests to provide information, documents etc.• do not wish to act on advice or consider other avenues for resolving their complaint• who blame, undermine or personally attack the complaint handler.
Being overly argumentative	People who: <ul style="list-style-type: none">• constantly challenge reasonable advice, decisions or responses• persistently object to advice about policy or procedure that may explain the issue• are dismissive of attempts to resolve the complaint if action does not fully meet their demands.
Engaging in unacceptable behaviour	People who: <ul style="list-style-type: none">• try to control the complaint handling process by making threats or being aggressive. This includes intimidating or bullying a complaint handler into complying with their views or desired outcome.



For more information about recognising and responding to difficult, challenging or complex behaviour, see the NSW Ombudsman's manual for frontline staff: [Managing unreasonable conduct by a complainant.](#)

10.2 Complainants with diverse needs

The average complainant doesn't exist. Every complainant has individual needs and preferences that vary depending on the:

- person and their individual circumstances
- nature of their complaint
- relationship they have with your organisation.

Frontline staff must assess and respond to complaints on a case-by-case basis. Use this approach rather than assuming a person's needs based on their characteristics or membership of a particular group.

Complainant's needs, including a need for additional support, may be linked to:

- personal characteristics (age, LGBTQIA+ status, cultural identity, being Aboriginal)
- health and abilities (physical and mental health, disability)
- access and skills (language, literacy, mobility, rural and remote locations)
- life events (financial stability, shock, traumatic experiences, homelessness, abuse)
- external conditions (economic, organisational behaviour, natural disaster).⁴⁶

A person who doesn't usually need support may need it when their personal circumstances change. For example, when they experience:

- sudden illness
- relationship breakdown
- financial hardship
- death of a family member.⁴⁷

How to respond to people with diverse needs who may need additional support

When complainants feel safe and welcome, they are more likely to share details of their situation. Responding compassionately to complainants helps staff gather information and communicate effectively with complainants.

You don't need comprehensive knowledge about a person's situation to handle their complaint effectively. There is generally no need for detailed information about, for example, a complainant's disability, mental health, medical condition or cultural background.

Instead, frontline staff can ask all complainants if there is anything they need to make the complaint process easy for them. Depending on their response, staff might also inquire about whether they:

- need additional support
- need a support person
- have specific needs when it comes to communicating or the physical environment.

A person might need additional support if their personal circumstances mean that they are:

- less likely to be able to access or use complaint management services
- more likely to experience harm, loss, injury or disadvantage without additional support.⁴⁸

Frontline staff should let complainants know that they will consider and provide for their additional needs where possible. NSW and Commonwealth laws promote accessibility and fairness, and unlawful discrimination against a person based on their disability is an offence. This includes the failure to make 'reasonable adjustments' to accommodate a person with disability.⁴⁹

⁴⁶ Standards Australia, *Consumer Vulnerability: Requirements and Guidelines for the Design and Delivery of Inclusive Service (ISO 22458:2022)*, April 2022

⁴⁷ Standards Australia, *Consumer Vulnerability: Requirements and Guidelines for the Design and Delivery of Inclusive Service (ISO 22458:2022)*, April 2022.

⁴⁸ Commonwealth Ombudsman, *Complaint Handling Guide* (n 4), p 42.

⁴⁹ *Disability Discrimination Act 1992* (Cth) s 6.

Take time to connect with the complainant so that they feel comfortable and confident enough to share information and tell you what they need. People with diverse needs commonly experience discrimination and victimisation. Building rapport with complainants helps:

- develop trust
- encourage an open conversation about the complaint
- ease any concerns or fears the complainant might have.

Building rapport with the complainant might take time, but it can prevent matters from escalating unnecessarily later in the process.⁵⁰

When planning future contact with a complainant:

- be flexible about when you call, where you meet and whether you use letters or emails
- listen to advice from the complainant about the best way to schedule communication
- consider the best time of day to call based on the complainant's commitments, such as:
 - work, childcare or other care responsibilities
 - appointments
 - medication schedule
 - fatigue levels.



For more information, see:

NSW Ombudsman and National Office for Child Safety, [Complaint Handling Guide: Upholding the rights of children and young people](#)

NSW Government, [Taking action to help customers in distress: A best practice guide for NSW Government.](#)

Digital.NSW, [Accessibility and Inclusivity Toolkit](#)

[NSW Disability Inclusion Act 2014](#)

Make your complaints process as accessible as possible

An accessible complaints process is one that is available to as many people as possible. Your organisation needs to ensure its staff are aware of common barriers to complaining, and able to offer solutions or alternatives which accommodate complainants' needs.

It is becoming standard practice for organisations to improve the accessibility of their complaint management processes by:

- setting up a toll-free number
- providing contact information about how to use text telephone (TTY) and the National Relay Service (NRS) for people who have a speech or hearing impairment
- funding and promoting access to interpreting and translation services
- allowing a complainant to bring a support person to interpret for them
- providing information in alternative formats: large print, braille, audio format, sign language (AUSLAN or online video), plain English, illustrations, animations and videos⁵¹
- providing access to your website for people using screen readers, including a resizing option for online text
- locating your premises in places close to public transport and accessible for people with limited mobility where possible
- having flexible opening hours where possible
- allowing complaints to be made through an authorised representative (family, friends, members of parliament, legal representatives and advocates), while still including the complainant as much as possible if they want to be included.

Staff also need to:

- routinely ask complainants what they need
- listen to complainants
- be empowered to respond with flexibility and creativity to individual circumstances.

50 NSW Government, *Taking Action to Help Customers in Distress*, February 2023 <<https://www.nsw.gov.au/sites/default/files/2023-08/Taking-action-to-help-customers-in-distress.pdf>>.

51 Consistent with Standards Australia, *AS 10002:2022* (n 2), pp 22–23.

Sometimes multiple people complain about the same or related things. For example, multiple people may complain about the same incident. If the people complaining are part of the same identifiable group (for example, a cause-based advocacy group), communicate with a single representative of the group. If this isn't possible, make sure that you give consistent information and advice to all complainants. For example, you could meet with the complainants as a group or send standardised correspondence to everyone involved in the complaint.

[Section 3.2: Information and accessibility](#) provides guidance about how to make your complaint management system accessible.

10.3 Complaints from staff members

Your organisation needs a policy and procedure about how to deal with employee complaints and grievances. A grievance is when an employee formally complains about a work-related problem or concern.

Your policy and procedures should ensure that employee complaints are managed:

- appropriately
- fairly
- transparently
- promptly.

For internal complaints, follow the internal processes appropriate to the complaint.

Also ensure that your organisation explains how to recognise and refer complaints from staff members that come through the organisation's external complaint handling channels.

Generally, internal complaints are about relatively minor workplace issues or concerns. It's important to know the difference between these grievances and more serious matters, such as:

- bullying and harassment
- work health and safety
- criminal matters
- misconduct.

Your organisation should address these matters in line with your relevant policies and procedures.

The *Public Interest Disclosures Act 2022* (PID Act) helps public officials report serious wrongdoing in the public sector and protects them when they report. A public interest disclosure (PID) is a report about an NSW public official's wrongdoing that meets the requirements of the PID Act. All NSW public sector agencies must adhere to the requirements.

You can report to:

- a disclosure officer within your agency
- the head of an agency
- your manager
- a disclosure officer within another agency, such as integrity agencies.

The PID Act's definition of 'agency' includes:

- public service agencies
- local government authorities
- public universities
- integrity agencies
- statutory bodies
- local Aboriginal land councils.



For more information about what a 'public official' is, see [Core concepts in the PID Act](#).

For more information about what an 'agency' is, see [Core concepts in the PID Act](#).

For more information about responding to public interest disclosures, visit the [NSW Ombudsman's website](#).

10.4 Anonymous complainants

Some complainants choose to remain anonymous. This may be because they fear that detrimental action will be taken in response to their complaint. Where no contact information is provided, address the content where there is sufficient information for your organisation to act on the complaint. Where a complaint is lodged anonymously (in that it does not identify the complainant) but includes a way for the complainant to be contacted, you should follow the usual steps of acknowledging the complaint and responding as appropriate.⁵²

10.5 Complaints about criminal or corrupt conduct

Suspend a complaint and consider telling NSW Police when:

- a complaint alleges criminal conduct
- the complaint management process shows someone may have committed a crime and there is some information available supporting this.

Involving the police may feel like a big step to take, especially early in the complaint process. You may worry that you're treating a person suspected of committing a crime unfairly by involving the police before you've confirmed all the facts.

It is unlikely that calling the police too early will cause harm. Rather, if you delay telling the police or don't tell them at all, evidence may be contaminated or destroyed. This would slow down a future police investigation.

Unless it is an emergency, you should discuss your decision to contact the police with an appropriate manager or supervisor. Make sure that your policy includes information about what staff should do if they think someone has committed a crime.

Report any issues of corruption to the relevant anti-corruption agency as soon as possible. If the corruption involves or affects a NSW public official or public sector organisation, report it to the NSW Independent Commission Against Corruption (ICAC).

Corrupt conduct can be difficult to recognise. ICAC encourages you to report it whenever you reasonably suspect corrupt conduct. Follow your internal reporting pathways for notifying ICAC or referring matters to the police.

You should be aware of any specific reports or notifications your organisation is required to make. For example, if your organisation works with children you need to comply with the NSW Office of the Children's Guardian (OCG) reportable conduct scheme and the NSW Department of Communities and Justice (DCJ) mandatory reporting requirements.



For more information, see:

NSW Police Force, [Contact Us](#) - [NSW Police Public Site](#)

NSW ICAC, [How and what to report](#).

NSW OCG, [Reportable Conduct Scheme, Office of the Children's Guardian \(nsw.gov.au\)](#)

NSW DCJ, [ChildStory Reporter Community](#)

⁵² Standards Australia, *AS 10002:2022* (n 2), p 3.

10.6 Complaints about staff members

Both complainants and staff complained about have a right to be heard, understood and respected. Treat complaints about staff members objectively and fairly to minimise any trauma or harm to the staff member being complained about.

You need to separate your complaint management procedures from staff misconduct procedures. Respond to the complaint in line with any relevant policies and procedures.

To respond appropriately to the complaint, recognise when a staff member's behaviour:

- is inconsistent with their employee obligations or duties
- breaches your organisation's policies or procedures
- is unacceptable or improper.

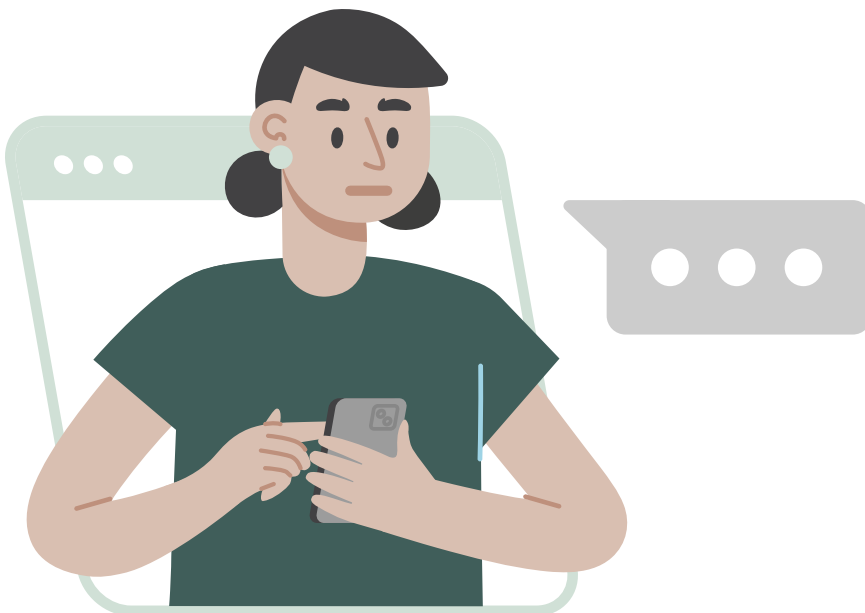
You also need to be aware that being complained about can significantly affect the health, wellbeing and work practices of staff members. When managing a complaint about a staff member, apply:

Fairness – both the complainant and staff member complained about should have the opportunity to say what happened regarding a complaint and whether they agree or not with a complaint decision. Fairness also means that the person making the decision about the complaint should not prejudge the complaint or favour either the complainant or the staff member complained about.

Transparency – the complainant and staff member complained about should both be kept advised about how the complaint will be dealt with, the progress of the complaint and the reasons for the decision relating to the complaint outcome.

Confidentiality – this is essential. Confidentiality includes maintaining the complainant's confidentiality and explaining to them the importance of confidentiality generally. It does not mean secrecy, and you should always tell a staff member when a complaint has been received about them, unless there is a reason not to do so. Ensure legal requirements and other policies are complied with.

Efficiency – a complaint should be progressed without delay. The longer it takes to deal with a complaint the more stressful it can be for all concerned.⁵³



⁵³ University of Glasgow, *Being Complained About – Good Practice Principles Guidelines*, February 2019, p 4.

10.7 Complaints involving multiple organisations

Complaints that involve multiple divisions or organisations can be difficult to manage. The public doesn't always know who is responsible for addressing a complaint.

Organisations should work together to:

- handle complaints efficiently
- inform complainants about who is responsible for their concern
- explain the complaints process to complainants.

Where possible, one organisation should be responsible for ongoing communication with the complainant.

Establish business rules or arrangements with other organisations to:

- make clear who leads certain matters
- involve all relevant organisations
- share relevant information appropriately (often you can only share information with the complainant's express and informed consent)
- plan for conflict resolution between organisations
- discuss and agree processes and timeframes
- make decisions in line with processes and timeframes
- record and implement all agreed decisions.

Where organisations frequently need to work together, consider:

- whether to improve public knowledge about which organisation to contact for specific issues
- whether to include feedback about complaints in regular meetings or correspondence
- how to record information about complaints involving multiple organisations.

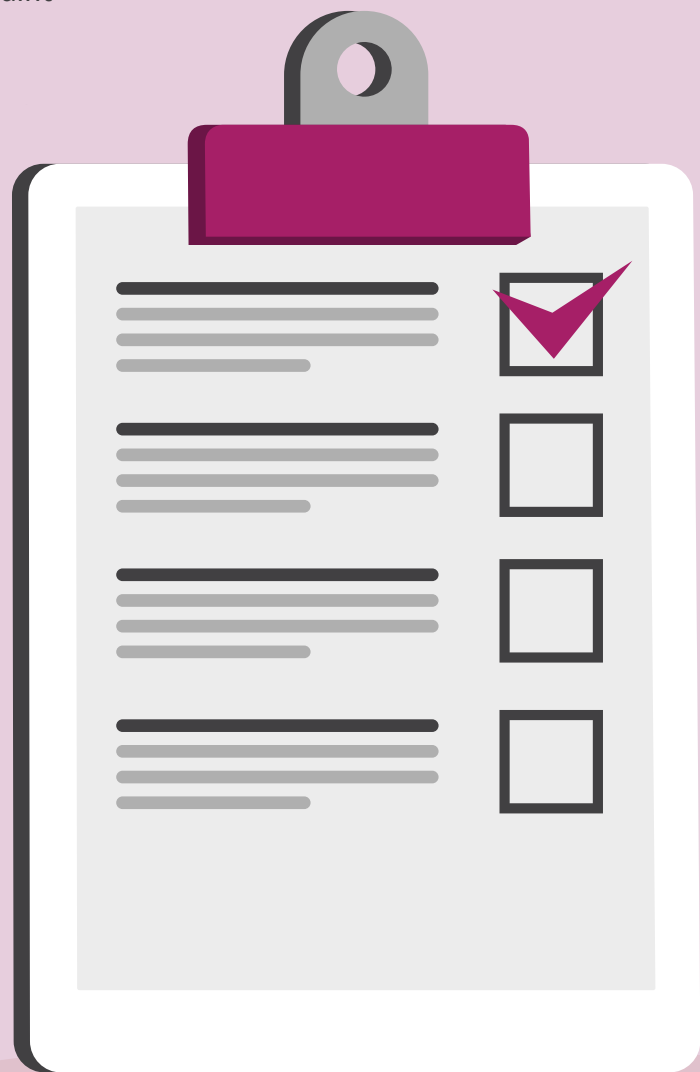
10.8 Complaints about contractors

Many organisations use third party contractors to provide services to the public. All contracts with third parties need to include a way to deal with complaints – it can be one of the following:

- the contractor must satisfactorily apply their own complaints management process
- the complainant can contact the organisation directly and follow their complaints management process.

Resources

This final part of our guidelines includes extra information to help you develop an effective complaint management system. This includes a checklist for developing a complaint management system. We've also defined key terms you may need when reading these guidelines or writing your complaint management policy and procedures. Lastly, we've added a list of useful resources for writing your own complaint management policy and procedures.



Checklist for developing a complaint management system

EFFECTIVE COMPLAINT MANAGEMENT ORGANISATIONAL CHECKLIST

Organisation:

Name/Title of person completing:

Date completed:

PART A: What makes an effective complaint management system?

This section is for senior executives/leadership team and senior managers to consider.

Define what is and isn't a complaint

Your organisation adopts a broad definition of a complaint to recognise the range of concerns that your customers may have.

A complaint is an expression of dissatisfaction made to or about an organisation related to its products, services, staff or management of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. Customers may complain directly to your organisation or to a third party.

All staff know what a complaint is (and isn't), how it will be managed and by whom.

Understand the barriers to making a complaint

Your organisation is aware that there are barriers that make it difficult for some customers to complain.

Your organisation proactively seeks to reduce or remove these barriers by embedding the 6 principles for effective complaint management.

Embed the 6 principles for effective complaint management

Your organisation's complaint management system enables and helps your staff to fulfil the 6 principles.

- | | | |
|--------------------------------|---|------------------------------|
| 1. Respectful Treatment | 2. Information and Accessibility | 3. Good Communication |
| 4. Taking Ownership | 5. Timeliness | 6. Transparency |
-

Your complaint policy and procedures include information about the 6 principles, and guidance for staff to apply them in managing complaints.

Create a positive complaint management culture

Senior leaders champion the complaint management system and demonstrate that complaints are welcomed and valuable.

Senior leaders and managers encourage reflection and innovation to support continuous improvement of your complaint management system and service/s.

Design a clear policy and procedures

Your complaints policy clearly states your commitment to managing complaints effectively.

Your policy is supported by procedures that provide detailed guidance about how your organisation manages complaints and who is involved in the process at all stages.

Your policy and procedures are in line with your organisation's:

- relevant statutory and regulatory requirements
 - financial, operational and other requirements.
-

Your policy and procedures are developed in consultation with complainants, staff and other stakeholders, where possible.

All staff have access to your policy and procedures and know how to implement them.

You regularly review and update your policy and procedures.

Your policy is available and accessible to the public – especially to your customers.

Complainants know about your complaints process, including who they can talk to if they're dissatisfied with how their complaint is managed or the outcome of it.

Introduce a 3-level model for escalating complaints

Your organisation has developed and implemented a 3-level model for escalating complaints and there is clear written guidance about how the model works.

Frontline staff are trained to achieve early resolution where possible, and they know:

- the types of complaints they can deal with directly
 - what options they have to address a complaint
 - what authority they have
 - when they should delegate or escalate a complaint to a colleague or senior employee for help with early resolution.
-

Frontline staff know when to escalate a complaint to level 2 – to their line manager, dedicated complaint management officer or senior management.

Senior staff and specialist officers know the processes for level 2 escalation options, and how to conduct them:

- internal review of the original complaint decision
 - internally facilitated resolution
 - internal investigation.
-

Senior staff and specialist officers know when to escalate a complaint to level 3 – for external complaint management – and which option is the most appropriate:

- externally facilitated alternative dispute resolution
 - external investigation
 - external review or appeal.
-

Your complaint policy and procedures include reasonable timeframes for escalation.

Enable a skilled and supported team

When recruiting complaint handling staff, you look out for candidates who have suitable:

- **attributes** (for example, empathy, negotiation and strong communication)
- **knowledge** (for example, relevant legislative frameworks, procedural fairness and case management)
- **awareness** (for example, identify communication styles, cultural differences and diverse needs).

Complaint handling staff receive induction training during their onboarding and regular refresher training throughout their employment.

Complaint handling staff receive specific training and skill development in:

- mental health first aid
- disability confidence
- cultural competence
- trauma-informed approaches to complaint management
- enabling and managing storytelling by the complainant.

Your organisation records what training your complaint management staff receive.

Managers are trained to be aware of the warning signs and impacts of stress, burnout and vicarious trauma.

Managers can identify the type of self-care strategies and supports that frontline staff need in response to stress, burnout and vicarious trauma, for example:

- rotating staff in positions that have high exposure to stress
- supporting staff to access regular supervision
- individualised support through Employee Assistance Programs.

You have enough staff to manage the volume and complexity of complaints your organisation receives, and these staff are appropriately trained.

You have adequate materials and equipment, such as computer software.

Commit to continuous improvement

Your organisation has systems in place to record and document complaint information to help monitor, analyse and report on complaints.

Your organisation's complaint policy and procedures detail how to use its complaint management system and you train your staff how to use it in practice.

Managers regularly report to senior management about complaint trends, systemic issues, how well the system is working and how to improve it.

Your organisation's complaint management system is subject to organisational cyber security controls and action protocols for managing risks and breaches, and privacy and confidentiality policies and procedures.

You use tools like customer satisfaction surveys, audits and root cause analysis to facilitate continuous improvement.

PART B: How do you manage complaints?

This section is for frontline staff and managers who supervise and manage frontline staff to consider.

Understand what is and isn't a complaint

You know what a complaint is and apply the definition consistently:

- an expression of dissatisfaction, made to or about an organisation, about its products, services, staff or complaint handling, where a response or resolution is explicitly or implicitly expected or legally required.

You can recognise what **isn't** a complaint – for example, is the customer asking for a service or information instead of making a complaint?

You are aware of barriers that exist to people making a complaint. You can provide additional assistance to people with accessibility barriers, wherever possible.

Receive, clarify and acknowledge the complaint

You can receive complaints in various ways, for example, online or via social media, by phone, email or in person.

You clarify **why** a complainant is dissatisfied or concerned by encouraging them to:

- send you a written record of what has happened, where possible
- state clearly what they think is wrong and what should have happened
- describe what they have already done to address the issue
- decide what outcome they want to achieve by formally complaining
- understand what the complaints process involves and how long it will take.

You can help a complainant find the right pathway if your organisation is not the right one to manage the complaint by:

- referring them to another organisation
- giving them contact details for the complaints department at another organisation
- giving them details of an advocate or support service.

You let the complainant know that you have received their complaint either as soon as possible or within 3 business days of receipt. You use the most appropriate channel for communicating with the complainant.

You keep copies of your acknowledgements, and if your acknowledgement is verbal, you record the details in the complaint file.

When letting the complainant know that you've received their complaint, you also include:

- what their complaint identification number is (assign this when you receive the complaint)
- how the complaints process works and how long it takes
- how long your organisation will need to complete tasks related to the complaint
- who to contact for more information
- what will happen next
- what the complainant needs to do, how and when
- what the expectations and responsibilities are of the case officer, your organisation and the complainant.

If you use an automated written acknowledgement, you or your manager checks that the content is right, it is delivered in an appropriate way and meets the needs of the complainant.

Record the complaint

You record key information from complainants to help manage their complaint, track its progress and assist your organisation to be accountable and improve service delivery.

You maintain the confidentiality of complaints and complainants by adhering to NSW Government privacy laws, your organisation's policy and procedures and ethical obligations when disclosing or using any personally identifiable information.

You respond to requests for records made by a complainant in line with your organisation's policy and procedures – for example, can you provide the whole record or does it need to be in another format?

Assess the complaint

You assess a complainant's needs by considering things like whether they need additional supports – for example, do they need an interpreter?

You clarify the complexity of the complaint issues – for example, is it a simple singular issue or are there multiple complex issues?

You decide how urgent the complaint issue/s are – for example, are there any health and safety concerns?

You then consider any broader issues that may be relevant – for example, is the complainant's desired outcome achievable? Will you need to manage their expectations? Will you need to refer them elsewhere?

Decide what to do

You consider if it is possible to **resolve the complaint at first point of contact** by:

- understanding the key issues in the complaint
 - understanding the outcomes the complainant wants
 - having enough information
 - being authorised to decide.
-

If the complaint can be resolved at first point of contact, your response to the complainant is prompt, fair and reasonable.

You consider if a referral to another organisation is required – for example, the complaint falls outside your organisation's responsibilities or jurisdiction.

If a referral is required, you:

- inform the complainant as soon as possible
 - obtain their consent to a referral
 - consider what additional assistance or support the complainant might need.
-

You consider whether the complaint can or needs to be notified to a relevant government agency – for example, NSW Police for any criminal allegations.

You **consider if you need to gather more information** by speaking or writing to the complainant or other parties.

If the complainant has previously contacted your organisation, you check your system to see whether their behaviour was challenging, complex or aggressive.

You **consider if you need to consult internal contacts**, including subject matter experts, colleagues with experience in similar matters or legal counsel.

You **consider if an investigation is appropriate** – this is usually reserved for complaints involving serious, complex or systemic issues.

If an investigation is appropriate, you determine whether it will be conducted internally or by an external investigator.

If the complaint is investigated internally, a written investigation plan is developed that defines the how, why and when of the investigation.

The investigator applies procedural fairness by giving anyone involved in the investigation an opportunity to provide their version of events and present relevant information before a final decision is made.

Finalise the complaint

You consider if the issues raised in the complaint are substantiated by weighing them up against the available information. You base your decision on fact and sound logic.

You consider if there is anything you can or need to do to fix the issues. You also consider if any additional issues you came across when gathering extra information, which are beyond the scope of the original complaint, need addressing.

Once you've decided to finalise a complaint, you contact the complainant using the most appropriate channel and tell them the:

- outcome
 - reasons for your decision
 - actions taken to fix the issues in the complaint
 - reasons for not acting or reasons why you couldn't achieve the complainant's desired outcome
 - trends or systemic issues the complaint highlighted
 - other options to resolve the complaint: ask for an internal review or appeal, or complain to an external complaint management body.
-

Before you close a complaint, you record:

- any actions to address the complaint
 - any actions you could not take
 - any outcomes including substantiated aspects of the complaint, recommendations and responses to recommendations
 - any follow-up actions needed.
-

You are aware of and have observed the minimum legal requirements for procedural fairness in the complaint management process.

You have followed your organisation's policies and procedures for procedural fairness in the complaint management process.

Apologise when things go wrong

You are open to criticism or complaints about your organisation or yourself.

If you decide an apology is appropriate, in your apology you:

- describe what went wrong
 - acknowledge that the action or inaction was incorrect, inappropriate or unreasonable
 - acknowledge that the complainant has been affected by their experience
 - accept responsibility for the wrong (this is protected from civil liability in NSW)
 - include any actions or steps to address the grievance or problem
 - commit to improve systems, procedures or practices.
-

You consider offering redress if a complainant experiences loss, damage or injury due to a poor quality service or program or an employee's actions or inaction.

Specific types of complainants

You have a policy that explains how to respond to complainants with challenging behaviour – including how to distinguish between normal, difficult and unacceptable behaviour.

Staff know how to respond to complaints from people who have diverse needs, and your complaints process is as accessible as possible.

You have a policy that explains how to manage complaints or grievances from staff in an appropriate, procedurally fair, transparent and timely way.

Staff are aware of the *Public Interest Disclosures Act 2022* (PID Act) and the protections it affords to staff reporting serious wrongdoing.

Staff know how to manage complaints from anonymous complainants.

Staff know what action to take when complaints allege criminal or corrupt conduct – for example, do reports need to be made to NSW Police or ICAC.

You have a policy about how to manage complaints about staff members in an appropriate, procedurally fair, transparent and timely way.

Staff know how to manage complaints involving multiple organisations.

Staff know how to manage complaints about contractors.

Key Terms

Term	Description
Accessibility	is how available a service or system is to as many people as possible. This includes how easy it is for people from diverse backgrounds to complain.
Alternative dispute resolution (ADR)	is an umbrella term for the processes an impartial ADR practitioner uses to help people in dispute resolve their issues. These processes include mediation, arbitration and conciliation. ADR doesn't include judicial determinations, such as court or tribunal decisions.
Communication channels	are avenues for complaining, including: <ul style="list-style-type: none">• over the phone or verbally• in writing (email, text message, letter, online complaint forms and electronically)• through an authorised representative (family, friends, members of parliament, legal representatives and advocates)• anonymously.⁵⁴
Complaint	is when someone says they are dissatisfied with an organisation's <ul style="list-style-type: none">• products• services• staff• complaint management. People may complain to the organisation or a third party and explicitly or implicitly expect a response or resolution. The organisation may be legally required to respond or offer a resolution. ⁵⁵
Complainant	is the person or organisation that complains, including customers, clients, consumers and service users/receivers or their advocates.
Complaint management system	is the policies, procedures, practices, staff, hardware and software that an organisation uses to manage its complaints.
Complaint handling	is part of complaint management and applies when frontline staff handle a complaint using the step-by-step process discussed in these guidelines.
Continuous improvement	is the ongoing process of using complaint insights and data to improve program administration, service delivery and complaint management processes. Organisations can draw on complaint data to fix systemic issues and improve the complainant experience.
Customer (of the NSW Government)	is anyone who lives, works, visits or invests in NSW. This includes businesses. Also referred to as service receivers/users, clients, residents, etc. Customers may interact with the NSW Government under different circumstances – because they want or need to. In some cases, customers won't interact directly with the government at all. Instead, they receive the benefits of policies and regulations, such as clean environments and safe neighbourhoods. ⁵⁶

⁵⁴ Standards Australia, *AS 10002:2002* (n 2), pp 20–21.

⁵⁵ Standards Australia, *AS 10002:2002* (n 2), p 2.

⁵⁶ NSW Government, *Towards a Customer-centric Government*, May 2021 <<https://www.nsw.gov.au/sites/default/files/2021-08/towards-a-customer-centric-government.pdf>>.

Term	Description
Customer-centric organisations	<p>are organisations that:</p> <ul style="list-style-type: none"> • are there for people and businesses when they need support • are easy to deal with • work hard in the background to make customers' lives better. <p>When organisations encourage customers to actively engage with their services, they notice an increase in service uptake and fulfilment of obligations and entitlements. When organisations' services meet customer needs, they notice that escalations and crisis situations decrease.</p> <p>When organisations design and refine services using data and customer and behavioural insights, they notice that service effectiveness improves. Customer-centric organisations have more efficient budgets and are more productive. They avoid wasting resources on what doesn't have an impact and see returns on investment through:</p> <ul style="list-style-type: none"> • improved customer compliance • reduced cost of escalations • reuse of service delivery models for providing a connected experience.⁵⁷
Disputes	are unresolved complaints that are escalated internally, externally or both.
Distress	is when someone shows signs of being anxious, frustrated, sad, hopeless or worn out.
Diverse needs	<p>are the needs of people due to disability, age, cultural background, literacy levels, gender and trauma and stress.⁵⁸</p> <p>People with diverse needs may be:</p> <ul style="list-style-type: none"> • less likely to be able to access or use complaint management services • more likely to experience harm, loss, injury or disadvantage without additional support.
Feedback	<p>is opinions, comments and expressions of interest or concern. People may give feedback directly or indirectly, explicitly or implicitly to or about an organisation about its:</p> <ul style="list-style-type: none"> • products • services • staff • complaint management.
Frontline staff	in the context of complaint handling are employees who directly engage with customers to address their issues, concerns or grievances. These staff are critical in maintaining customer satisfaction and loyalty by effectively managing complaints.
Organisation	is an individual NSW department, agency, office or service provider.
Person-centred	involves seeing the person first and providing a service that is relevant and tailored to the person. This approach values the person as an individual and respects their choices, needs and wishes.
Procedural fairness	is the fairness of the process used to reach a decision. This is not about the substantive or perceived fairness of the decision itself.
Public interest disclosure (PID)	is a report about a NSW public official's wrongdoing that meets the requirements of the <i>Public Interest Disclosures Act 2022</i> .

57 NSW Government, *Towards a Customer-centric Government*, May 2021 p 6 <<https://www.nsw.gov.au/sites/default/files/2021-08/towards-a-customer-centric-government.pdf>>.

58 Standards Australia, *AS 10002:2002* (n 2), p 3.

Term	Description
Satisfaction	is whether a complainant feels that an organisation has met their expectations.
Social media	are online social networks used to send information through online social interactions.
Trauma-informed approach	is based on the understanding that: <ul style="list-style-type: none"> • a significant number of people living with mental health conditions have experienced trauma in their lives • trauma may be a factor for people in distress • the impact of trauma may be lifelong • trauma can impact the person, their emotions and relationships with others.
Unreasonable complainant conduct (UCC)	is any behaviour, that because of its nature and frequency, raises substantial health, safety, resource or equity issues for people involved in the complaint process.
Vicarious trauma	is the accruing effect of being exposed to someone else's trauma. It can also be known as secondary traumatic stress.

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