Commonwealth
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Complaint management by government agencies

AN INVESTIGATION INTO THE MANAGEMENT OF COMPLAINTS BY COMMONWEALTH AND ACT GOVERNMENT

October 2014

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EXECUTIVE SUMMARY

This report is about complaint management in Commonwealth and ACT government agencies. In this report we have described and analysed the challenges experienced by government agencies in their day-to-day management of complaints. We have gathered together the main areas of difficulty and, wherever possible, the solutions that agencies have put in place to address those challenges.

We have found that complaint management has improved noticeably since we first conducted a survey of Commonwealth government agencies in 1996, particularly among agencies with high numbers of transactions with members of the public. Compared to twenty years ago, agencies are more aware of the value of complaints to business improvement, and more focussed on resolving issues and meeting customer or client expectations.

However, there are still a number of areas where complaint management could improve. As part of this investigation we surveyed agencies, analysed complaints made to our office, and held a series of roundtables with representative groups. In responding to our survey, agencies identified those areas of complaint management that they found most challenging. As a result of that analysis, we consider the three following areas are the highest priority for improvement.

Vulnerable people

Complaints systems have to be accessible to all sectors of the community. Vulnerable people are more likely to have a problem with government, but are less able to address that issue through a complex complaints system. Complaints systems need to be tailored, responsive and flexible enough to deal with the needs of disadvantaged groups.

Focus on resolution

Complaint processes should begin by looking at the remedy that the client is seeking. Even where that is not the core problem from the agency's perspective, resolution of the dispute will depend on addressing the perceived concern. It is important to find whether the complaint has substance, in order to fix errors and systems; however, it is also important to maintain a relationship of trust with clients and a reputation for accessible problem-solving.

Use complaint information to inform business

Although agencies display a high awareness of the value of complaints in business improvement, only a few agencies use complaint information to its full advantage. Most internal reporting is focussed on the complaints process – particularly quantity and timeliness – and not about the subject matter of those complaints. Agencies would gain a great deal of valuable information about their business by identifying what information would be of use, ensuring that it is collected during the complaint, reporting that information back to senior management, and integrating that information into business improvement.

We have made five recommendations in this report for agencies to consider to improve their complaints management. Our investigation has made clear that there is no single process or system that will suit all government agencies. Each

recommendation will need to be considered in the context of each separate organisation.

During this investigation, many agencies advised us that they had used our *Better Practice Guide to Complaint Handling* as guidance in forming or reviewing their own complaints processes. The Better Practice Guide was originally released in 1997 and updated in 2009. Based on the information gathered during this investigation and our conclusions in this report, we will update our Better Practice Guide and issue a revised version.

INTRODUCTION

The Commonwealth Ombudsman has a statutory role to investigate complaints about the actions of Commonwealth government agencies. When this office was first established in 1976, it was difficult for members of the public to contact government departments, and departments did not always see responding to complaints as part of their business. This has changed considerably in the intervening years, and the community now expects to be able to complain to any government agency and receive a timely, helpful and informed response.

All government agencies should have a process for complaints that is accessible, responsive and fair. Complaints management forms part of dispute management, and should be part of an agency's Dispute Management Plan. A Dispute Management Plan can give a strategic focus to complaint management as part of a broader goal to minimise and prevent disputes.

Our office does not normally investigate complaints unless the agency has had a chance to resolve the matter in the first instance. Part of our role is therefore to monitor the adequacy of agencies' complaint handling, and advise and assist on improving complaint management.

In order to assist agencies to develop and improve their complaints management, our office published a *Better Practice Guide to Complaint Handling* in 1997, following a survey in 1996 of Commonwealth agencies' complaint management processes. The Better Practice Guide, which was updated in 1999 and again in 2009, sets out five elements of effective complaint handling.

We will issue a revised version of the Better Practice Guide shortly. However, in order to ensure the Guide accurately addresses current issues, we undertook an own motion investigation into government complaint handling, under both our Commonwealth and ACT jurisdictions. This report presents our findings from that investigation.

Our aim in this investigation was not to assess agencies' complaint management for shortcomings, but to determine and identify the most important factors that influence the quality of complaint handling. This report draws attention to areas in complaint management that may have an impact on government agencies' ability to regulate, deliver services and develop policy.

The first five chapters of this report focus on separate areas of complaint management - describing the results of our investigation, analysing relevant causes and influences, and setting out our office's view on best practice in that area. The sixth chapter contains five case studies that illustrate particularly challenging areas of complaint management. We considered the case studies are important to show how the theory interacts with the practice, using examples of existing or developing programs.

Survey methodology

Our main method of information collection was a self-assessment survey completed by Commonwealth and ACT government agencies. A copy of the survey is at page 69. The survey asked agencies to respond to questions about complaint handling processes and practices, including assessing aspects of their own complaint

handling. We also asked for relevant documents, such as complaints policies and service charters.

We recognise that self-assessment creates a positive bias. However most responses were nuanced enough to show areas of strength and weakness, and identify areas for improvement. We checked the survey self-assessments against information obtained from analysis of complaints to our office, and our understanding of agencies' complaints systems. For a non-government viewpoint, we held three community roundtables in different cities to obtain the views of representatives of a broad variety of advocacy and community assistance groups.[1]

We sent out 155 survey forms (to 141 Commonwealth agencies and 14 ACT Directorates). We received 109 responses from 93 Commonwealth agencies, as some organisations completed several separate survey forms for separate business areas. Although this makes comparative statistical analysis more difficult, we considered it was important to gather the full picture of complaint management, and therefore allowed multiple responses from a single agency where there were several discrete complaints systems within that agency. Similarly, we received 19 survey responses from the ACT agencies. Another 7 Commonwealth agencies replied to our survey request with advice that they never received any complaints, and were therefore unable to complete the survey form.

Immediately after our survey was sent out in September 2013, many Commonwealth agencies were involved in machinery of government changes to their structures and functions. Generally, the survey responses were completed for the functions that existed after the changes were made. However, in some cases, agencies did not feel able to respond adequately to the survey in relation to their new functions. For example, the Department of Prime Minister and Cabinet replied to the survey for their complaints management as at 1 July 2013. This means that a significant part of government service delivery for programs for Indigenous people is not reflected in the survey responses. Our office will be working closely with the Department to monitor the quality of complaint management in services to Indigenous Australians.

Some agencies changed name or function between the time of the survey and publication of this report. A full list of agencies that responded to our survey is at page 65 of this report, with any changes noted. In the body of the report the agency name is used as it existed at the time of the survey response.

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[1] A full list of organisations participating in the roundtable is at page 68.

PART 1- QUALITY AND QUANTITY

1.1 This chapter gives an overview of complaint handling in Commonwealth government agencies, looking at the quality and quantity of complaints, and factors that have influenced changes over the past years.

Complaint numbers

1.2 We asked agencies whether the numbers of complaints made to the agency had increased or decreased over the last five years. The 110 responses to this question were divided as follows:
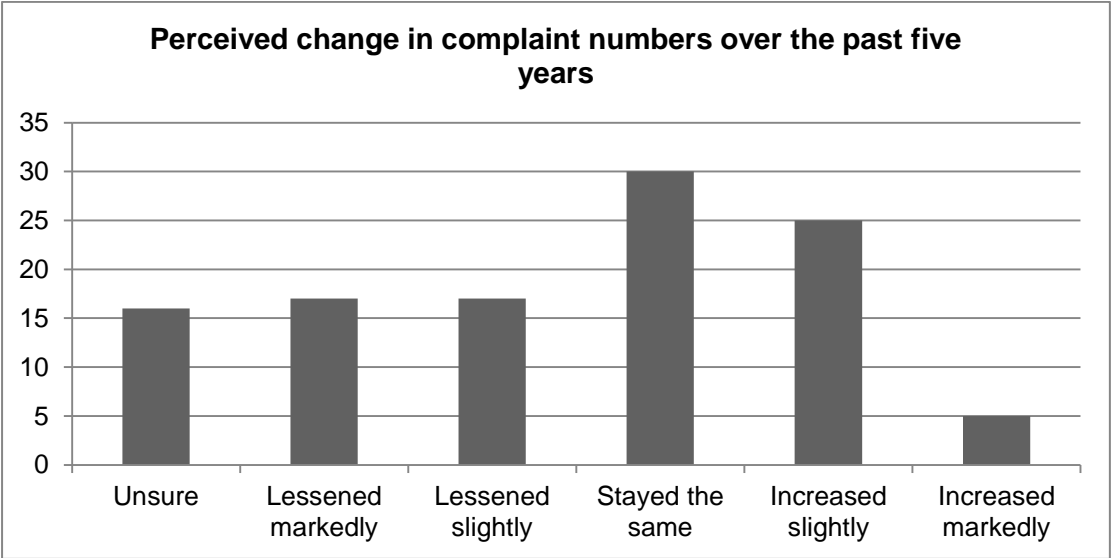
1.3 Leaving out those who were unsure, slightly more agencies (34) thought that their complaint numbers had decreased than thought they had increased (30) and the remaining 30 thought they had stayed the same. Specialist and larger operational organisations were more likely to report a decrease in complaint numbers.

1.4 We asked agencies to what they attributed any decline or increase in their complaint numbers.
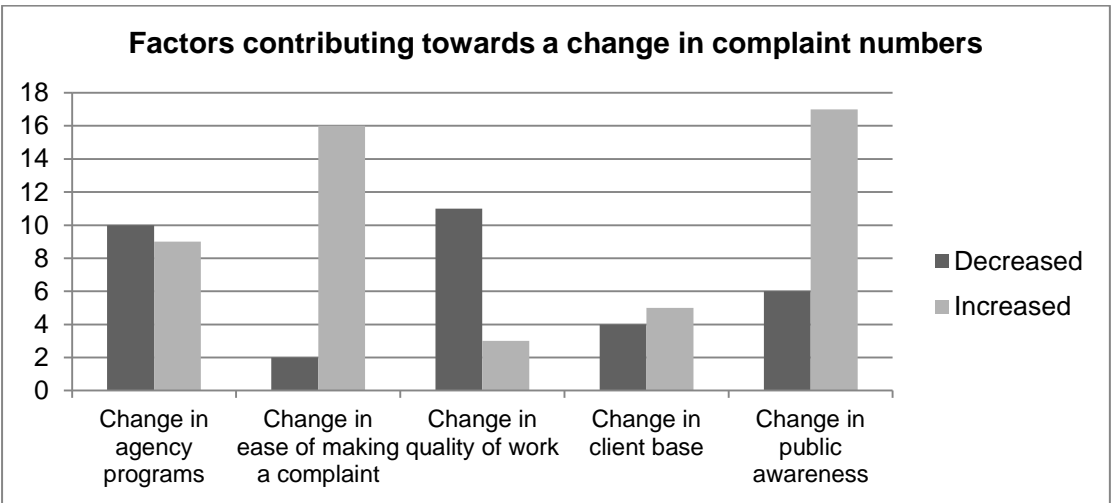
1.5   From this, it appears that agencies mostly attribute an increase in complaint numbers to increased public awareness, and greater ease in making complaints. The converse does not apply, as any decrease in complaint numbers is not attributed to making complaints more difficult, or a lessening in public awareness. Changes in agency programs, functions and clients appear to be effectively change neutral - having an equal effect in both increasing and decreasing complaint numbers, presumably depending on the change and how it is implemented.

1.6   Of the agencies that noted an increase in complaint numbers, many commented that an improvement in the ease and accessibility of their complaint management system contributed to the increase.

1.7   In some situations, the numbers of complaints did not necessarily increase, but centralised recording of all complaints became more widespread. For example, the Department of Veterans' Affairs (DVA) created a specific Feedback Management Team in 2010, increasing training and awareness across all DVA staff of the complaints system. This greatly increased staff recording of complaints, with DVA reporting an eight-fold increase in complaint numbers from 2008-09 to 2009-10.

1.8   Another relevant factor is raising public awareness of either the organisation or the complaints mechanism. The Civil Aviation Safety Authority (CASA) noticed an increase in complaints over the past five years, and partially attributed it to an outreach program raising the profile of the Industry Complaints Commissioner.

1.9 For smaller organisations, a single function can result in a marked difference to their complaint numbers. The National Library reported that reduced car parking was a factor in the changed nature of complaints received in 2012-13. In 2011 responsibility for the early release of superannuation benefits under compassionate grounds moved from the Australian Prudential Regulation Authority (APRA) to the Department of Human Services (DHS). APRA's complaint numbers show a marked decrease since that change.

1.10   Many agencies also attributed a decrease in complaint numbers to an increase in the number of different ways that their customers or stakeholders could resolve problems with the agency. For example, the National Capital Authority (NCA) credited its new "community to community" engagement model with reducing complaint numbers by resolving problems before they can escalate.

1.11   It is clear that many factors influence raw complaint numbers. Numbers of complaints cannot, in themselves, be an accurate indicator of agency performance. Many factors that go towards improved performance - such as increasing focus on complaints and rigour around recording complaints - can increase complaint numbers. Promoting and improving the accessibility of a complaints system will also increase numbers. Equally, a reduction in complaint numbers may be due to a change in responsibilities rather than an improvement in agency performance.

Quality of complaint handling

1.12   We asked the agencies whether they thought the quality of their agency's complaint handling had improved or deteriorated. Unsurprisingly, no agency admitted to having worse complaint management than they did five years ago. By far the biggest group thought the agency had improved markedly in the past five years.

Perceived change to quality of complaint handling

A bar chart titled "Perceived change to quality of complaint handling" with y-axis from 0 to 60 in increments of 10. The categories on the x-axis are: Worsened markedly (0), Worsened slightly (0), Stayed the same (16), Improved slightly (41), Improved markedly (49).

1.13   Even allowing for a bias towards positive self-reporting, this shows that complaint management tends to be included in organisational continuous improvement. Many agencies gave concrete examples of improvements they have made in their own processes to create a more effective complaint management system. This can be on a small scale, for example the Australian Grape and Wine Authority (formerly the Australian Wine and Brandy Corporation) reported that its complaint management system has markedly improved after a complaints-handling procedure was implemented in 2011 along with a consistent mechanism for recording complaints and targets for response times.

1.14   On a much larger scale, the Australian Taxation Office (ATO) implemented a number of improvement initiatives after receiving an unprecedented number of complaints in 2010-11. These initiatives involved a number of parts of the ATO:

> Service Delivery formed an Operations Complaints Network, with the mandate to implement quick wins that would improve overall complaint handling processing times.

> ATO Corporate commenced a Complaints and Compliments Reengineering project, who worked closely with the Complaints Network to make a number of recommendations aimed at improving the overall complaints handling process.

> Boston Consulting Group (BCG) were then engaged as a result of the Complaints and Compliments Re-engineering findings, to:

> - Review the emerging ATO Complaints and Compliments Re-engineering project recommendations for completeness and comprehensiveness compared with contemporary thinking and international leading practices

> - Assess the level of alignment between the emerging recommendations of the Complaints and Compliments Re-engineering project and Service Standards Strategy

> - Provide recommendations to reposition the ATO complaint process into a broader enterprise intelligence feedback framework.

1.15   The level of confidence displayed by agencies in their improved complaint systems was not always supported by empirical data that their systems are considered better by the users of that system (see more under "Measuring Complainant Satisfaction" at paragraph 4.50).

1.16   We asked agencies if they had had any reviews of their complaint system in the last three years. Sixty-three of the 105 agencies that responded to this question had had either internal or external reviews of their complaint system in the last three years. This is a reasonably high level of review, showing a commitment to continuous improvement.

Reasons why complaint handling had improved

1.17   Agencies were asked what elements contributed to improved complaint management. "Improved processes" was the most common element. This is consistent with our office's view that good complaint management has many factors in common with good case management. Clear and sensible processes support every aspect of complaint management, in particular efficiency, fairness and responsiveness.

Reasons for improvement in quality of complaint handling

A bar chart showing the following approximate values:
- Improved processes: 78
- Senior leadership support: 72
- Staff training: 41
- Improved accessibility: 38
- Organisation cultural change: 33
- Increased integration: 29
- Increased resources: 22
- Change in nature of complaints: 21
- Changes in government policy: 12
- Change in nature of business: 10
- Increased external oversight: 10

1.18   The second most common cause for improvement is "senior leadership support". Senior leadership support is vital for any organisational changes, particularly cultural changes such as creating or fostering a culture that values complaints. In our survey we specifically asked who the senior management owner of the complaints process was. Twenty-four responses nominated the Chief Executive Officer or Commissioner, 59 indicated a Senior Executive Service level officer, and a further five stated it was a Manager. Even allowing for discrepancies in position titles, the responses show that complaints processes are commonly the responsibility of senior officers.

1.19   The importance of senior management support extends beyond ownership of the complaint process. For a complaints process to be most effective, senior management must be active in requesting and analysing regular reporting of complaint information, integrating reporting into business improvement and reinforcing a positive complaints culture within an agency. Senior management must also be willing to acknowledge and fix systemic problems that are identified through complaints.

1.20   Agencies were also asked to list any other reasons for complaint management improvement that did not appear on the survey list. The three most common additional reasons were:

- Incorporating complaints into everyone's normal role

- Publicising their complaint process

- Regular detailed reporting to senior management.

Areas of complaint management

1.21   We asked agencies to rate their performance against five separate aspects of complaint management. Generally, agencies rated themselves highly against all categories. On a five-point scale, where five is "excellent performance" agencies rated themselves an average of just above four for fairness, accessibility, and responsiveness; and just below four for efficiency and integration.

1.22   In order to see where agencies thought they were performing less well, the following graph shows where each agency thought they performed better or worse, in comparison to the average of how they rated themselves in the other categories. Many agencies rated themselves the same in each category; however, where there was differentiation, most agencies thought they did less well in efficiency and integration; and better in fairness and accessibility.

Comparative assessment of aspects of complaint handling
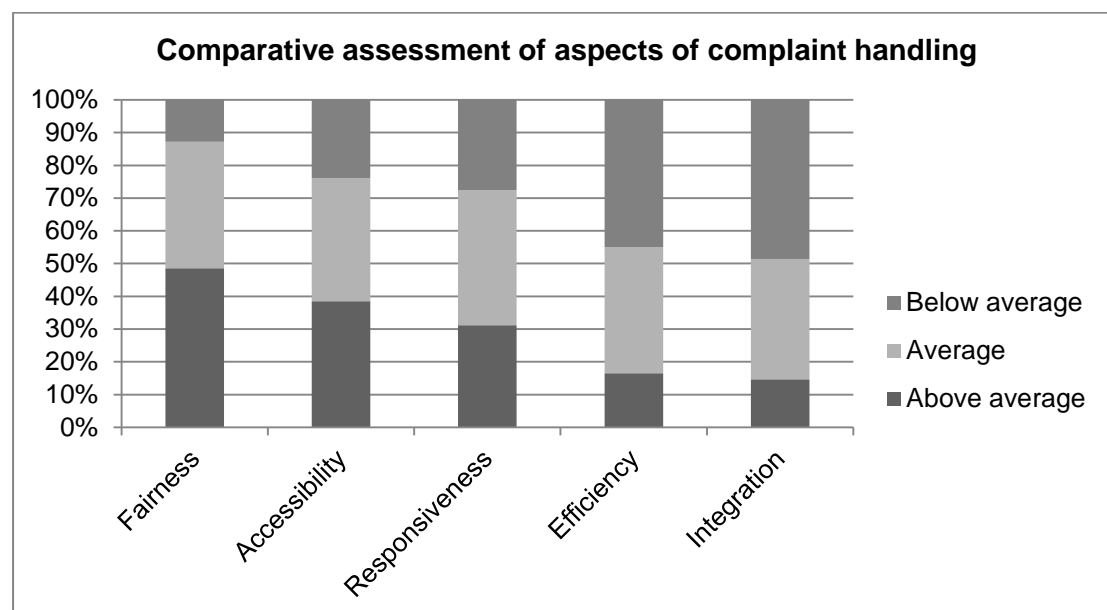
1.23   These aspects will be discussed in more detail in later chapters. However the agencies' assessment of integration being an area that could result in improvement has been a common theme across the survey responses and the stakeholder group roundtables. We have also identified this issue by analysing our own complaint data and through our liaison with agencies.

Culture

1.24   An important influence on best practice complaint management is how well an organisation fosters a culture that values complaints. Complaints are often tied up with other interactions, such as questions about decisions, requests for a benefit or disputes about regulation. Good complaint management requires individual staff

members to identify and support complaints in their general interaction with the public. Staff members should see complaints as valuable and to know that dealing well with complaints is an important part of their job.

1.25   We asked agencies, firstly, if they fostered a culture that values complaints. Ninety-five agencies replied that they did; six replied that they did not, and nine agencies did not think the question was applicable to them. We asked agencies to describe the ways they fostered a culture that values complaints. The most common response was that their organisation treated complaints as a valuable source of information for continuous improvement.

1.26   This view, that complaints are useful to an organisation, is now universally accepted. However, this is a change in attitude within the Australian public sector over the last 20 years. In our first *A Good Practice Guide for Effective Complaint Handling*, published in 1997, the then Government had just announced that public sector agencies would, for the first time, be required to have customer service charters. Our Guide starts with a Chapter on Client Service in the Public Sector, and stated:

> The importance of good client service in the public sector is often overshadowed by the need to cut costs and do more with less.
>
> Unfortunately, good client service is sometimes considered a luxury that the public service cannot afford.

1.27   From the responses we received in the survey, it seems that agencies no longer believe that good client service is a luxury; even though it may not be achieved to a high enough standard enough of the time. Many agencies gave examples of the way in which they used complaint information to improve their business, which is discussed further in Part 5 – Integration.

1.28   Other ways in which agencies fostered a culture that values complaints included regular training for staff, internal communication reinforcing the value of complaints, strong support for senior management and by emphasising complaint processes during the induction of new officers.

1.29   Part of a complaints culture is the ability to hear and adapt to changes in customer or client expectations of services. In our office's experience of investigating complaints, it is often the organisations with the broadest client bases that are the most responsive, and able to adapt and change. Conversely, those organisations that have a narrower role, for example regulators of a small industry sector, are at greater risk of believing that they have achieved a complete knowledge about their subject matter area. This then carries a risk of creating a change-averse culture that does not properly value complaints for the information that they can contain.

1.30   The importance of integrating a complaints culture into program delivery continues even when delivery is undertaken by a third party. The following case study uses the Department of Immigration and Border Protection's (DIBP) management of onshore immigration detention facilities as an example of a complex contractual framework that governs a vulnerable population subject to a high degree of government intervention in their day-to-day lives. Because the government is strongly present in the way detainees live, it is important that there is a way for them to effectively complain about government action.

1.31   However, DIBP does not itself deliver detention services which may be the subject of complaint. This complexity results in a useful case study to illustrate the risks, challenges, and potential solutions in providing an effective complaint system through contractors, and we have used DIBP as an example in several case studies in this report.

Case study – fostering culture in a contractor

DIBP considers that it is important for a contractor to be aware of, and adhere to, the Department's culture and values; in particular, the value that DIBP places on complaints. The DIBP statement on complaints is set out in the Client Feedback Policy, and is a strong statement of commitment to client feedback. Part of ensuring an effective complaints system in this context is aligning the contractor and the agency culture.

In order to emphasise the importance of complaint management, the requirement to have a complaint system is set out in the contract for the provision of detention services. This requirement is monitored under the performance monitoring framework. As well as expressly requiring a complaints system in the contract, DIBP considers that working together in partnership is essential to aligning culture and values, and to successfully deliver the services. DIBP and the contractor have both agreed to a "Partnering Charter"; a non-binding document that sets out the principles that will govern the way in which both parties carry out their obligations of the contract. Although the Charter is not binding, adherence to the spirit of the charter will be measured as part of the contract incentives.

DIBP considers that ensuring that services are provided in accordance with DIBP's values requires close departmental involvement in the management of the immigration detention facilities. While this may seem counter to the purpose of contracting out - where a government agency buys outcomes and removes itself from the process of delivery - in a complex and sensitive environment it may be worth the cost of staff presence to protect the larger investment of the whole contract.

In DIBP's experience, it may also be necessary to assist the contractor with setting up a best practice complaint system in the first instance. DIBP has had many years of operating complex review and complaint systems, and has found it sensible to be proactive and share that expertise in order to ensure that the contractor can then fulfil their obligations under the contract.

What do agencies think they do well?

1.32   We asked agencies what they think they do well in their complaint management, and if there was any aspect of their complaint management that was particularly innovative, or which they considered to be best practice. Our aim was to find examples that might be used more broadly across government.

1.33   The most common areas that agencies believe they do well are, in order of frequency:

- Responsiveness and timeliness
- Integration - using complaints to inform business
- Accessibility
- Good processes, including escalation
- Good recording of complaints

- Early or first point of contact resolution

- Thoroughness and integrity

- Centralised dedicated complaints team

- Fairness

- Well trained staff

- Good reasons for decisions

- Resolution focussed or a dispute resolution model

- Independence and impartiality.

1.34   Many agencies drew our attention to particular areas that they believe they do well, and which are tailored to their particular function. The following examples show common themes.

Prevention of complaints

1.35   The Australian Securities and Investments Commission (ASIC) considers it is important to target the prevention of complaints. ASIC emphasises education in order to help customers to comply with their obligations in the first instance, reducing the need for enforcement and the numbers of potential complaints. Similarly, the Australian Commissioner for Law Enforcement Integrity (ACLEI) aims to prevent complaints by making a particular effort to explain decisions at first instance, including about why an investigation may not be an appropriate response to a person's concern.

Communicating ideas

1.36   Complaint management in government organisations share many common themes and challenges. The Australian Crime Commission (ACC) advises that it regularly participates in multi-agency forums to share ideas. Our office holds a regular Complaint Handlers Forum for ACT government agencies. This forum is an opportunity for complaint handlers to come together and share their difficulties and successes in complaints management. The aim is that ACT agencies can assist each other with ideas to continue to improve and innovate their complaint handling.

Supportive IT systems

1.37   Australia Post has developed an on-line knowledge repository, which is a database with all the information about Australia Post's business that a complaint handler may require. Consistent and readily available information makes complaint resolution quicker and more consistent. The ATO also documents complaint processes and requirements in a central repository, with one system to record, manage and analyse complaints.

Sharing resources

1.38   The Australian National Preventive Health Agency (ANPHA) is a statutory authority in the Health portfolio, focussing on infrastructure in preventive health and providing national capacity for preventive health policy and programs. It is a small agency, with less than 50 employees.

1.39   ANPHA has an arrangement with another government agency where reviews of its complaints are undertaken by that agency's Probity Adviser. Where necessary,

the ANPHA Probity Adviser will conduct reviews of complaints to the other agency. This ensures an independent and external review layer for no additional cost.

Focus on resolution and prevention

1.40   CASA operates a three tier system for complaints. At Level 1, complaints are dealt with by the relevant operational area. More complex complaints, Level 2, are received and resolved by the Industry Complaints Commissioner (ICC). The ICC is a CASA officer, who aims to provide an accessible and effective way of managing complaints that are unable to be resolved by operational areas. Level 3 complaints are those received through third parties, for example the Privacy Commissioner.

1.41   As well as resolving the individual issue, when finalising any complaint the ICC advises that the following three assessments are made:

> Whether there are any systemic issues identified through the complaint? Whether there are any systems, processes or policies that need to be improved? What caused the problem and what could have prevented it?

> Whether the relationship with the complainant needs to be repaired? What, if anything, needs to be put in place to avoid inflaming a difficult situation?

> What support needs to be provided to staff about whom the complaint was made? Have they been supported through the investigation process? Do they need additional training? Counselling? Supervision?

1.42   In our view, these are excellent questions to bear in mind during a complaint finalisation process. At this point it is easy for the focus to be on fixing the problem and moving onto the next one; however the ICC assessment takes a broader view. It is likely that addressing these contextual issues prevents further similar complaints in the future.

1.43   The other notable element of the ICC's work is the lack of emphasis on substantiation. CASA says:

> While a finding of [substantiation] is relevant in some circumstances, in many cases there are a number of elements to the complaint, some of which are substantiated and some of which are not. In many cases, the dispute arises because of communication breakdowns on both sides. Rather, in many cases, resolving the complaint focusses on dealing with the particular issues that have arisen, putting the relationship between the complainant and the Authority back onto a more professional footing and ensuring that the opportunities for similar complaints to arise in the future are reduced.

Warm transfer

1.44   In July 2012 our office and DHS set up a "warm transfer" program. Previously, complainants who approached our office were asked whether they had approached DHS first to solve their problem. If not, our office would often decide not to investigate, and give the contact details to the complainant and ask them to go back to DHS.

1.45   This process risked unnecessary use of investigative resources and, for those we declined to investigate, complainant fatigue and drop-out, particularly if the complainant then had further difficulty in contacting DHS. To prevent this, our two organisations introduced a warm transfer process. Under this process, where we believe it is warranted, and with the consent of the complainant, we then transfer the complainant's details and problem to DHS's complaints service directly. This provides

the customer with a fast response to their issue, as DHS has a service standard of contacting the customer within three working days.

Conclusion

There are a number of innovative ways that agencies are improving their complaint management that do not require significant additional resources. This is particularly in relation to communication between agencies; where two or more organisations share resources and exchange ideas.

What do agencies think could be improved?

1.46   We asked agencies what areas of complaint management in their organisation could be improved. The ten most common responses, in order of frequency, are:

- Timeliness and responsiveness

- Complaint record keeping / complaints database

- Assessing or analysing trends from complaint information

- Consistency and standardisation

- Staff training

- Staff cultural change

- Increasing accessibility of complaint system

- Internal reporting on complaint information

- Managing stakeholder expectations.

1.47   This list broadly reflects the areas that we notice from complaints to our office, in particular the timeliness and adequacy of responses from government organisations. Further discussion on how these areas can be improved is in this report.

Very small numbers of complaints

1.48   Some agencies that we surveyed had very small numbers of complaints, less than ten a year; with some agencies never having had a complaint. Most organisations that we contacted with very small complaint numbers did not fill in a survey form as they did not do any formal complaint management at all.

1.49   However, we believe that even if an organisation has never had a complaint, if it has any contact with the public at all, then there is the possibility for complaints in the future. For example, the Australian Law Reform Commission (ALRC), which conducts solely policy research and analysis, has no record of ever having received a complaint, and advised they would be unable to complete our survey questionnaire. We asked them to briefly outline how they would react if a member of the public approached them with a complaint about, for example, staff rudeness.

1.50   The ALRC advised that they would refer the matter to the Executive Director, who would apologise for rudeness if it occurred, help the staff member to avoid any incidents occurring again, and for more serious matters refer the incident to the existing policy for Managing Suspected Breaches of the APS Code of Conduct. This example shows how complaint handling is largely good administration and common

sense. The ALRC's proposed course of action covers all the best practice bases of receipt, response, investigation, remedy and continuous improvement.

1.51   For some organisations with a regulatory function, the lack of past complaints may not be a reliable indicator of the complaint load into the future. It only takes one major issue, or one change of policy, to lead to a significant increase in the number, sensitivity, or visibility of complaints. For example, following a high profile investigation in 2012, the Australian Sports Anti-Doping Authority (ASADA) had a greatly increased public profile and a subsequent increase in complaints to their office about their own conduct.

Obstacles to improvement

1.52   One of the main aims of this project was to identify reasons why agencies may not be consistently implementing best practice complaint management. In the survey, we asked agencies what they thought were the main obstacles to improving their complaint management in the future. The top ten responses, in order of frequency were:

- Resources or funding
- There are no obstacles to improvement
- IT system or technology
- Staff skills and training
- Time
- Remote or geographically diverse organisation
- Volume or nature of complaints
- Capacity to change the behaviour of staff
- Competing business priorities
- Internal processes.

1.53   It is reassuring that the second most common answer to this question was that agencies believe there are no obstacles to improvement. This fits with the rest of the survey responses, where most agencies appear to be taking responsibility for their own continuous improvement in the area of complaint management.

1.54   However, resources and funding are clearly a concern for government organisations, and this is unlikely to change in the short term. Throughout this report we have tried to show solutions or emphasise areas that can be improved without needing major resources. Complaint management, like all aspects of public sector delivery, requires using available resources most effectively to target the areas that will give the greatest benefit for the investment.

1.55   If additional resources are not available for complaint management, then agencies may attempt to reduce complaint numbers. Some methods, such as improving service delivery in the first instance, should lead to noticeable reductions in complaint numbers over time. Other options for reducing complaint numbers are to pro-actively communicate the implementation of new programs or policies, and to provide comprehensive explanations of decisions.

1.56   However it is not acceptable to limit complaint numbers through reducing awareness of, and accessibility to, the complaint system for customers. This has a disproportionate impact on vulnerable people (see Part 3). It will increase an agency's workload, as these complaints may escalate into full disputes. It also risks a complete breakdown in the relationship between an agency and a client. Where a relationship is ongoing, such a breakdown may require intensive work in the future to repair.

Conclusion

There is opportunity for complaint management to become more focussed and strategic in achieving better results with existing resources. As discussed further in this report, two areas for improvement are targeting services to vulnerable people, and integrating complaint information with business improvement.

PART 2 – ACCESSIBILITY

2.1   A good complaints system must be easily accessible by people who have a problem. It should be easy to find out how to make a complaint, and simple and convenient to then complain.

Information on how to make a complaint

2.2   We asked agencies how they informed the public about their complaint system.   The 106 agencies that responded used the following ways of advertising their complaint system (agencies selected all that applied):

Indirect electronic (on website)	**106**
Direct paper-based (e.g. words included in standard letters or notices)	**61**
Indirect paper-based (brochure, pamphlet, poster)	**51**
Using third party groups (e.g. stakeholder or advisory bodies)	**42**
Direct electronic (e.g. email, SMS)	**33**
Social media (e.g. Twitter, Facebook)	**20**
Traditional media (e.g. TV or radio advertising)	**9**

2.3   Information on a website on how to complain was the most common method of providing information about complaints. Although a useful tool and increasingly the first point of reference for finding any information, internet access is still not universal. For example, although a recent study found that although 82% of Australians aged between 50 and 74 have access to the internet, this figure drops to 60.5% for people aged 70 - 74[2].

2.4   Advice from stakeholder groups also pointed out the problematic nature of the second most common method, relying on standard letters and notices. Many vulnerable people do not engage with written advice from government agencies, often preferring to ignore it. Complaints to our office have also shown problems with the quality of standard or template letters, which are often required by legislation to include specific complex information at the expense of both readability and clarity about the reasons for a decision.

2.5   Ideally, the method used to advise people how to make a complaint would be the channel that they are most receptive to. This will vary depending on the client or customer base of each organisation, and the nature of the program being delivered. Multiple channels should also be available to allow people to find the information easily and quickly.

2.6   There were a number of additional ways that agencies gave out information about their complaints process, including recorded messages on hotlines, information in the annual report and the White Pages. The main method in addition to those in the table above was face-to-face, which clearly still has a place in government interaction with the public. Whether from behind the front counter or from an inspector, guides, security staff or front of house staff - many agencies still consider the first point of human contact to be a valuable source of information for members of the public.

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[2]Zajac IT, Flight IHK, Wilson C, Turnbull D, Cole S, Young G. Internet usage and openness to internet-delivered health information among Australian adults aged over 50 years. AMJ 2012, 5, 5, 262-267. http//dx.doi.org/10.4066/AMJ.2012.1065

Removing barriers to access

2.7   Accessibility is more than making channels available. It is also about removing barriers to access. It takes time and energy to complain, and complainants will conduct an assessment of effort versus probable gain before making an initial contact. We consider that agencies should not be influencing this assessment with deliberate or inadvertent barriers to complaint. Barriers impact most heavily on those who are least able to assert their rights and interests, (as discussed more in Part 3 of this report).

2.8   One significant, if intangible, barrier to complaint is the pre-conception that it won't make a difference; that nothing in government will ever change. Reaffirming the right of a client to complain, and making a public statement of an organisation's commitment to that right, are not merely words. Emphasising openness, listening, trust and transparency can affect someone's decision as to whether or not to attempt to fix their problem.

2.9   Conversely, presenting a complaint system in a way that is distant, formal and unsympathetic can in itself present a significant barrier to access. Requiring a complaint to be in writing, or in a specific format, is a barrier to access. Staff should be alert to problems and issues that might constitute a complaint, even when the word "complaint" is not used.

2.10   Another intangible barrier to complaint is a fear of retribution; that the organisation will punish the person for complaining. To most large government departments, this fear is irrational and unfounded. Not only does the public sector have values of fairness and ethical conduct, the size and number of interactions that government officials have with members of the public make it unlikely that any individual would be singled out for adverse treatment. Regardless of whether the fear is justified, it exists as a result of the genuine power imbalance between government agencies and members of the public, and may form a barrier to complaint.

2.11   We asked agencies if they had procedures in place where complainants expressed a fear or perception of retribution or disadvantage. Of the 110 answers to this question, 48 organisations did have procedures, 39 did not, and 23 did not think the question was applicable to them. This is an area where organisations could improve by putting procedures in place and publicising them to people who have not yet complained.

2.12   Some intangible barriers, for example a cultural reluctance to complain, can be removed by allowing anonymous complaints. Of the 111 survey responses to this question, 87 accepted anonymous complaints to their organisation, 21 did not, and 3 did not think the question was applicable to them. Of the agencies that do accept anonymous complaints, some made a particular mention of the difficulties of resolving anonymous complaints and the challenge of providing a remedy. For example, the Social Security Appeals Tribunal (SSAT) said, in response to the question of whether they accept anonymous complaints:

> In so far as anonymous complaints can be made by way of email or letter, however without knowledge of the case about which the person is complaining it would be difficult for the Tribunal to respond in any meaningful manner.

2.13   There are two main challenges to anonymous complaints; obtaining sufficient information to address the matter that has given rise to the complaint, and then providing a remedy that will have an impact on the complainant. The first challenge

can be insurmountable; if there is not sufficient information to determine the cause of the complaint then there is little an agency can do to fix any problem that may exist. However, the second challenge is not in itself a reason to dismiss the value of anonymous complaints. Even if the remedy cannot be provided to the particular complainant in this case, there may still be real issues that can be addressed and lessons to be learned from the complaint information. Anonymous complaints should therefore always be taken seriously, and should be accepted by an agency wherever possible.

Conclusion

Agencies are aware of tangible barriers to access, such as a lack of literacy or access to phone or internet services. Agencies are less aware of intangible barriers to access, which continue to prevent members of the public making a complaint to government agencies. Despite agencies' efforts in reducing the barriers to access, there is room for improvement in identifying and addressing the reasons why members of the public do not raise grievances and concerns with agencies.

Methods for making a complaint

2.14   The more channels that are available, the more likely it is that a person who wants to make a complaint will be able to do so. The 114 agencies who answered this question had the following available channels for people to make a complaint. This information is just about the different available methods, and not which ones were most commonly used :

Letter	**112**
Email	**110**
Telephone	**101**
In person	**81**
Web-based form	**70**
Social media	**28**
Text message	**23**

2.15   Although most organisations provide multiple methods of making a complaint, an agency may prefer or encourage complainants to use a particular mechanism; for example a website or specific phone line. This may be more efficient for the agency, but it needs to be adequately resourced or supported. A heavily-promoted single method of contact that is not sufficiently responsive will make a complaints system less accessible.

2.16   The figure for social media and text message is low, given the uptake of these technologies across Australian society. At June 2013, there were 31.09 million mobile services in Australia, up 3% from the previous year. For 24% of the total population, texting is their most used communication service, only slightly less than mobile phone voice calls at 29%. The number of mobile apps available has also increased dramatically in the past five years, and it is becoming an accepted and normal way for Australians to conduct their personal business.

2.17   Under the Government 2.0 series of initiatives, agencies are encouraged to use technology to realise a more open, transparent and consultative form of government. This is a complex and rapidly changing area of public administration, with the Department of Finance providing guidance for agencies on use of social media tools such as blogs, wikis, microblogging and social networking sites. The

Australian Public Service Commission (APSC) provides guidance on the behavioural expectations of employees when using social media in both an official and unofficial capacity.

2.18   Centrelink provides a range of mobile phone applications for clients, such as Centrelink Express Plus and Medicare Express Plus[3]. These applications allow clients to update contact details, subscribe to view on-line letters, and view payments and transaction history. Users register with Centrelink and then download a free application from the Apple store or Google Play. At the time of writing, there was no feature within the application to enable complaints to be lodged using the mobile application, other than to use the "Contact Us" link to connect through the website. Smartphone users can provide feedback to the App Store or through Google Play on any issues with the application, which is monitored by DHS.

2.19   A tool within the application to facilitate lodging a complaint would be a useful addition, especially for particular groups: for example, persons without a fixed address, those on low incomes, people who do not have access to a landline, or who do not want to use a shared landline for security or privacy reasons. People who primarily use mobile phones may face high costs if they have to remain on hold with call centres.[4] Using the mobile application may allow them to advise of changes more easily and cheaply, and increase the level of client compliance with reporting requirements.

2.20   Some organisations allow people to make complaints via social media. While this approach would not be appropriate for all agencies, the format has numerous advantages in providing an accessible and familiar method of complaint. For many people a Facebook page is a non-threatening and straightforward way of requesting advice or giving negative feedback, without the perceived formality of an email, and the wait associated with a voice call to any large call centre.

2.21   For example, Australia Post allows complaints to be made directly onto its Facebook page, with Australia Post staff providing a response in the same way. Although Australia Post normally tries to discuss the complaint through the more private mechanism of Facebook direct messaging, some complainants continue to post their personal circumstances in the public arena, with anyone able to read the issues and replies. Similarly, customers often divulge personal information via Twitter comments. These are interesting examples of the diminished value of confidentiality in some circumstances. It also shows the advantage of public discussion around shared problems, with many of the complaint posts attracting a number of comments that give alternative sources of information, practical advice and share similar

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[3] Also available are: Express Plus Families, Express Plus Students, Express Plus JobSeekers, Express Plus Seniors and Express Plus Lite.

[4]On 1 July 2014 ACMA announced that calls to 1800 numbers will be free for mobile phone users. For pre-paid customers, calls to 1800 numbers will remain free if they run out of credit before their service expires. Mobile phone carriers will also offer and advertise '13-Friendly' mobile plans. We understand that relevant mobile operators have committed to implementing the changes under the new framework by 1 January 2015. This is a welcome development, and follows a consultation process in which the then Ombudsman suggested that ACMA considers what modifications could be made to the Numbering Plan to ensure that vulnerable people were able to access essential government services without bearing an unreasonable cost burden. Similar submissions were made by consumer bodies and community organisations.

problems that others have had with Australia Post. It also allows for a friendlier and more casual tone.

2.22   Although new technology can provide increased accessibility, it must be properly deployed and supported. To be most effective, social media requires constant monitoring and may need more resources than other contact methods. New technology may also place additional requirements on front-line staff. If a client base is not familiar with new technology, staff may have to temporarily fill a help desk role as clients have questions about the process, as well as the substance, of their enquiries or complaints.

Case study – Integrating multiple sources of complaint

One of the defining features of dispute resolution for immigration detainees is the number of channels that can be used to raise problems. This goes some way to moderating the difficulties of access that would otherwise exist in the detainee population; for example, difficulties with English, or fear of retribution. However, it does mean that the feedback is not always given to the area that is able to resolve the issue.

In order to resolve immediate and short term issues, DIBP uses the principle of resolution at the lowest possible level. Operational complaints are resolved by Serco, the detention services provider, at the facility level wherever possible. Complaints about departmental action, for example case management, are referred to DIBP's Global Feedback Unit (GFU) for response and resolution. Daily meetings are held in each immigration detention facility to discuss current issues, including any complaints. There is a weekly review meeting, and monthly facility board meetings.

There are also detainee consultative committee meetings, which may raise issues of concern, and community consultative committee meetings for external bodies, such as community or advocacy organisations.

Under the contract, Serco is required to inform detainees of their rights to complain. As well as both contractor and departmental avenues for complaint, detainees can also go directly to multiple external bodies with their concerns. Detainees can and do approach the Australian Human Rights' Commission, the Red Cross, our office, Ministers, the police, state welfare agencies, community groups and advocacy bodies to either make a complaint or ask the body to advocate DIBP on the detainee's behalf. These concerns are then fed back to the department in accordance with the procedures agreed with each body; mostly to the GFU.

A challenge for DIBP is making sure that the feedback, however received, then gets to where it needs to go to fix a problem. DIBP has a number of processes in place to feed complaint information back to the relevant operational area. Complaint information is also able to feed in, with the data specifically collected under the contractual process, to contract performance management.

2.23   There were also a number of "other" ways in which people could complain. Most common was by fax; this is an old technology but still available and agencies usually have processes to receive and register an incoming fax. The other most common method was via third parties - either a single representative of an individual (e.g. a carer or tax agent) or through stakeholder groups.

Websites - a spot check

2.24   The community sector representatives who attended our stakeholder meetings expressed a view that too many agencies rely solely on their website to communicate to their clients that they have a right to complain, and the process for

doing so. While websites are a useful tool for providing information about the complaints process, and for providing service standards, they have limitations. For example, where a problem is immediate (for example at airports, or dealing with police) a hard copy brochure containing either a service charter or information about complaint rights might be the best way to clarify the roles of each party.

2.25 As discussed elsewhere in this report, not all clients will have access to the internet, and of those who do, literacy or disability constraints may mean that this format is effectively useless to them unless they have appropriate support. For those clients who are able to use the internet, it is important to consider how easy it is to access documents which outline the complaints process.

2.26 Because so much emphasis was placed by agencies on the information in the websites, we undertook a spot check as part of this investigation. We looked at 110 Commonwealth websites to assess the ease of finding information about complaints, and then the ease of contacting the agency. We rated each agency as high, medium or low in relation to these two criteria.

2.27 For ease of finding information about complaints, we applied the following ratings:

- High: complaint information was three clicks or less from the home page, following a clearly labelled trail

- Medium: complaint information was more than three clicks from the home page, or could only be found through the search function

- Low: information on how to make a complaint was not on the website, or could not be found through the search function.

2.28 For ease of contacting the agency, we applied the following ratings:

- High: several contact methods were given, including a direct single click link to an email or web form

- Medium: two or more contact methods were given, but without a direct link

- Low: only one or two options were available for contacting the agency.

2.29 Applying these ratings, the 110 agency websites were rated as follows:

	High	Medium	Low
Finding information	47	25	38
Contact methods	81	13	17

2.30 This assessment shows that a significant minority of agency websites do not present information on how to make a complaint in a sufficiently clear and obvious way.

Conclusion

Websites are the primary way that agencies advise their stakeholders of their right to complain, and give information on the complaints process. Agency websites are not always clear and accessible enough to fulfil an agency's responsibility to potential complainants.

Assistance with language

2.31   We asked agencies whether they had any special measures in place to ensure vulnerable groups are aware of, and have access to, a complaints service. The single most common response was the provision of interpreting and translating services. While this is essential when working with clients who do not have sufficient English, it is important that agencies actively monitor and assess the quality of the interpreting services they use. It is also important that agencies consider literacy issues, and ensure that complainants still have access to a telephone or face-to-face avenue of lodging a complaint.

2.32   After receiving a number of complaints on this issue, in 2009 we conducted an investigation and subsequent report on the Use of Interpreters[5]. Our report raised a number of issues in relation to clients from culturally and linguistically diverse cultures. The report emphasised that information gathered for the purpose of administrative decision making should be acquired through accredited interpreters rather than bilingual staff, or bilingual family members or friends of the customer.

2.33   When interpreters are used, common complaints to the Ombudsman's office include problems resulting from using an interpreter of the wrong language or dialect, problems with a family member being used as an interpreter, lack of awareness about the need for an interpreter, and lack of awareness and training about how to work effectively with an interpreter. To mitigate these risks, the report noted the importance of ensuring that clear and comprehensive policies are in place to guide staff about the use of interpreters, and that staff are trained in the use of interpreters.

2.34   Use of accredited interpreters by adequately trained staff is as important in the complaints context as it is with initial administrative decision making. The stakeholder roundtables raised concerns about the use of interpreters, particularly in new immigrant populations. Community groups find that the need for interpreters in new immigrant groups can outstrip demand, and government organisations have had to use unaccredited interpreters to fill the gap.

2.35   It is important that Indigenous clients who need language assistance, particularly in remote and regional Australia, are provided with an interpreter in their language. It can be a challenge for agencies to find an accredited interpreter in the language required, and further work may be needed to be completed to develop sound practices for the use of Indigenous interpreters. This is further discussed in our 2011 report *Talking in Language: Indigenous language interpreters and government communication*, which made seven recommendations for improving the supply and use of Indigenous language interpreters.

2.36   Our meeting with community stakeholders also suggested greater consistency in the use and positioning of symbols and signage to identify "other language information available here." For example, it is difficult for someone who cannot read English to find an interpreter symbol that is buried under many layers on a website. In addition, where key information is translated into common languages other than English for websites, brochures or other materials; information about making a complaint should be included.

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[5] "Use of interpreters", Report 03/2009 by the Commonwealth Ombudsman, following an investigation into the Australian Federal Police, Centrelink, The Department of Education, Employment and Workplace Relations, the Department of Immigration and Citizenship, under the *Ombudsman Act 1976*, March 2009.

2.37   Government agencies use a variety of symbols to indicate material in languages other than English. This is an area where more consistency could be useful to create and use a commonly understood marker to find information in a variety of languages. This may be particularly relevant on websites, where many non-English speakers also have an additional barrier of low digital literacy and lack of familiarity with using web-based information.

Assessing complainant demographic

2.38   To be effective in making people aware of how to complain, and providing the easiest channel for them, a complaints system should be tailored to the complainant population. This is sometimes, but not always, the same as the general client population.

2.39   We asked agencies if they had assessed their complainant demographic, as distinct from their overall client demographic. Most agencies do not. This is not unexpected, given that such assessment would be time consuming, and only useful for agencies with large complaint numbers.

2.40   The ATO has done a complainant assessment, by analysing two years of complaint data to determine whether those who complained were significantly different to their general client base. Generally, they found that the tax-paying entities who made complaints were disproportionately more likely to be companies than individuals; self-initiated rather than through a tax practitioner; and, for individuals, more likely to be male than female. Other matters, such as geographical distribution across Australia, were not significantly different in the complainant and the general population.

2.41   The ATO example illustrates the main point of assessing a complainant demographic, which is not to find out who is complaining but to see who is not complaining. In a large pool over a period of time, you would expect problems that lead to complaints to be spread uniformly among those who live in rural and urban areas, men and women, and equally across age, education and ethnicity. Finding significant differences between the complainant and the client pools is a strong indicator that there are people with problems who are not complaining.

2.42   A concern to government organisations should be the silent but dissatisfied customers; those who are not getting the services they are entitled to, or who are unhappy with the service they receive, but who do not complain. Making these people aware of their right to complaint, and removing their barriers to access, can be a targeted and cost-effective way of resolving potential disputes and improving program efficiency.

2.43   These assessments are easier for offices whose core business is complaints handling, such as our office. We can compare the demographic of complainants who approach our offices to our potential client base of the entire Australian population, and determine any differences. In the past, analysis of postcode information has shown a disproportionately low number of complaints to our office from regional or remote areas. We were able to tailor our outreach program to raise awareness in the underrepresented areas.

> **Conclusion**
>
> Many agencies would gain useful information by comparing the demographic of people who complain against the demographic of people who can potentially complain. This information may identify sectors of the population who are not complaining, either because they are unaware of their right to complain or because they are disproportionately affected by barriers to accessing the complaints system.

Identifying the correct agency

2.44   Where multiple agencies work together, or organisations undertake work on behalf of others, it can be difficult to find where to complain when something goes wrong. We asked agencies whether they worked in conjunction with other bodies, such as state government agencies or private organisations. Of the 110 responses to this question, 71 agencies did work in conjunction with other bodies, and 39 did not. We then asked if they assisted members of the public to identify their agency amongst the others. We asked this question because if a member of the public has a problem, then not knowing where to go, or which agency to complain about, is a barrier to accessibility.

2.45   We also asked agencies how they assisted members of the public to identify their staff. The most common way was by using uniforms (either full uniforms or special labelled jackets worn while on field work) and formal identification cards carried by staff. Other methods included signage on cars or property.

2.46   The issue of identifying staff in a multi-agency environment was addressed in our 2007 investigation report *Complaint handling in Australian airports*[6]. We undertook this investigation after receiving complaints by members of the public. The circumstances of each complaint varied, but contained a common theme - an inability by the passengers to identify the officers complained about and the agency to which they belonged.

2.47   Although this question was aimed at identifying personnel face-to-face, many organisations gave examples of the work that they do in assisting people to find the responsible agency in other ways. This is particularly important in areas of overlapping or complex jurisdiction. For example, the Fair Work Ombudsman (FWO) has a range of educational materials in hard copy and on the website about the services provided by FWO. More importantly, FWO also includes other agencies, such as the Fair Work Commission and relevant state government bodies responsible for employment matters that do not fall within FWO's jurisdiction or scope of services.

2.48   Where multiple agencies are involved in making a single decision, or in delivering a particular program, it can be difficult for complainants to know where to make a complaint. A good transfer and referral process can overcome this difficulty (see Transfers and referrals at paragraph 4.28), but it is assisted by easy identification of the responsible agency. The goal is for the complaints process to be as seamless as possible for the user.

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[6] Complaint handling in Australian airports Own Motion Investigation, May 2007, Report by the Acting Commonwealth Ombudsman, Dr Vivienne Thom under the Ombudsman Act 1976 Report No. 03|2007

PART 3 - DEALING WITH VULNERABLE GROUPS

Introduction

3.1   Most agencies that we surveyed dealt with vulnerable or marginalised sectors of our society. Agencies must especially consider the needs of vulnerable people in complaint management. Vulnerable or marginalised people are more likely to fall out of the machinery of public administration. Problems with literacy, mobility, geographical remoteness and illness lead to a greater difficulty in accessing public services, or a greater likelihood of falling foul of regulatory authorities. The natural tendency is for public sector organisations, with limited resources, to focus their attention towards solutions for the greatest number, with fewer resources devoted to those who are more intensive and problematic.

3.2   Once out of the machinery, the role of a good complaint system is to act as a safety net, and put people carefully back in the system with no detriment and with a minimum of stress to all parties. However, this process is made more difficult by the very attributes that make it more likely that people will have a complaint in the first place.

3.3   It is therefore critical that a complaint system places a great deal of emphasis on being accessible by vulnerable groups, even where this level of accessibility may not be possible across the broader organisation. When dealing with the extensive variety of the Australian public, there must be some flexibility somewhere in the system to deal with people who fall towards the edges of the bell curve. It can be hard to build that flexibility into systems based on complex legislation. However this can be overcome by allowing for a flexible complaint system. A complaints mechanism can help provide a buffer or a cushion for interactions between government and the public, even when normal interactions can be abrasive or complicated.

3.4   Complaint information can often provide a deeper insight into agency communication with vulnerable groups. Because complaints tell an organisation when expectations are not being met, information from complaints allows an organisation to verify actual expectations. If there is a gap between customer expectations and what organisations can do, then the organisation can target communications to specifically address that gap. In this situation, complaints are a way to see not what information is being given by the agency, but what information is actually being received by the customer.

Case study – complaint system for vulnerable groups - the National Disability Insurance Scheme

The National Disability Insurance Scheme (NDIS) presents a good case study of the need to devise complaints systems appropriate to the stakeholder group.

Under the scheme, a range of contracted and funded service providers will supply supports to participants in accordance with a participant plan. The individualised plan is devised in close consultation with the participant and his/her carers. Proactive engagement with the participant and an iterative approach to developing a participant plan is part of the program design.

Continuity of service provision is significant to the daily wellbeing of participants. The National Disability Insurance Agency (NDIA) designed a framework that facilitates the resolution of issues for vulnerable persons.

Although there is more work to be done, the NDIA took an approach to complaints management aimed at meeting the needs of clients. The NDIA emphasised an organisational culture that values complaints and aims to resolve issues before they escalate into requests for formal review.

Participants in our community stakeholder roundtables indicated that people with a disability are faced with additional barriers to making a complaint, including a reluctance to "rock the boat" in case it upsets service provider relationships or their existing support frameworks. In addition, issues can be complicated by the involvement of carers. This can be particularly difficult when the client is unable to represent themselves, and is reliant on their carer or support person to advocate on their behalf.

A culture which normalises complaints - and welcomes them as an opportunity to do things better - is critical for people who may be concerned about repercussions. The ability for participants to make a complaint in person is particularly important to this group, as other avenues may be difficult or impossible to use.

The NDIA has acknowledged that complaints can provide valuable feedback at the trial stage before the full scheme rollout. Front-line staff are encouraged to be proactive and to follow-up issues until the matter is resolved.

Complainants have a number of avenues available to make a complaint including in person at a local NDIA office, by email, in writing, by telephoning a complaints line, or by using a feedback form on their website. Promotional material explaining the complaints process encourages participants to speak up if there is an issue.

Complaints information is then fed back to national office and reports provided to Senior Management. Complex or sensitive complaints are handled at a senior level in the organisation.

Those seeking review of a decision in relation to a Participant Plan may be eligible for assistance to prepare their request for review under the National Disability Advocacy Program (administered by the Department of Social Services).

3.5 It is commendable that the case study above has included complaints, and the resolution of problems, as part of the design of the program. A challenge will be managing the balance between providing for the vulnerability of participants, with consistency of approach and affordability.

3.6 A further challenge will be mitigating the risks of complaints "falling through the cracks" given the complexity of the scheme arrangements. There is a particular risk of this occurring at the transition stage, when existing state funding/contractual arrangements with service providers will be operating alongside new arrangements with the Commonwealth. This presents risks to the effectiveness of the transitioning arrangements, and additional complexity for complaint handling staff. Staff will need sound training and guidance to identify the appropriate mechanisms to resolve issues.

Identifying vulnerable groups

3.7 We asked organisations what, if any, vulnerable groups they delivered services to. The response was as follows:

People in remote locations	90
Indigenous people	85
People who don't speak English	83

People with disabilities	77
Minors	46
Prisoners / detainees	29

3.8   We also asked if there were any vulnerable client groups, not on that list. The top eight responses were (in descending order of frequency of response):

- Older people

- Business or people based overseas

- People with mental health or substance abuse issues

- People who are ill, injured or highly dependent on medical care

- Carers

- Victims of violence or abuse

- Humanitarian entrants / refugees

- Mature aged workers.

3.9   The survey responses indicated that most agencies had a reasonable idea of the particular characteristics of their client base, and any special needs their client population might have. Many listed very specific groups, such as victims of human trafficking or foreign seafarers in Australia; a good indication that organisations have some awareness of their primary demographic.

Increasing awareness of the complaint system in vulnerable groups

3.10   We asked agencies if they had any special measures to ensure vulnerable or marginalised groups were aware of, and had access to, the complaints service. Of the 93 agencies who answered this question; 56 did have special measures, 42 did not, and 2 did not think the question was applicable to them.

3.11   We asked agencies to describe these special measures. The most common assistance provided was with people who speak a language other than English; with most organisations either providing information in multiple languages, or able to offer access to a translating service when needed. Assistance for speech or hearing impaired via text telephone was also commonly available. The office is also aware of some agencies providing specific programs to assist vulnerable groups such as Indigenous and homeless persons. Unsurprisingly, those organisations whose core business is protecting the interests of disadvantaged groups had comprehensive means of ensuring these groups had access to the complaints process. For example, the Australian Human Rights Commission (AHRC) describes its methods of informing potential complainants as follows:

> The Commission's education outreach program includes provision of information sessions in regional areas and a focus on vulnerable client groups and their advocates. The Commission provides written information translated into 24 languages, utilises telephone interpreter services and provides various options to ensure accessibility for people with disabilities - for example through TTY, NRS and accessible formats. The Commission produces specific information for Aboriginal and Torres Strait Islander peoples and can also assist a person to document their complaint, where required.

3.12   The AHRC's response raises a number of important issues about increasing awareness of a complaint system. First, it is important to know who your clients are, and to focus your resources on strategies that will reach those groups. Secondly, awareness is more than providing information in an accessible format. It also includes strategies to remove barriers in understanding their rights or the complaints process, and intangible barriers such as trust of government. Vulnerable groups, or those with special needs, may need more support to understand and trust that they are able to complain without adverse consequences.

3.13   The AHRC also assists a person to document their complaint if needed. Investing resources at the time of complaint, to ensure that the complaint accurately reflects the problem and captures the desired outcome, saves time during the complaint process and is more likely to give an effective result.

Facilitating access to the complaint system for vulnerable groups

3.14   Australian Government departments and agencies are required by the *Disability Discrimination Act 1992* to ensure that on-line information and services are accessible to people with disabilities. Agencies are also working towards compliance with the Web Content Accessibility Guidelines 2.0, to ensure that on-line information and services meet the needs of a diverse audience in multicultural Australia. [7]

3.15   As discussed above, increasing access to a complaints system involves removing the barriers that exist to complaint. Vulnerable groups, or those with special needs, may need more support to understand and trust that they are able to complain without adverse consequences, and some may need assistance to formulate their complaint. Participants in our community stakeholder discussions identified a number of barriers for their clients including:

- Cultural barriers –reluctance to complain because of a distrust of government.

- Process barriers - bureaucratic, time consuming or difficult complaint processes which lead to a person giving up on pursuing a complaint. One advocate commented that in relation to DHS call centres "it takes a lot of stamina to make a complaint", and persons experiencing crisis may not have the time, patience and persistence required to follow through with the issue.

- Fear of retribution – a fear that existing support may be taken away.

- Confidence barriers – one advocate highlighted that among disabled clients there was a reluctance to complain in case a person would be deemed 'ungrateful' for the service provided. Another group identified that people from Culturally and Linguistically Diverse (CALD) groups may not complain because of a perception, or an experience, of discrimination by agency staff. People of CALD backgrounds may experience being fobbed off when they have language difficulties, or they may perceive that this will occur if they complain. This group may also have experiences of governments outside Australia that result in a lack of confidence in dealing with public officials.

- Language barriers – although agencies use the Translating and Interpreting Service (TIS) to overcome this barrier, it is important to also ensure people are aware that the service is available.

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[7] The Australian Government has endorsed the Web Content Accessibility Guidelines (WCAG) v 2.0, and undertaken to be compliant to Double A standard by December 2014. http://webguide.gov.au/accessibility-usability/accessibility/

- Referral barriers - the "referral roundabout" where, in a complex matter involving numerous issues, a complainant's problem is repeatedly passed to another agency. One advocate described this as common with her non-English speaking clients, who believed that some complaints officers would stop listening when there was a heavy accent or communication difficulty, and try to refer the person on. This led to increasing frustration and distress in her clients, which then exacerbated the communication difficulty, and further undermined the ability to resolve the issue.

3.16   For service delivery agencies delivering critical services - such as social security payments or facilitating child support arrangements - to people who are vulnerable, it is also important to have strategies in place to assist people through a crisis event. For example, a high proportion of clients of Child Support, within DHS, have recently experienced relationship breakdown, and these groups are also at higher risk of experiencing other crises in their lives, such as financial difficulties, being without a fixed address, being without internet or phone or having difficulty accessing documents.

3.17   Child Support has a triage function called the Customer Review Gateway (CRG) which provides support for front-line staff who are unsure of the correct review mechanism for a customer's circumstances, or when a customer presents with multiple issues or difficult behaviour. This service allows these clients, contacting Child Support by phone, to be immediately transferred to the CRG service. The CRG provides detailed advice or clarification of the reasons for a decision for a customer, rectifies administrative errors on the spot rather than requiring formal review, and co-ordinates referrals to other specialist services. There is also a Personalised Services section which manages clients who are in great distress or exhibiting extreme behaviours.

3.18   By providing an early resolution process for a vulnerable group, Child Support can de-escalate a matter, giving a better outcome for customers. By correcting straightforward errors and explaining decisions or actions, it can also benefit the agency by avoiding costly disputes. The Personalised Services facility is also a recognition that a person whose life is in upheaval is less likely to have the energy, time or resources to research and follow through with formal processes for complaints.

3.19   Our stakeholder roundtables were of the view that Child Support's Customer Review Gateway and Personalised Services model had significantly improved the experience of CSA clients. The model had also facilitated the resolution of issues that would otherwise have escalated into significant problems or disputes.

3.20   Agencies sometimes provide services in an integrated way to vulnerable communities. For example, a single interview with a person in a homeless shelter can cover a number of issues such as health, benefits and housing. In these situations, complaints should be included in that integrated approach. Front-line officers should be aware of the complaints process and able to either take complaints or assist the complainant to access the complaints system.

Assisting vulnerable groups through the complaint process

3.21   We asked organisations if they had any strategies to assist vulnerable complainants once they had made a complaint. The most common response was that agencies manage each case individually, and on a case-by-case basis. Complaint-handling staff were therefore able to tailor their response to the individual's needs.

3.22   While this flexibility of response is a vital pre-condition to assisting vulnerable people through the complaint process, it can often be helpful to have specific actions available that staff can use in particular cases. Assistance with language, as discussed above, is one of these tools that is useful and widespread.

3.23   Five organisations stated specifically that they took action to modify the complaint process to meet special needs. This can be quite simple, for example ANPHA advised that they may waive or change timeliness requirements in order to effectively deal with a complaint. For example, removing the requirement for a complainant to respond to the agency within a certain period of time. The Office of the Registrar of Indigenous Corporations (ORIC) advised that they can meet complainants face-to-face if necessary, at a location convenient to the complainant, and outside their offices where required. The ATO advised that:

> The ATO offers the following specific options for vulnerable or marginalised people:
> - Shop front meetings
> - Interpreter services
> - Face-to-face meetings at a location convenient to the taxpayer
> - Appropriate management of sensitive issues such as suicide threats.

3.24   Many organisations also have specific policies that govern their dealings with vulnerable groups in all circumstances, including during the complaint process. For example the Australian Federal Police (AFP) has comprehensive policies on how they interact with young people.

3.25   One method of assistance that could be more widely used is the use of advocates and advocacy groups to assist complainants through the complaint process. Advocates who have experience working with both government and vulnerable people can save time and money by resolving long-standing or potentially intractable problems. Funding advocates to assist people through the complaints process can be cost-effective for government organisations.

3.26   Advocates are also able to act as a filter for government organisations, conducting their own assessment of need and identifying the most vulnerable clients or those where early intensive intervention can prevent disputes in the future. To be most effective, agencies should ensure that advocates have access to key staff to resolve problems at an early stage. Advocates are often able to explain decisions in a way that clients can understand and will accept.

3.27   It can be difficult for government organisations to provide individual, specialised, "gold-standard" service to only a small proportion of the population, particularly when an organisation faces a reduced budget or reduced staff. However, we consider that if properly managed, a modified complaints process for particularly vulnerable people can save time and money by preventing further disputes, and can assist an organisation achieve program outcomes that are aimed at supporting vulnerable groups.

> **Conclusion**
>
> Although there are examples of targeted assistance to vulnerable groups, many agencies do not have specific processes in place to help vulnerable complainants in relation to the complaints process.

Dealing with unreasonable complainant conduct

3.28   Complainants who display difficult and unreasonable conduct are a challenge for all complaint management systems. Nearly two-thirds of agencies that answered this question had procedures in place to deal with unreasonable conduct. Many expressly referred to the *Managing Unreasonable Complainant Conduct Manual* developed by the New South Wales Ombudsman in 2009 and updated in 2012, and the associated training.

3.29   It is important that unreasonable conduct is expressly acknowledged by an organisation and steps taken to manage it, for three main reasons. Firstly, it raises staff awareness and sets their expectations to a proper idea of what is normal and what is unreasonable. Secondly, it gives staff tools to deal with unreasonable conduct, which is a source of stress, frustration and can contribute to an unsafe working environment. Thirdly, it allows the system a mechanism to control or stop conduct that can unreasonably divert a disproportionate amount of resources to a particular issue or person.

3.30   Even in a small organisation, any staff who may potentially deal with complaints should be made aware of the publically available information about unreasonable complainant conduct, such as the New South Wales publication, or our *Better Practice Guide to Managing Unreasonable Complainant Conduct.*

3.31   Officers who have had actual interactions with difficult behaviour - particularly behaviour that is aggressive or upsetting - should be appropriately supported. It is important to acknowledge the emotional dimension of complaint management, and to recognise that individual officers will react differently to different client circumstances. Staff wellbeing can be promoted through creating a supportive work environment and access to external professional advice or counselling.

Service restrictions

3.32   One of the main methods of managing difficult behaviour is by service restrictions. This restricts a person's access to the organisation. Commonly, aggressive and abusive phone calls are dealt with by limiting any future contact with the organisation to writing. A person may be limited to contacting only one person, or a group of people, who have experience and training in dealing with unreasonable behaviour. People may be banned from entering Commonwealth premises if there have been threats of past violence. High volume or offensive emails can be blocked.

3.33   Service restrictions are an essential tool in managing unreasonable behaviour. However there are risks. Any restriction of a customer's access should not go beyond what is necessary to manage their unreasonable conduct, and must still allow the customer to access necessary services.

3.34   In 2010 we investigated the then Child Support Agency's (CSA) use of service restrictions, in particular denying telephone access to customers by designating them 'write only'. We found that in some cases the CSA's 'write only' policy has been an unnecessary obstacle, denying customers an appropriate level of service.

3.35   CSA implemented all of the recommendations in that report, making improvements to its management of these clients.

3.36   From complaints made to our office across all government agencies, we can see that the following aspects of service restrictions remain a challenge for agencies:

- Existence of a consistent policy for determining what service restriction will be applied

- Protocols for dealing with customers who have been banned from telephone contact when they actually do call

- Ensuring that customers are not left with absolutely no means of contact or complaint

- Ensuring that customers are informed of the reasons for service restriction decisions

- Using form or template letters that invite a person to use a service that the agency has previously banned them from using

- Ensuring that restrictions are reviewed on a regular basis, and customers are informed of the outcome of that review.

Conclusion

Service restrictions are a useful tool for agencies to balance the effective delivery of services with the health and safety of employees. However agencies do not always have written formal processes for managing and maintaining service restrictions, and service restriction policies that do exist are not always consistently applied.

PART 4 - PROCESS

4.1   Efficient processes for complaint management greatly influence the effectiveness of resolution. Properly managed complaints will fix specific issues, provide useful information for continuous improvement, and rebuild customer satisfaction and trust. Internal processes are also within an agency's power to improve, even without additional resources. This chapter discusses aspects of complaint management process.

Agency self-assessment

4.2   We asked agencies to rate themselves against seven aspects of complaint management process. Agencies generally rated themselves highly against all categories, as shown in the following table:

	Very poor	Poor	Adequate	Good	Excellent
Timeliness of acknowledgement			19	35	50
Timeliness from receipt to resolution		1	31	54	18
Referrals / transfers to other bodies			18	46	24
Advising complainant of outcomes			19	51	33
Recording the complaint		2	24	44	35
Recording key decisions during the complaint process		1	32	40	28
Analysis of systemic issues		7	37	42	14

4.3   As the table shows, on average agencies rated themselves most highly in relation to timeliness of acknowledgement and recording the complaint. The lowest rating was in relation to analysis of systemic issues, with seven agencies rating themselves as "poor" against this aspect of complaint management.

4.4   This self-assessment fits with our experience of complaints to our office, and the comments made by representatives of community stakeholder groups, about the use of complaint information.

Service standards

4.5   We asked agencies whether they had service standards for timeliness of resolution of complaints, and if so, how often those standards were met. By undertaking to act on a complaint within a certain time and to a certain standard, an agency is making a statement to clients that complaints are treated seriously, and will be handled in a certain way. Publically available service standards also help manage client expectations. Although timeliness is not the only measure of how well complaints are being handled, it is an important one to the public. Many complaints are made to our office about a failure of a government agency to respond to requests within a reasonable time.

4.6   Of the 110 agencies that answered this question, 76 had service standards for timeliness. Understandably, the standards themselves varied across organisations. High-volume organisations with designated complaint handling staff aspire to shorter time frames. Australia Post aims to resolve 90% of matters within 10 days. In the financial year 2012-13 Australia Post resolved 86.826% of matters within that time frame.

4.7   Comcare aims to acknowledge feedback within three working days, and respond within ten working days of acknowledgement. The Australian Customs

Service (ACS) aimed to resolve all complaints within 15 days, with a process for contacting the complainant if an extension to that time frame is required.

4.8   Complexity of the issues or the programs will also influence service standards. At the other end of the scale is the AHRC, which has as part of its core business the investigation and resolution of complex human rights complaints, often involving mediation between the parties. The Investigation and Conciliation Service of the AHRC expects to finalise 80% of complaints within 12 months of receipt. In the 2012-2013 reporting year 70% of complaints were finalised within 6 months of receipt, 87% within 9 months and 95% within 12 months.

4.9   Time frames for response and resolution will vary depending on the nature of the business, and the resources available. Some smaller organisations did not have separate standards for dealing with complaints, but applied the broader internal standards for dealing with all correspondence. As with all performance measures, any timeliness standards should be realistic, achievable, publically available and monitored.

Complaints management policy

4.10   We asked agencies whether they had a policy for managing their complaints. Of the 109 responses to this question, 83 had a complaints management policy of some form. Again, the policies varied widely in complexity and comprehensiveness, from a one-page standard operating procedure to a full database containing both processes for managing complaints and business knowledge.

4.11   Several agencies either did not have a complaints management policy, or contacted our office to advise that they were not completing the survey form, on the basis that they did not receive complaints. Where organisations did not complete the survey form we asked in general terms what would happen to a complaint if one did arrive. As discussed at paragraph 1.50, agencies' normal processes usually covered the basics of complaint management, even if not reflected in a formal policy.

4.12   This existing knowledge should be captured and written into a complaints management policy. Even if an agency does not provide a service directly to the public, it is very rare for a government agency to have no customers, or clients, even if they are only a small part of the general population. If an agency is making decisions or taking actions that affect these stakeholders, then a complaint may arise. It is better to have a complaints management policy in place before a problem occurs.

Conclusion

Most, but not at all, agencies have a written complaints management policy that is tailored to their business. Regardless of the current volume of complaints, all agencies should have a written complaints management policy as part of their dispute management framework.

First point of contact resolution

4.13   We asked agencies whether they recorded expressions of dissatisfaction which were resolved at the first point of contact, as complaints. Of the 111 responses to this question, only 37 said that they did record these contacts as complaints. Several organisations qualified their response by saying that it differed across the agency; or that complaints were recorded in some circumstances. For example, the Global Feedback Unit in DIBP records these matters as complaints if they are

received by the GFU in the first instance. However if the matters are received and resolved elsewhere in DIBP then they are not recorded as complaints.

4.14   There are a number of benefits to recording a first point of contact resolution as a complaint. Recording the interaction gives a complete picture of the work of the agency for budgeting and workforce planning purposes. By adding to the data on potential queries or issues, it gathers the maximum possible complaint information for identification of areas for improvement, and allows identification of issues that may be pro-actively resolved by putting more information into the public arena. Recording first point of contact resolution emphasises to front-line staff that it is important, and a part of their job, to solve enquiries wherever possible. It also allows for monitoring of consistency and effectiveness of first point of contact resolution.

4.15   We acknowledge that recording first point of contact resolution may take additional staff time and resources. In assessing whether any additional staff time would be needed, an important first step would be to find out how much first point of contact resolution takes place. It may be that a large part of time spent in certain positions is taken up with work that is not accurately recorded, and may not be reflected in the relevant position statement, or included in the workload of that area.

Complaints handling by line areas vs designated complaints areas

4.16   We asked agencies if complaints were resolved to finalisation by the designated complaint handling area, or by line areas in the organisation. Allowing for differences of detail, the agencies fall into the following broad groups:

Received and finalised by designated central area	19
Received and finalised by designated complaints personnel within line areas	6
Received and finalised by general personnel within line areas	31
Core business is resolving complaints	6
Received by central complaints area and finalised by line area	10

4.17   There is no single right way to manage complaints. There are advantages and disadvantages to each model, and the correct model for each organisation will depend on a range of factors. Generally, having a centralised complaints handling area makes it easier to enforce and monitor consistency of complaint handling, train specialist complaint-handling staff, accurately capture all complaints made to the agency, and produce an aggregated report of complaint information to senior management. A centralised complaint handling area may also be perceived by complainants as more independent, and more likely to deal with a complaint without preconceptions.

4.18   On the other hand, having complaints finalised by the line areas generally promotes early resolution, and prompt integration of complaint information into improvements to business practices. Staff in line areas are also likely to have more detailed technical or specialist knowledge, and may be more able to provide a remedy.

4.19   Every challenge can be fixed by good systems implemented carefully by properly trained staff. It is also possible to set up any type of hybrid model. For example, the AFP operates a type of triage system depending on the subject matter or content of the complaint. Less serious matters are dealt with by the line area,

where complaints raising more serious concerns are referred to the central area for investigation and resolution. This system has been in place since legislative changes to the complaints framework were made in 2006. These changes removed joint handling of complaints by the AFP and the Ombudsman, and allowed for minor matters to be allocated to local area management to resolve. Prior to these changes, all matters were dealt with by the central area with the same degree of formality. This resulted in delays for some minor matters which could have been dealt with quickly by the line officers.

4.20   Organisations with discrete programs may also find that the benefits of centralisation are more than offset by the difficulty in a centralised officer being sufficiently knowledgeable about all the organisational business. For example, each program in the Bureau of Meteorology has its own system for handling and responding to complaints. The Bureau advises that "the diversity of products and services the Bureau offers make it more efficient for the business area to respond". It is also relevant that the Bureau gets very few complaints – 1 or 2 a month – meaning that carrying a complaint load is not an unreasonable burden for business areas.

4.21   In contrast, the Australian Passport Office (APO) in the Department of Foreign Affairs and Trade is moving towards greater centralisation in the collection of feedback. The APO considers that centralisation has led to "improved accountability and more standardised responses". The APO faces numerous challenges in centralisation, as some passport services are provided by agents. The APO is aiming to capture feedback that is provided to agents or client service areas in the first instance.

Case study – Department of Veterans' Affairs - line area complaint management model

DVA provides free hospital services for eligible veterans through the state public hospital and private hospital network. DVA has agreements with Australian hospitals for the provision of these services. Complaints about these services are dealt with by DVA under a hybrid model. Complaint investigation and resolution are handled by the relevant business units, while a national Feedback Management Team (FMT) monitors the resolution of complaints to meet timeliness standards, and reports to senior management. In DVA, complaints are recorded by the FMT (when submitted direct to the team), by front-line client service staff (through telephone contact), and by staff in the various business areas who may receive complaints directly from clients.

Private Hospital Complaints

Responsibility for resolving private hospital complaints rests with the Client Liaison Officers (CLO) within the team responsible for the relevant hospital. The CLO will contact the hospital and seek a response to the complaint before attempting to facilitate an acceptable outcome for the complainant.

Under the contract between DVA and the hospital, the hospital must conduct an investigation and reply within 14 days. Simple issues are resolved within a few days.

Within this localised framework, complaints can be resolved quickly, because there are clear contractual time frames, and lines of responsibility within DVA. As the complaints process is managed by the same area that manages the contract, information relevant to contract management, or that may impact on future contract negotiations, is immediately available.

Public Hospital Complaints

A Memorandum of Understanding (MOU) with each state governs the arrangements for services delivered to veterans by public hospitals in that state. Complaint Management in this context is more formal than the private complaint system, and generally slower.

For example, the process in NSW is for the Local Health District Chief Executive Officer (LHD CEO) to be notified in writing of a complaint, the LHD CEO advises the complainant in writing that it is being investigated, and provides the details of a contact person. The LHD CEO then refers the complaint to the management team of the relevant hospital. Once the issues are investigated, the information is fed back to the LHD CEO team and they compile a response for DVA. In the case of a complaint made by a Minister on behalf of a veteran, the LHD CEO sends the response to NSW Health for additional clearance.

DVA advises that in most cases the response is not received by the DVA before 35 days, and in some cases a reply can take significantly longer.

By using both the business areas and a centralised unit to manage complaints, DVA can balance the need for subject specific knowledge and maintaining sound working relationships with service providers, with the requirement to capture information centrally for the purposes of analysis, and monitor complaint management centrally to enforce consistency.

The difference in timeliness between complaint responses in the public and private systems highlights the value of a contractually mandated response time frame and the effectiveness of localised arrangements.

Complaints involving multiple agencies

4.22   Managing complaints that involve multiple government agencies can present practical challenges. The first challenge is determining and addressing the issues to be resolved. Members of the public do not always know which part of government is responsible for their problem, and are not always clear about the different aspects of their complaint. An important part of training for first point of contact complaint staff is how to disentangle the issues and translate the experience of the complainant into a structure and form that can be recognised by the bureaucracy.

4.23   Secondly, agencies must ensure that any referrals or transfer comply with the legislative framework. There are strict rules governing when a public sector body may disclose information about a person. Many government organisations set up under statute also have their own legislative obligations about confidentiality, and restrictions on sharing information. In most cases, transfers can only be done with the express and informed consent of the complainant.

4.24   A third challenge is how to establish upfront the ongoing responsibility for resolution, and communicating that to the complainant. Complaints to our office that involve multiple organisations often include a complaint about a lack of communication from the agency they first approached (Agency A); where Agency A thought that their obligation was discharged when the matter was transferred to Agency B. Agency B may then resolve the complaint and communicate to the complainant, but the complainant still expects contact and resolution from Agency A. When Agency B is not responsive or does not manage the complaint satisfactorily, Agency A can then be the subject of further complaints about matters over which it has no control.

4.25   Another challenge is capturing information to change business practices to prevent complaints in the future. If the complaint is wholly about matters outside an

agency's control, that should be recorded, and consideration given to publicity and education to allow members of the public to go to the correct agency in the first instance. Where an agency works closely with another organisation, feedback on the subject matter of complaints should be included in regular meetings or exchanges of information. This is particularly important where two different agencies have responsibility for service delivery and for policy. Complaint information from service delivery agencies on the implementation of policy can identify any policy gaps and inform future policy decisions.

4.26   Some decisions are made through a process involving multiple agencies, and it is not possible to transfer a complaint in its entirety. For example, information from the ATO is used to calculate a number of benefits by DHS. The complaint may be about the DHS decision, but resolution of the complaint requires checking of information and investigation by the ATO.

4.27   Where multiple agencies work together to provide services, the complaints process should include a system for contacting any other appropriate agency, requesting information, tracking timeliness and monitoring the quality of the response. Agencies should agree to complaint handling protocols and identify which agency will be accountable to the complainant in any area of overlapping responsibility. In this example, the ATO and DHS have a Memorandum of Understanding governing shared customer responsibilities and how complaints should be managed through to resolution.

Transfers and referrals

4.28   Challenges in transferring complaints can be resolved by putting in place good policies and then implementing them. We asked agencies whether they had a process for referring complaints to other organisations. Of the 111 responses to this question, 64 did have a process, 36 did not, and 11 organisations said the question was not applicable to their work.

4.29   Several organisations with a legislative responsibility for taking complaints pointed out there is a process for transfers and referrals under the legislation. For example the Australian Communications and Media Authority (ACMA) is able to investigate complaints about certain matters relating to telecommunications under Part 26 of the *Telecommunications Act 1997*. That Part also specifically allows ACMA to refer matters to third parties such as the Commonwealth Ombudsman, the ACCC, the Telecommunications Industry Ombudsman, or the Information Commissioner.

4.30   The Telecommunications Act sets out a total transfer, where the matter is required to be passed to the other body. The complainant is not required to consent to the matter, although there is a requirement for the complainant to be advised of the transfer in writing. The *Ombudsman Act 1976* sets up a similar scheme for external transfer of complaints to our office, although we rarely do so without consulting the complainant.

4.31   Where the transfer does not have a legislative basis, many agencies advised that they provided the contact information for the other organisation, and advised the complainant to contact the organisation themselves. The process of ACS is representative:

> Where a complaint relates to the actions of another agency, the Complaints and Compliments Management Unit contacts the client to provide them with the contact details of the relevant

agency. The complaint details are not provided to another agency directly, as it may contain personal information.

4.32   The ACS has an exception for the missing personal effects of maritime arrivals, which is a very specific complainant population. At the time of responding to our survey, the ACS process was to log the matter and refer it to a specialised body, the Immigration Status Resolution Group in the DIBP for investigation and response. The Department of Environment transfers and advises at the same time, emailing the member of the public that their matter is better dealt with by another organisation and cc'ing in the relevant agency.

4.33   Another way of managing referrals out is to retain some degree of oversight of the resolution of the complaint. This is common within organisations – where a centralised complaint management area will refer a matter to a line area for resolution while retaining – but less so between organisations. The Australian Rail Track Corporation (ARTC) does oversight in some circumstances:

> Complaints are received and logged in our system. If following initial investigation they are found to be the responsibility of a rail operator or another organisation then they are referred by email to the appropriate person in that organisation for either (a) a response to the complainant directly; or (b) advice to ARTC so that ARTC can provide a response back to the complainant.

4.34   We also asked agencies if they received complaints from other organisations. Of the 112 responses, 30 did not receive complaints, 69 did, and 13 advised the question was not applicable to their work. In most cases, a complaint received from another agency was treated in the same way as if the complainant had approached the agency directly.

4.35   Australia Post provides an example of a formal referral and transfer scheme that exists outside legislation. The Universal Postal Union (a specialised agency under the United Nations) sets rules that govern postage between members; for example specifying which postal administration is responsible for damage or loss of international parcels. Under these regulations, the responsibility for receiving and investigating a complaint rests with a designated postal operator- either Australia Post or an international administration. Accordingly, Australia Post can decline to investigate a matter that falls under the jurisdiction of another administration.

Conclusion

Agencies' processes for complaint management reflect the nature of the agency, and the context in which they work. It is good practice for agencies to tailor their complaints system to their own needs. However, the risks to agency business through poor complaint management are not always clearly articulated, and do not always flow through to complaint management process design.

Contractors

4.36   Many government agencies that provide services to the public do so through third parties under a contract. Such contracts should always include a mechanism for dealing with complaints; either requiring the contractor to put in place their own complaints management system to a sufficient standard, or providing for a system where people can make complaints back to the agency.

4.37   The emphasis during the contract formation stage is on the results that the contractor will deliver, and how performance will be measured by compliance with pre-determined outcomes. However, it is essential that complaints from the public about a contractor's actions are incorporated into the contract and assessed as part of the contract management. Where the contractor also gathers information about the agency's business, the contract should also include a mechanism for reporting that information back to the agency for integration into systems improvement.

4.38   Contract management is a complex part of public sector delivery, with many considerations that are outside the scope of the report. More information is in the Australian National Audit Office's 2012 Better Practice Guide *Developing and Managing Contracts*. We have therefore chosen to illustrate the challenges of contract management with a number of case studies.

Case study - Contract performance measures

In its contract for onshore immigration detention facilities, DIBP sets out the requirements for complaints with attached performance indicators. This allows DIBP to control the outcomes delivered under the contract through the formal contract management process. Under the contract, the performance objective in relation to complaints is:

To ensure that complaints from People in Detention are responded to in a timely and conclusive manner, and that the Complaints Management System is operating efficiently and effectively.

More specifically, the contract measures the timeliness of acknowledgements and updates following a complaint, and the completeness of the contractor's records. If performance is below the required indicators, a value ('Abatement Indicator Metric') is calculated and fed into the monthly assessment of the contractor's overall performance. Underperformance can result in abatement (reduction) of the monthly fee paid to the contractor.

The contract contains many performance metrics in addition to those for complaint handling, covering all aspects of immigration detention facility management from the provision of activities, to cleanliness, to responsiveness to DIBP and external stakeholders. Many of these performance discussions can be informed by information that comes from complaints by detainees under the complaint system set out in the contract.

Formal contract management is critical to the successful performance of any contract. Concrete performance indicators, that set out what will be measured and how, are essential. However, there is a risk that quantitative indicators, such as timeliness or recordkeeping, do not form the full picture of complaint effectiveness. As a general rule, formal contract evaluation is best at finding and addressing long term systemic failures. Although it will also show isolated instances of poor service delivery, formal contract management can lack the immediacy needed to resolve specific problems in a short period of time.

Formal contract management is also less effective at fixing specific issues in the short term. DIBP recognises this risk, and uses a number of alternative mechanisms for not only monitoring contractor performance, but giving immediate and specific feedback on issues.

Remedies

4.39   Complaint management should be outcome-focussed. That is, the focus should not be on apportioning blame or fault, but on how to best address the problem or concern as perceived by the complainant. It is important that it is the complainant's perspective that is the starting point, because many problems with government agencies do not stem from any error or poor administration by the

government department. People can, and do, object to legitimate decisions and actions taken by government agencies. Often the best remedy is a better explanation of the decision or action.[8]

4.40   There are valid reasons for addressing all concerns, even when the agency has acted in accordance with its own legislation and policy. Quick resolution prevents larger disputes, consolidates ongoing relationships and builds reputation. It is easier and more efficient to work with clients who trust an agency and who have had good experiences with that agency in the past.

4.41   We asked agencies how often they provide specific remedies.
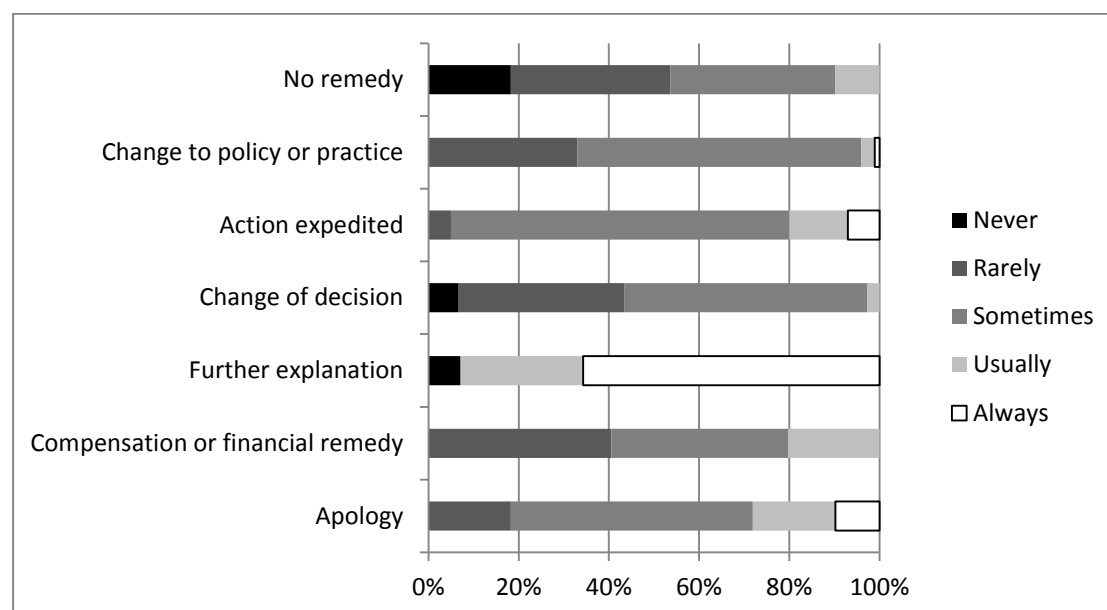
4.42   As this graph shows, the most common remedy provided is a further explanation, with 66% of agencies advising that they "always" provided an explanation. If we add up the "never" and "rarely" categories, the least common remedies were financial remedy, change to policy or practice, and change of decision. DHS pointed out that financial compensation was only payable "in circumstances where legal and policy rules authorise payment".

4.43   We asked agencies whether complaint handling staff were able provide appropriate remedies themselves, or were able to access other staff who can provide a remedy. As the following graph shows, 79 of the 108 agency responses were that complaint handling staff can usually or always provide a remedy themselves; and 106 of 108 responses were that staff can usually or always access other staff who can provide a remedy.

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[8] Further information on remedies can be found in our Fact Sheet 3: Providing Remedies available on our website www.ombudsman.gov.au.

Ability of complaint handling staff to provide or access remedies
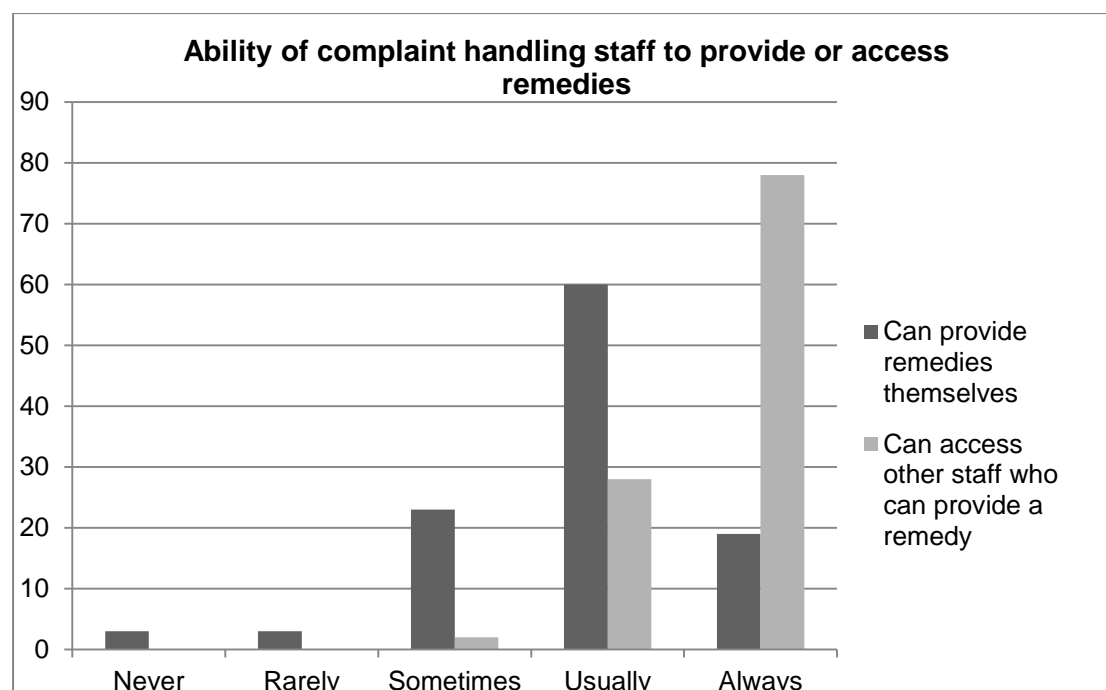
Defining a complaint

4.44   Many agencies include in their complaint management policy a prescriptive definition of what is, or is not, a "complaint". The *Australian New Zealand Standard 10002-2006 Customer satisfaction—Guidelines for complaints handling in organizations* defines a complaint as an:

> expression of dissatisfaction made to an organization, related to its products, or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected

4.45   This is a very broad definition, and some government organisations find that it does not help them determine which path an expression of dissatisfaction should take. For example, many expressions of dissatisfaction about decisions or actions are requests for review. If the decision or action was made under law, then there are often legislative or external review paths which must be followed, quite separate to the complaints process. Other complaints might be about government policy, which may be out of the control of the agency. These complaints are noted but limited action can be taken when compared to service delivery complaints, for example about the conduct of staff or a delay in processing a claim.

4.46   We consider that best practice in complaint definition is not to try and define or delineate the borders of a "complaint" up front. Strict rules in a complaint management policy about whether something is a complaint or not risk confusion and delay. Complaint-handling staff will often spend much of their time determining what exactly a complainant is complaining about. While this is important, we consider a more important question is – what remedy is the complainant seeking? Do they want a specific decision changed? Are they simply telling the agency something they think the agency should know? Do they want a specific result; for example a change of case manager, or financial compensation, or more information?

> **Conclusion**
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> Not all agencies establish, at the outset, the remedy the complainant is seeking. By establishing the desired outcome, and using that as the starting point, complaints management processes will lead to a higher degree of resolution for the individual. In turn, this will lead to less escalated disputes and, over time, a higher level of public trust in the organisation.

Review of complaints

4.47   We asked agencies if they allowed review of a complaint outcome if the complainant was dissatisfied. Of the 111 answers to this question, 94 did allow review, 12 did not and 5 said the question was not applicable to them. Although there were wide differences in scale and sophistication of the internal review, generally it allowed one (or sometimes more) internal escalation at more senior levels, then to an external organisation such as our office if the matter was still unresolved.

4.48   Internal review of a complaint is an important part of the complaints management process. It allows an additional safety net in case of aberrant decision making, and reassures the complainant that their issues are being taken seriously. Internal review may use additional resources and take more time. Where there is no legislative requirement for internal review, it is generally not necessary for complaint review processes to be a full re-investigation and re-assessment of a complainant's issues. In many cases, a decision on whether or not the original complaint process was reasonable and procedurally sound may be sufficient.

4.49   Internal review can also assist in helping complaint handlers decide when to conclude a complaint. One of the most difficult decisions for investigators in our office is the decision when to stop. A law of diminishing returns often applies to complaint management; the most useful remedies are those that are provided quickly. Extended consideration of a matter does not necessarily lead to increased satisfaction or a better outcome. However, it can be difficult for a complaint handler, particularly when dealing with a high level of customer dissatisfaction, to make a final decision to end consideration of the complaint. The existence of an internal review level gives a complaint handler a safety net that helps them to implement their own judgement on finalising a complaint.

Measuring complainant satisfaction

4.50   We asked agencies whether they collected data on complainant satisfaction. Of the 111 answers to this question, only 24 advised that they collect this data. There are two main ways of collecting complainant satisfaction; through a survey of past complainants done at a particular time, or individually at the finalisation of each complaint.

4.51   The surveys vary widely in scope and scale, with larger organisations adopting sophisticated survey methods. For example, DHS advise:

> The department contracted consultants to conduct computer-assisted telephone interviews (CATI) on a Post Complaint Satisfaction survey with a sample of Centrelink, Medicare and Child Support customers who made a complaint between March and June 2013. The objectives of the survey were to evaluate the customer's experience when making a complaint, their level of satisfaction with the solution offered by the department in the complaint outcome, their general perceptions of the complaint process and to help identify priorities for improvement based on the customer's experience in the process. The surveys were conducted between 29 August 2013 and the end of September 2013. The average survey length was

approximately 18 minutes in duration. The sample of customers selected for the survey was 900 customers.

4.52 Some organisations measure satisfaction with complaints as part of their general client satisfaction measurement. For example, in their survey response, DIBP pointed us towards their Client Experience survey, which is a short (five question) on-line survey that any client can complete, although it does not deal specifically with DIBP's management of complaints. Austrade also includes questions in its Annual Service Improvement Study about any problems a customer may have had with Austrade, and level of satisfaction with the problem resolution.

4.53 Surveys designed and conducted by experts are a very effective way of gathering detailed and accurate information about complainant satisfaction. However they are resource-intensive, requiring either a great deal of staff time or financial cost in hiring external expertise. Large surveys have to be carefully targeted and designed to make sure that the information gathered is worth the investment.

4.54 Collecting customer satisfaction at the time of complaint finalisation has advantages; because it is immediate, the client still has the information and opinions fresh in their mind, and data can be gathered and used without any delay. However, it can also be more affected by the outcome of the complaint. If the complainant is not happy with the outcome of the complaint, then it is more difficult for them to separate the outcome from the complaint management if the request for feedback is made at the same time.

4.55 The immediate collection of customer satisfaction can be automated. For example, Australia Post uses an automated call-back survey, where customers enter their survey results via the telephone keypad. This is a short, four-question survey which aims to capture overall satisfaction with the customers' interaction with the Customer Sales and Service Centre.

4.56 The Office of the Aged Care Commissioner reports an advantage from moving to a "time of resolution" model to a "bulk survey" model. The Office does an annual survey of complainants, service providers and the complaints scheme's officers. In 2012-13, the Office changed the way it surveyed complainants. Previously, survey questionnaires had been attached to the Commissioner's final reports to complainants and service providers. In 2012-13 the surveys were sent separately in one mail-out, with follow up letters to those who had not responded. The surveys could be completed by post or on-line.

4.57 The Office of the Aged Care Commissioner reports that the new model has resulted in a much higher level of feedback, with a 2012-13 overall response of 61 per cent. That is a significant improvement on previous survey response rates of 10 per cent in 2011-2012 and 16 per cent in 2010-2011.

Staff qualities

4.58 In our experience, the quality of the people handling complaints is the single biggest factor in determining the quality of complaint management. When we conducted our 1996 survey, the complaints area was still seen by some organisations as unimportant and uninteresting, compared to the policy development or service delivery areas. In our 1997 Better Practice Guide, our office felt it was necessary to remind agencies that commitment to complaints can be achieved by:

...Ensuring that complaint handling has status within the organisation and is considered a career enhancer, not a backwater;

4.59   In our survey, we asked agencies to rate their complaint handling staff across a range of characteristics and attributes. Generally, agencies rated their complaint handling staff very highly for personal attributes such as understanding of the agency's business, and being a valued part of the organisation. The following graph shows the number of agencies who responded "always" as a rating against the following characteristics.

Complaint handling staff "always" ...

Characteristic	Value (approx)
Can provide remedies themselves	19
Are trained in complaint management	26
Understand the agency process for complaints	56
Have access to information they need	61
Understand the agency's business	75
Can access other staff who can provide a remedy	78
Are a valued part of the organisation	83
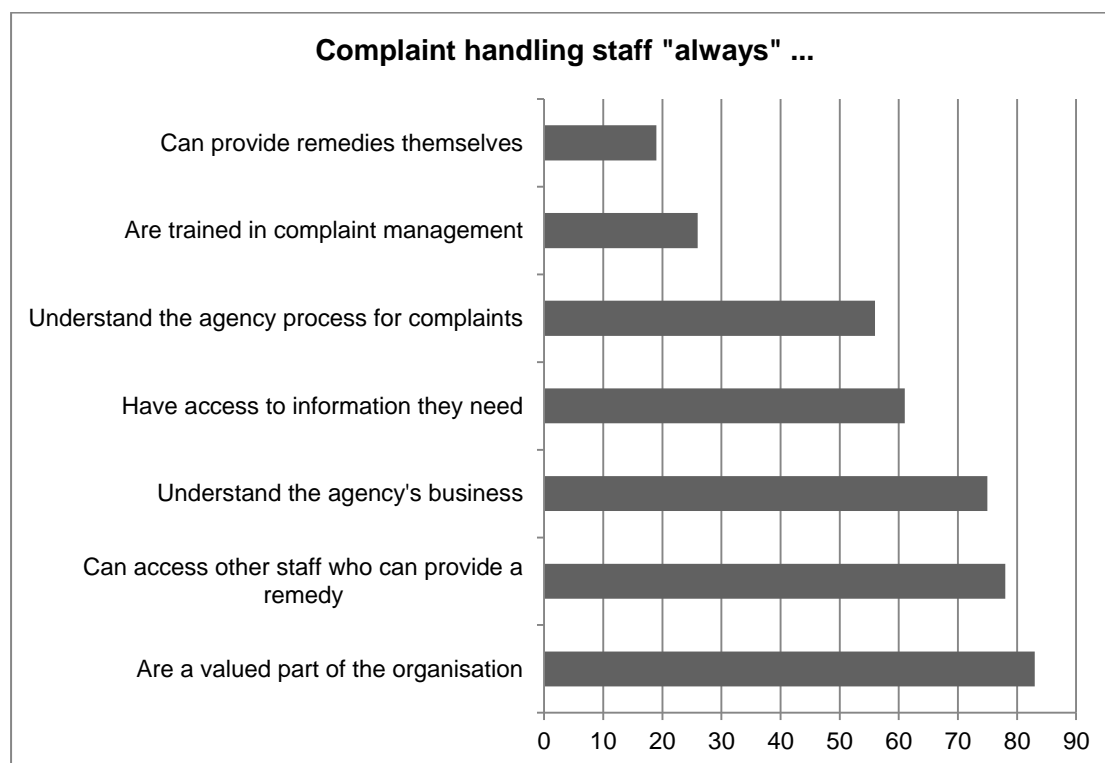
4.60   We asked organisations whether staff who handle complaints were specifically trained in complaint management. Of the 112 replies to this question, 15 advised that staff who handle complaints were "never" or "rarely" specifically trained in complaint management. However most of these replies came from organisations with few numbers of complaints, and without designated complaints officers.

4.61   Even for small numbers of complaints, we believe it is sensible to give some training on dealing with complaints to any staff who may be involved in the complaint process at any point; whether it is dealing with dissatisfied members of the public, or providing information in relation to a complaint, or implementing a remedy for a complainant. At minimum, giving new staff an overview of the complaint process, and a statement of the importance of complaints to an organisation, is essential to develop a culture that supports complaints.

4.62   We also asked agencies to separately assess the capabilities of staff outside the complaint management area who resolve complaints or provide remedies. This question was particularly targeted at those organisations that have a centralised complaint area for receipt and monitoring of complaints, but who rely on operational or business areas to provide information and any remedy. In their self-assessments, agencies were uniformly positive about their own staff. However in our experience of handling complaints about government agencies, we have noted concerns by

centralised complaint handling areas about the quality and timeliness of responses from the business units. Complaints are not always given adequate priority when competing with a range of other work. Where improvement is needed, our experience is that the most effective way of ensuring responsiveness by operational areas is through senior management insistence, and by reinforcing the importance of prompt and effective complaints resolution.

PART 5 - INTEGRATION

Introduction

5.1   When we asked agencies what they believe they do well, variations on the theme of "using complaint information to inform our business" was the second most common response. However "assessing or analysing trends from complaint information" was also the third most common area where agencies believed they could improve their complaint management.

5.2   From the survey responses, it appears that agencies recognise the benefits of using complaint information to focus on areas for operational improvement. There are five essential steps for integrating complaint information:

- Collection
- Analysis
- Reporting
- Decision
- Implementation.

Collection

5.3   Complaint information can be collected in a variety of ways depending on an agency's volume and nature of complaints, as discussed in earlier chapters. The key principles for collection are to determine at the outset what information will be useful, limit the collection to the minimum necessary, and then set and enforce consistent recording procedures across all staff who may receive any complaint.

5.4   We asked agencies whether they used a case management system for complaints. Of the 111 responses, 41 did use a case management system, 66 did not, and four considered the question was not applicable. We also asked what system was used, or if no system, how the agency tracked and recorded complaints. The responses ranged from manual hard copy registers to complex purpose-built systems. Some organisations used basic office software such as Excel, or the workflow processes of records management systems such as TRIM.

5.5   Not all agencies use a single case management system for complaints. For example, the former Department of Education, Employment and Workplace Relations (DEEWR) responded that complaint information is captured as follows:

> A variety of systems are used across the department to manage complaints. For example, Ombudsman complaints are managed using the LEX Matter Management System, complaints about employment services providers are recorded in the Employment Services Feedback System (a custom built system), and NSCSWP complaints are recorded and managed through a purpose built database. TRIM file management systems may also be used by program and policy areas.

5.6   Where no single case management system exists, sharing information between operational and enquiry areas may be a challenge unless processes for sharing this information are implemented.

5.7   As discussed earlier, immigration detainees are able to make complaints through a number of different channels. A challenge for DIBP is ensuring that information from complaints is fed into continuous improvement. Specific issues are either received by or fed back to the management of the relevant detention centre, and information from complaints about DIBP processes are collated by the GFU and form part of their quarterly reporting to senior management. There are many areas within DIBP that are responsible for identifying and raising a systemic or a potentially difficult issue that relates to onshore immigration detention. This is both a strength and a weakness. Having more areas able to take matters forward increases coverage of potential problems; however, it does rely on an organisational unit being able to identify an issue and then taking it to the proper forum. DIBP addresses this risk by ensuring that systemic issues can be identified by a variety of business units at multiple points in the process.

5.8   Using a variety of systems may make it difficult to compare information about complaints across the organisation, especially where different datasets are captured. Comparative information over differing databases or systems then depends on the consistency of the data, which in turn depends on the quality and accuracy of the collection. As programs change and systems are progressively updated, there is a risk that complaint information can be lost. Agencies that rely on systems that are not widely used have an increased risk of losing technical expertise and therefore support over time.

5.9   Ideally, a complaint management system should be:

- the simplest possible that captures the information the agency needs

- accessible to, editable by, and compulsory for every staff member who is involved in complaints

- the primary source for reporting on complaints

- able to include complaints management process workflow

- wherever possible, a readily available commercial product that will be supported into the future.

Analysis and reporting

5.10   The sophistication of complaint analysis will depend on the agency's requirements, and the amount of complaint data available. Our office's experience in seeing many agencies' analysis of complaints is that they normally contain information on numbers of complaints and timeliness of complaint resolution. This gives an agency useful information about the complaint process, but it tells them very little about its other business, including whether there are areas for potential improvement. In order to be most useful, analysis of complaint data should, at minimum, enable the assessment of the business area or service complained about, report on the perceived cause of complaint (for example, delay) and the nature of the outcome sought.

5.11   In our survey, we asked agencies whether they had designated staff conducting root cause or systemic analysis of the complaint information. Of the 110 responses to this question, 72 did not, 38 did, and one agency replied that the question was not applicable.

5.12   The larger organisations had more sophisticated systems, conducting different analysis to serve a range of outcomes. For example, a number of groups

within Australia Post conduct analysis of complaint information to gather different types of information. The Security and Investigations Group reviews data to determine the likelihood of regular theft, where the Network audit group reviews delivery time frames to identify the cause of service failures. The Aged Care Quality and Compliance Group, within DSS, undertakes analysis on both the individual complaint level – to determine the cause of each complaint – and on the aggregate data to gather any industry-wide areas of improvement.

5.13   Of the agencies that said that they did not currently do this analysis, a number indicated that they would like to do it in the future. The Office of the Migration Agents Registration Authority (OMARA) and the Tax Practitioners Board (TPB) are both planning to have designated staff conducting this type of analysis, pending systems improvements.

Reporting process

5.14   We asked agencies whether they had a mechanism or process to feed complaint information back to the business or operational areas. We also separately asked whether information from complaints is regularly reported to senior management of the organisation. Our aim in asking these as two questions was to determine whether agencies had processes for both reporting to senior management, and then ensuring that that information was received by the business or operational areas.

5.15   One of the challenges in using complaint information is making sure that it is given adequate weight amongst other competing priorities. For example, process improvement is often driven by internal demands to increase efficiencies and improve outcomes. In this assessment, there is a danger of losing the external or client focus. One way to increase a client focus is by regularly putting information from complaints before both senior management and officer-level staff. Reporting on complaints can also form a useful part of other governance mechanisms within an organisation, for example audit committees.

5.16   Ninety-one of 112 agencies said that they did have a mechanism or process to feed complaint information back to business or operational areas, although mostly this was done through reporting upwards to senior management. Some organisations also analyse their complaints according to the relevant business areas and provide feedback directly to those areas. For example, DVA provides both senior management reports and weekly and monthly reports on complaint numbers, timeliness, and quality assurance results to business areas.

5.17   Ninety-four of 111 agencies said that information from complaints was regularly reported to senior management. We asked agencies to describe, or provide a recent example of the reporting. Reporting frequency varied, with most organisations reporting either weekly or monthly. Some were quarterly or annually, and a few agencies only provided ad hoc reports.

5.18   Even in agencies with small complaint numbers, regular reporting to senior management is important, particularly over time. Although single issues and complaints can be resolved as they arise, collecting a consistent set of complaint data will provide valuable information when maintained over a number of years.

Case study – integrating the collection and reporting of complaint information across programs

The Department of Human Services (DHS) conducted a process improvement review of complaints management across the service delivery brands, and a number of issues were identified. This included a lack of management information coordination and a comprehensive customer service improvement strategy. It was determined that a more integrated approach, with consistency across the brands was more aligned with best practice complaints handling.[9]

The Integrated Feedback Model categorises complaints into two complaint levels - front-line staff resolve most complaints at the first point of contact; while a complaint that is unable to be resolved at this stage becomes a Level 2 complaint and is referred to an escalated complaints team. This team will manage the complaint to resolution. A complex complaints team assists in the management of Ombudsman complaints, Ministerials, threats of self-harm, aggression, media threats, Freedom of Information and Privacy issues. Complex issues can also be immediately escalated if they are unable to be resolved through technical and/or leadership support.

Underpinning the new framework is the rollout of a new database system, the Complaints and Feedback Tool (CFT). The CFT will capture customer feedback via pre-determined lists.[10] The system aims to balance the competing requirements of being user friendly within a customer service situation, with the goal of capturing accurate, quality data across all brands.

The adoption of this new framework is expected to deliver a number of benefits including:

- better capture of complaint data by front-line staff

- means to record and analyse complaints data

- better reporting capabilities

- more efficient complaint management.

The new system is being progressively rolled out, and has involved:

- changes to organisational structures across a number of formerly distinct program areas with separate complaint management systems, programs and procedures

- reform of policies and procedures to make service standards consistent across programs

- training staff in new policies and procedures

- an IT system to be built and implemented that is appropriate for use by front-line staff across each of the brands

- cultural change to ensure that across all brands, staff perceive the expression of dissatisfaction as part of the normal interaction with the customer and a useful feedback tool for tailoring existing and future programs.

Although challenging to implement, the new Integrated Feedback Management system should deliver significant benefits and efficiencies over the long term. Consistent complaints standards and processes across brands should help customers to understand their rights and

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[9]In developing the model, DHS incorporated best practice guidance from the Commonwealth Ombudsman, the Australian Standard guidelines ANAO reports, and several reviews.

[10]These include categorisation, remedy sought and provided, service level details, customer role, sources of referrals, channel for communications in and out, legislative or procedure references, product and service details, and cause of the complaint.

obligations during the complaint process. The challenge for DHS will be to ensure that the most vulnerable customers are supported in this process.

5.19   In April 2014, this office published an investigation into customer complaints about communication and access issues relating to Centrelink customer service. These are detailed in the Ombudsman's report *Department of Human Services: An Investigation into Service Delivery Complaints about Centrelink*.

5.20   The Ombudsman will continue monitoring to ensure that customers, particularly the most vulnerable, are appropriately supported through the transition phase and beyond, particularly in relation to timely telephone access to complaints and other services. Community roundtables emphasised that difficulty of access to government organisations remains a major concern.

Content of management reporting

5.21   The sophistication and frequency of the reporting depended largely on the number of complaints, with organisations that receive greater number of complaints reporting more frequently and in greater detail. Some agencies have refined their reporting to a dashboard style that picks up the most important numbers to display on a single page.

5.22   We asked agencies to provide examples of their reporting. Based on the examples provided or described, all senior management reporting includes information about the process; in particular, numbers of complaints received, numbers of complaints on hand and information about whether or not the complaint process was within any timeliness service standards. For example, Comcare provides weekly reporting to its executive giving the status of open complaints in a traffic light display, highlighting those complaints that are overdue or will be due that week.

5.23   Management reporting has to balance the need for comprehensive and thorough information against the need for clarity and brevity. During election periods, the Australian Electoral Commission (AEC) uses an Election Dashboard with a complaints component, which lists the number and subject matter of complaints. It also operates a traffic light system, which automatically flags 'red' if numbers of a type of complaint increase beyond a pre-determined percentage.

5.24   At the time of the survey, the Department of Agriculture also used a one page overview for its quarterly reports to biosecurity departmental senior management. This one A3 page is a good balance of information and readability. It used graphs to display the following information for the quarter:

- compliments received by division
- complaints received by division
- total complaints received
- compliments trend for the last 7 quarters
- complaints trend for the last 7 quarters
- compliance with service charter time frames, broken down by business areas
- subject of complaint (service, financial or policy)
- subject of complaint by service category (e.g. process, staff attitude)

- analysis of any change in subject of complaint

- matters not finalised

- close out rate (percentage open vs percentage closed over reporting period) over the last 9 quarters.

5.25   The ATO undertakes sophisticated and comprehensive analysis of complaint information. One of the ways it reports that information to senior management is through a monthly Complaints & Community Feedback Report. The reporting includes process-related statistical information on numbers of complaints, trends in complaint volumes, compliance with service standards, and aged cases.

5.26   The ATO also reports on the subject matter of complaints; however, it does more than simply divide complaints into pre-determined categories. The ATO monitors and reports on emerging complaint issues; issues that show increased numbers of complaints in the month, as well as tracking issues of concern that have been raised in previous months. The reporting also allows adjustments to be made for seasonal variations in complaints, as the complaint load and subject matter vary significantly over the financial year. Reporting on emerging complaint issues allows the ATO to take three important steps:

- identify the areas of operations which are causing complaints to rise

- put in place changes to prevent complaints by reducing the specific causes

- monitor the impact of these changes on complaint numbers over time, assessing the effectiveness and speed of the changes.

Conclusion

The quality of agency analysis and reporting of complaint information depends on the range and quality of the information that is collected in the first instance. Many agencies primarily use complaint information to report on the nature and number of complaints, rather than using complaints to find out more about its business.

Decision and implementation

5.27   The final steps in integrating complaint information into business improvement is by deciding on policy or process changes, and then implementing them. At this stage, the focus is on remedying systemic issues, rather than individual complaints or problems. Decisions on policy or process changes have to take into account the full range of considerations of public sector service delivery, and are outside the scope of this investigation.

5.28   Agencies should remember to do two things as part of complaint management:

- Publicise any changes to policy or process that have been made as a result of feedback. One of the main complaints of bodies who assist vulnerable groups in their dealings with government is that "nothing ever seems to change" as a result of complaints, even when it is recognised by the agency that certain aspects of its services are not working properly.

- Monitor the impact (if any) of the changes through the complaint process. Although any policy or program should be monitored and evaluated against outcomes set by the agency, for changes that have been sparked by feedback, it is important to also monitor the feedback to see if the complaints

have reduced. This checks the integrity of the communication loop; that the perceived problem has been addressed, according to the people affected.

5.29   Feedback from complaints can also be integrated into education and prevention. Regulators often have an additional role in educating the regulated population about their responsibilities, to prevent breaches and encourage compliance. For example, OMARA uses complaint information as part of their education function. In order to improve the standard of migration agents, examples of common complaints are included in OMARA-approved education courses for migration agents.

Framework - part of the Dispute Management Plan

5.30   Agencies are encouraged to have in place Dispute Management Plans. These plans assist agencies to avoid disputes in the first instance, resolve early any disputes that do arise, and manage disputes pro-actively.

5.31   The Attorney-General's Department supports dispute management across the Australian Government, including formulating Dispute Management Plans. Prior to its cessation in late 2013, the National Alternative Dispute Resolution Advisory Council (NADRAC) developed a guide to help agencies develop Dispute Management Plans.

5.32   Complaint management forms part of dispute management, particularly at the early stages. A resolved complaint will not turn into a dispute. Even if resolution is not possible, a properly handled complaint may avoid a long-running and difficult dispute by clearly explaining a decision, managing expectations and establishing a relationship of trust.

5.33   An agency's Dispute Management Plan should therefore form an overarching framework for complaints management. In particular, a Dispute Management Plan can give a strategic focus to complaint management and move the context from simply resolving the problem in front of the agency to broader goals of business improvement and reputation enhancement. It also makes it clear that good complaint management improves access to justice and can save time and money in preventing major disputes.

5.34   A Dispute Management Plan will show clearly the overarching goal of minimising and preventing disputes along the spectrum of dispute management; from complaint management to formal litigation.

Continuous improvement of complaint process

5.35   We asked agencies whether they monitored consistency of complaint management across the agency. Of the 109 responses to this question, 49 said that they did monitor consistency. A few agencies qualified this response by advising that consistency was monitored if a complaint was handled by a particular area, but not in all cases.

5.36   Some agencies had comprehensive systems for monitoring the quality of complaint management. For example, the AFP have a tiered system, where Category 1 and 2 matters undergo quality assurance by the PRS Complaints Coordination team, and Category 3 investigations (more serious matters) are reviewed by the team leader and co-ordinator. Australia Post has a Quality Team, based at the contact centre, which monitors the quality of complaint handling,

including verifying the consistency of responses. Australia Post also reviews enquiries to determine if a specific staff member may be providing inaccurate or insufficient information.

5.37   As with any system, regular monitoring and review is necessary to ensure that the policy and principles of any complaint management process are reflected in reality. Periodically, it is also important to review the policy and principles to ensure they are still aligned with the organisation's priorities, and reflect existing best practice.

Other sources of complaint information – oversight bodies

5.38   Agencies can also receive complaint information from third parties who have a responsibility for oversight of their functions. Some government organisations, such as our office, have as our core statutory function the investigation and resolution of complaints about other government organisations. We regularly provide information back to agencies on the number and subject matter of complaints to our office.

5.39   Other oversight organisations, such as the Australian National Audit Office (ANAO), have a more generalised remit to assess the efficiency and effectiveness of government programs. Although audits are rarely started as a result of a public complaint, the ANAO has a mechanism for the public to provide their views in relation to current audits through its "Contribute to an Audit in Progress" facility. The ANAO website lists current audits and invites members of the public to contribute their views, including any complaints, to be part of the ANAO's information gathering and assessment process.

Predicting complaint issues

5.40   Potential peaks and troughs in complaint numbers should be included in the risk management plan for both the agency as a whole, and any designated complaint-handling area. Large increases in complaint numbers can risk the timeliness and integrity of the complaint process. Failing to adequately deal with complaints can also have the following risks for an agency:

- damage to reputation and consequent loss of public confidence and trust
- increased workload in managing unresolved disputes
- increased external oversight.

5.41   In extreme cases, overwhelming complaint numbers can affect an agency's ability to deliver its core functions.

5.42   All new programs, particularly those that will affect a large number of people, should include an assessment of likely complaint numbers, and a mechanism for addressing problems. This should include a process for enquiries, and a process for internal review of decisions or actions.

5.43   The requirement for a complaints and review process is increased, not lessened, when the program is set up quickly in response to an immediate need, such as when payments are made after a natural disaster or emergency. The requirement for speed in implementation may mean that an agency is willing to take a higher level of risk of inaccurate decisions in the first instance. This risk should be mitigated by designating separate resources at the outset to deal with complaints and

reviews, and to ensure that systemic issues arising from complaints are integrated into business improvement.

5.44   In some agencies, the delivery of services is regularly monitored against service standards, for example decisions made on benefit applications. The results of this monitoring should be routinely shared with the complaints areas, as a reduction in the achievement of service standards may result in an increase in complaints. This will assist the complaints area to plan its work load.

Conclusion

Complaint systems are particularly important for government programs that are new or innovative, especially when the new programs involve multiple agencies, multiple levels of government, or provide services to vulnerable populations. Agencies do not always include a mechanism for resolving enquiries and disputes when setting up new programs.

PART 6 – AUSTRALIAN CAPITAL TERRITORY

Introduction

6.1   The Commonwealth Ombudsman is also the Australian Capital Territory Ombudsman, and this investigation includes complaint management by ACT government agencies. Many of the comments in the previous chapters are also relevant to ACT agencies. However, the ACT public service has challenges and risks that are quite different to those of the Commonwealth public service, and this is reflected in the different complaint handling processes.

6.2   The ACT has a broad range of services to deliver with a proportionately smaller number of staff and overall budget. The immediate and personal nature of municipal services - for example public housing, correctional facilities and noise complaints - create special requirements for response and resolution.

Structure

6.3   The ACT Government consists of a range of disparate business units reporting to nine Directorates responsible for ACT administration. These are:

- Chief Minister and Treasury Directorate (CMTD)
- Health Directorate (Health)
- Education and Training Directorate (ETD)
- Commerce and Works Directorate (CWD)
- Economic Development Directorate (EDD)
- Justice and Community Safety Directorate (JACSD)
- Environment and Sustainable Development Directorate (ESDD)
- Community Services Directorate (CSD)
- Territory and Municipal Services Directorate (TAMSD).

6.4   In 2011, as a result of the Hawke Review,[11] in excess of 30 separate ACT Government agencies were amalgamated into 9 Directorates. Comprehensive organisational change was necessary in order to give effect to this amalgamation. Numerous different systems and processes were affected, including for complaint management.

6.5   Each Directorate now has responsibility for many business units. For example, the Territory and Municipal Services includes business units as diverse as the Capital Linen Service and ACTion buses. The Economic Development Directorate contains business units ranging from Affordable Housing to Sports and Recreation services.

6.6   Following the restructure, the ACT public service Code of Conduct and Values of Respect, Integrity, Collaboration and Innovation illustrate a push across the ACT Government towards a more collaborative and innovative, and less siloed,

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[11] Hawke A, "*Governing the City State: One ACT Government, One ACT Public Service*", Feb 2011.

single organisational culture. The ACT Commissioner for Public Administration has also advocated a consistent and positive complaints management culture across the ACT Government.

6.7   Each Directorate has made varying degrees of progress towards achieving this goal. Several Directorates have developed overarching complaints policies. In several cases this office was consulted on the content of these policies. The challenge for some of the Directorates is to have these policies adopted and delivered by all of their business units. Some business units might already have well established policies and practice, where others have only had limited experience in managing complaints.

6.8   Greater contact between complaint handling areas will also lead to greater efficiencies, as complaint handlers across the ACT government learn from each other and share common resources. Our office is also supporting these networks of ACT complaint handlers by hosting the ACT Complaint Officers Forum where representatives from the ACT Directorates can exchange information and ideas.

Survey Results

6.9   There were 19 survey respondents in the ACT jurisdiction (a complete list is at page 67). Analysis of responses, combined with our office's experience of ACT complaints, suggest that ACT government agencies vary greatly in their level of complaint management sophistication. There is also wide variance in the number of complaints handled by different Directorates.

6.10   We asked agencies whether the number of complaints had increased or decreased in the past five years. Six out of 19 respondents indicated that the number of complaints had increased slightly, with an equal number indicating that complaints had lessened slightly. Four indicated that complaints had stayed the same, 2 indicated that complaints had lessened slightly and one respondent was unsure.
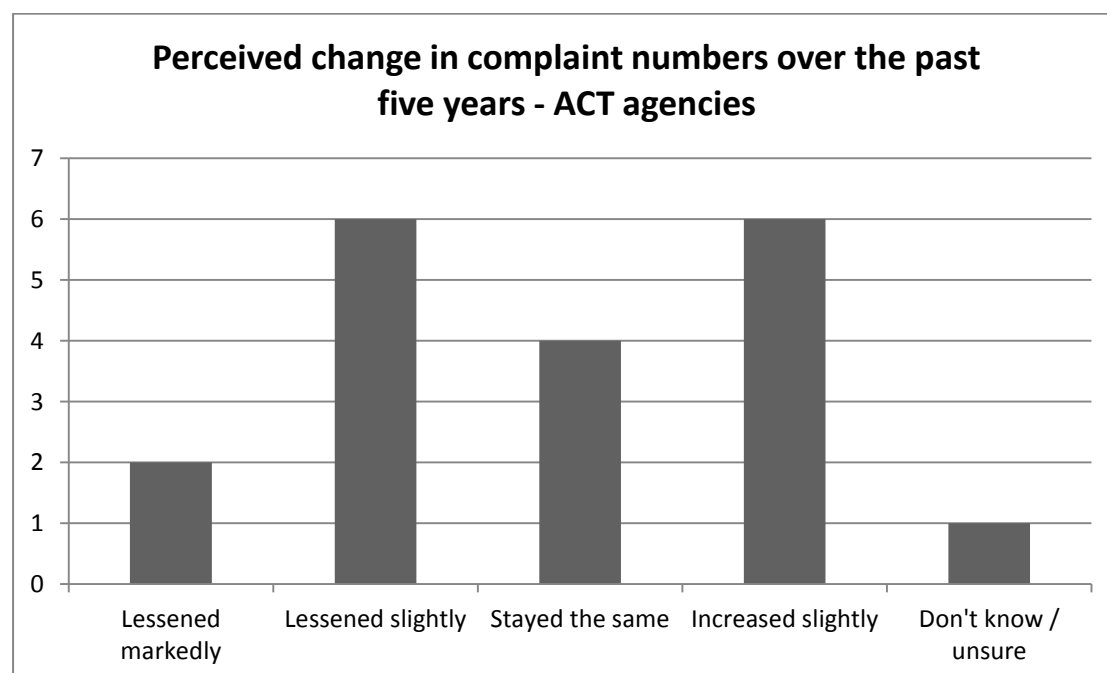
6.11   The most common reason provided by respondents for the change in the number of complaints was a change in the ease of making a complaint and the

change in the quality of the agency's work. These responses suggest a process of continuous improvement and the gradual development of more accessible complaint handling systems.

6.12   Of the two agencies that reported that complaints had lessened markedly, the Capital Linen Service said a change in the quality of the agency's work was a contributing factor. The Justice and Community Safety (JACS) Directorate attributed a decrease in complaints to a change in agency programs and a change in ease of making a complaint. JACS also indicated that a contributing factor to the lower number of complaints was a change in the overall governance of complaints across the Directorate including the development of a complaints management policy.

6.13   Six agencies reported that complaints had increased slightly. All of these agencies indicated that a contributing factor to this was a change in public awareness, and five indicated that the ease of making a complaint was also a contributing factor. This is consistent with Commonwealth agencies' responses in relation to reasons for increased complaints.

Canberra Connect - a shared services model

6.14   Canberra Connect provides a model of shared services that includes receiving and, in some cases, resolving, complaints about multiple programs and across multiple agencies. Placed within the Territory and Municipal Services Directorate, Canberra Connect provides a shared service for a range of ACT Government Directorates. Canberra Connect acts as an interface between the ACT Government and citizens with a central point to pay for and access services.

6.15   Canberra Connect Shopfronts provide five physical sites for citizens to seek assistance or to make a complaint in person. There is also a call centre, and an on-line services portal which acts as a contact hub, providing information and referring citizens to the relevant business unit within the ACT Government.

6.16   Canberra Connect has operated since 2001 and is a good example of how an accessible complaints service can operate to support multiple programs in an environment of resource constraint.

6.17   Participating Directorates have service agreements with Canberra Connect for different levels of service. For some government services, Canberra Connect operates as a contact point only and refers the matter on to the relevant business unit to resolve. Depending on the level of service contracted for, Canberra Connect can handle some more straightforward complaints through to resolution.

6.18   Canberra Connect's survey response demonstrated the strongest commitment to a positive complaints culture across the ACT. Customer Service Representatives use a Customer Relationship Management system [12] which tracks correspondence and interactions with customers. Statistics are also able to be gleaned from the system to support business and complaints trend analysis. A service charter and a complaints management policy are on Canberra Connect's website. The service standard commits Canberra Connect to resolving 90% of correspondence within 10 working days[13]. Where issues cannot be resolved in this

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[12]   Oracle RightNOW CX Customer Relationship Management System

[13]   These service standards apply when Canberra Connect has been engaged by an agency to process correspondence in the delivery of a managed customer service interaction, or in relation to correspondence that relates specifically to Canberra Connect's operation, systems or performance of staff.

time frame, a representative from Canberra Connect will contact the correspondent and provide an overview of the reasons for delay and an indicative time frame for resolution.

6.19   Case studies from the Ombudsman's office suggest that complaints about Canberra Connect's resolution of issues usually transpires to be a complaint about either the agency that Canberra Connect has referred a complaint to, or a breakdown in the communication between Canberra Connect and the Directorate, or between the Directorate and the complainant. This illustrates the need for strong processes for integration between business units responsible for resolving complaints, and the Canberra Connect public interface.

Moving forward

6.20   This office encourages the ACT's continued efforts toward a 'one culture' in complaint handling. While challenges remain, the ACT public service values of collaboration and innovation are a sound basis on which to forge these improvements.

CONCLUSIONS AND RECOMMENDATIONS

Summary of conclusions

The following conclusions are collected from the text of the report.

Innovation

- There are a number of innovative ways that agencies are improving their complaint management that do not require significant additional resources. This is particularly in relation to communication between agencies; where two or more organisations share resources and exchange ideas.

Areas for improvement

- There is opportunity for complaint management to become more focussed and strategic in achieving better results with existing resources. Two areas for improvement are targeting services to vulnerable people, and integrating complaint information with business improvement.

Barriers to access

- Agencies are aware of tangible barriers to access, such as a lack of literacy or access to phone or internet services. Agencies are less aware of intangible barriers to access, which continue to prevent members of the public making a complaint to government agencies. Despite agencies' efforts in reducing the barriers to access, there is room for improvement in identifying and addressing the reasons why members of the public do not raise grievances and concerns with agencies.

Websites

- Websites are the primary way that agencies advise their stakeholders of their right to complain, and give information on the complaints process. Agency websites are not always clear and accessible enough to fulfil an agency's responsibility to potential complainants.

Assessing complainant demographic

- Many agencies would gain useful information by comparing the demographic of people who complain against the demographic of people who can potentially complain. This information may identify sectors of the population who are not complaining, either because they are unaware of their right to complain or because they are disproportionately affected by barriers to accessing the complaints system.

Vulnerable groups

- Although there are examples of targeted assistance to vulnerable groups, many agencies do not have specific processes in place to help vulnerable complainants in relation to the complaints process.

Service restrictions

- Service restrictions are a useful tool for agencies to balance the effective delivery of services with the health and safety of employees. However, agencies do not always have written formal processes for managing and maintaining service restrictions, and service restriction policies that do exist are not always consistently applied.

Written complaints management policies

- Most, but not at all, agencies have a written complaints management policy that is tailored to their business. Regardless of the current volume of complaints, all agencies should have a written complaints management policy as part of their dispute management framework.

Articulating risks

- Agencies' processes for complaint management reflect the nature of the agency, and the context in which they work. It is good practice for agencies to tailor their complaints system to their own needs. However, the risks to agency business through poor complaint management are not always clearly articulated, and do not always flow through to complaint management process design.

Remedy-focussed resolution

- Not all agencies establish, at the outset, the remedy the complainant is seeking. By establishing the desired outcome, and using that as the starting point, complaints management processes will lead to a higher degree of resolution for the individual. In turn, this will lead to less escalated disputes and, over time, a higher level of public trust in the organisation.

Quality of complaint information

- The quality of agency analysis and reporting of complaint information depends on the range and quality of the information that is collected in the first instance. Many agencies primarily use complaint information to report on the nature and number of complaints, rather than using complaints to find out more about its business.

New programs

- Complaint systems are particularly important for government programs that are new or innovative, especially when the new programs involve multiple agencies, multiple levels of government, or provide services to vulnerable populations. Agencies do not always include a mechanism for resolving enquiries and disputes when setting up new programs.

Recommendations

The following recommendations reflect the key areas for improvement identified during our investigation.

Recommendation 1

Ensure that the complaints system is able to meet the needs of vulnerable people in relation to awareness of, access to, and assistance through, the complaints process. The complaints process must have:
   a) Policies and procedures to provide assistance for vulnerable people;
   b) Sufficient flexibility to allow staff to take tailored and responsive actions during their interactions with vulnerable people.

Recommendation 2

Improve websites to ensure they contain clear, easy to find information on how to make a complaint. Those agencies with a high degree of interaction with the public should have a complaints link on their home page that is clearly displayed. At a minimum, information on how to make a complaint should be easily found under the "Contact Us" tab.

Recommendation 3

Create a community of complaint management best practice across government by, wherever possible:
   a) sharing resources
   b) exchanging innovative solutions and new ideas
   a) closely linking to other agencies' complaints processes.

Recommendation 4

Consider complaints management from a risk-based perspective. Identify and articulate the risk to agency business of complaint management by:
   a) Assessing the risk to agency business of a failure of the complaint management process;
   b) Assessing the strengths and weaknesses of the current complaint management system;
   c) Adjusting the complaint management process to focus resources on the areas of greatest risk.
   d) Conducting this risk assessment for all new programs or activities that have an impact on the public in order to determine an appropriate model to manage complaints and feedback.

Recommendation 5

Ensure integration of complaint information by:
   a) Identifying what information is useful for business improvement;
   b) Capture that information during the complaints process;
   c) Put in place regular reporting of that information to senior management and the relevant business areas.

ABBREVIATIONS AND ACRONYMS

Acronym	Agency
AGD	Attorney-General's Department
ACC	Australian Crime Commission
ACCC	Australian Competition and Consumer Commission
ACLEI	Australian Commissioner for Law Enforcement Integrity
ACMA	Australian Communications and Media Authority
ACS	Australian Customs and Border Protection Service
AEC	Australian Electoral Commission
AFP	Australian Federal Police
AHRC	Australian Human Rights Commission
ALRC	Australian Law Reform Commission
ANAO	Australian National Audit Office
ANPHA	Australian National Preventive Health Agency
APO	Australian Passport Office
APRA	Australian Prudential Regulation Authority
APSC	Australian Public Service Commission
ARTC	Australian Rail Track Corporation
ASADA	Australian Sports Anti-Doping Authority
ASIC	Australian Securities and Investments Commission
ATO	Australian Taxation Office
CASA	Civil Aviation Safety Authority
CSA	Child Support Agency
DEEWR	Department of Education Employment and Workplace Relations
DHS	Department of Human Services
DIBP	Department of Immigration and Border Protection
DSS	Department of Social Services
DVA	Department of Veterans' Affairs
FWO	Fair Work Ombudsman
NCA	National Capital Authority
NDIA	National Disability Insurance Agency
OMARA	Office of the Migration Agents Registration Authority
ORIC	Office of the Registrar of Indigenous Corporations
SSAT	Social Security Appeals Tribunal
TPB	Tax Practitioners Board

AGENCY SURVEY RESPONSES RECEIVED

Commonwealth

Survey Respondent	New agency name/status
Aged Care Standards and Accreditation Agency	
Airservices Australia	
Attorney-General's Department	
Australia Council for the Arts	
Australian Broadcasting Corporation	
Australian Bureau of Statistics	
Australian Centre for International Agricultural Research	
Australian Commission for Law Enforcement Integrity	
Australian Communications and Media Authority	
Australian Competition and Consumer Commission	
Australian Crime Commission	
Australian Customs and Border Protection Service	
Australian Electoral Commission	
Australian Federal Police	
Australian Financial Security Authority	
Australian Fisheries Management Authority	
Australian Human Rights Commission	
Australian Institute of Criminology	
Australian Maritime Safety Authority	
Australian National Audit Office	
Australian National Preventive Health Agency	Closed 30 June 2014
Australian Nuclear Science and Technology Organisation	
Australian Postal Corporation	
Australian Prudential Regulation Authority	
Australian Radiation Protection and Nuclear Safety Agency	
Australian Rail Track Corporation	
Australian Renewable Energy Agency	
Australian Research Council	
Australian Securities and Investments Commission	
Australian Skills Quality Authority	
Australian Sports Anti-Doping Authority	
Australian Sports Commission	
Australian Taxation Office	
Australian Trade Commission	
Australian Transaction Reports and Analysis Centre	
Australian War Memorial	
Australian Wine and Brandy Corporation	Australian Grape and Wine Authority
Bureau of Meteorology	
Central Land Council	
Civil Aviation Safety Authority	
Clean Energy Regulator	
Comcare	
Commissioner for Superannuation (ComSuper)	
Commonwealth Scientific and Industrial Research Organisation	
Department of Agriculture	
Department of Communications	

Commonwealth Ombudsman—Complaint management by government agencies

Department of Defence	
Department of Education, Employment and Workplace Relations	Separated into Department of Education and Department of Employment
Department of the Environment	
Department of Finance	
Department of Foreign Affairs and Trade	
Department of Health	
Department of Human Services	
Department of Immigration and Border Protection	
Department of Industry	
Department of Infrastructure and Regional Development	
Department of Parliamentary Services	
Department of Social Services	
Department of the Prime Minister and Cabinet	
Department of Veterans' Affairs	
Export Finance and Insurance Corporation	
Fair Work Building and Construction	
Fair Work Commission	
Fair Work Ombudsman	
Family Court of Australia	
Federal Court of Australia	
Food Standards Australia New Zealand	
High Court of Australia	
Indigenous Business Australia	
Indigenous Land Corporation	
IP Australia	
Migration Review Tribunal and Refugee Review Tribunal	
Murray Darling Basin Authority	
National Archives of Australia	
National Blood Authority	
National Capital Authority	
National Competition Council	
National Gallery of Australia	
National Health and Medical Research Council	
National Library of Australia	
National Museum of Australia	
National Native Title Tribunal	
Office of the Aged Care Commissioner	
Office of the Commonwealth Director of Public Prosecutions	
Office of the Migration Agents Registration Authority	
Office of the Registrar of Indigenous Corporations	
Outback Stores	
Royal Australian Mint	
Screen Australia	
Social Security Appeals Tribunal	
Superannuation Complaints Tribunal	
Sydney Harbour Federation Trust	
Tax Practitioners Board	
Tertiary Education Quality and Standards Agency	
The Treasury	
Tuition Protection Service	
Veterans' Review Board	

ACT survey respondents

Environment and Sustainable Services Directorate
Community Services Directorate
Chief Minister and Treasury
Justice and Community Safety
Business units within the Economic Development Directorate
• Construction Snapshot and Affordable Housing
• Exhibition Park Corporation
• Communications and Community Engagement
• Business Development
• Sports and Recreation Services
Business units within the Territory and Municipal Services Directorate:
• Park and City Services
• Canberra Connect
• Capital Linen Service
• Cemeteries
• No waste
• ACT Property Group
• Yarralumla Nursery
• Operational Support - asset acceptance
• ACTion buses
• Roads ACT

ATTENDEES AT STAKEHOLDER ROUNDTABLES

Sydney – 11 December 2013

Aged Care Rights Service
Ethnic Communities' Council of New South Wales
Legal Aid Commission of NSW
Mental Health Coordinating Council
Welfare Rights Centre

Melbourne – 10 December 2013

Asylum Seekers' Project
Council to Homeless Persons
Dads in Distress
Victorian Legal Aid
Refugee and Immigration Legal Centre
Disability Resources Centre
Ethnic Communities' Council of Victoria

Canberra – 12 February 2014

Legal Aid ACT
Defence Force Welfare Association
Advocacy for Inclusion
Women's Legal Centre ACT
Care Financial Counselling Service

SURVEY

Part A – General issues

1. Overview

1.1. Compared to five years ago, is the number of complaints made to your agency:

Lessened markedly	Lessened slightly	Stayed the same	Increased slightly	Increased markedly	Don't know / unsure

1.2. If the number of complaints made to your agency in the last five years has not stayed the same, which of the following do you believe contributed to the increase or decrease (tick any or all that apply):

Change in agency programs / responsibilities / function	
Change in ease of making a complaint	
Change in the quality of the agency's work	
Change in the nature of your client or stakeholder base	
Change in public awareness of your agency	
Other (please specify)	

1.3. How would you assess your agency's application of the following principles in complaint handling? A brief definition of these principles is at the end of this survey.

	Very poor	Poor	Adequate	Good	Excellent
Fairness					
Accessibility					
Responsiveness					
Efficiency					
Integration					

1.4. Do you believe your agency has improved its complaint management over the past five years?

Worsened markedly	Worsened slightly	Stayed the same	Improved slightly	Improved markedly

1.5. If you believe it has improved, what do you attribute any improvement to? (tick any or all that apply):

Increased resources	
Improved accessibility	
Improved processes	
Senior leadership support	
Organisation cultural change	
Change in the nature of your business	

Change in the nature of the agency's complaints	
Staff training	
Increased external oversight	
Changes in government policy	
Increased integration with business improvement	
Other (please specify)	

1.6. Does your agency foster a culture that values complaints?

Yes	
No	
N/A	

If yes, please describe the ways that culture is fostered.

1.7. Have any other reviews been done in the past three years (external or internal) on your agency's complaint handling systems?

Yes	
No	

Please list.

2. Areas of strength and weakness

2.1. Overall, what do you think your agency does well in its complaint handling?

2.2. What do you think could be improved?

2.3. Are there any major obstacles to achieving improvements?

2.4. Is there any aspect of your complaint management that you consider to be best practice or particularly innovative that could be more broadly adopted across government? For example, solutions that address particular challenges in public administration.

Part B – Specific complaint management issues

3. Accessibility

3.1. In which of the following ways does your agency make people aware of the process for making a complaint (tick any or all that apply):

Indirect paper-based (brochure, pamphlet, poster)	
Direct paper-based (e.g. words included in standard letters or notices)	
Indirect electronic (on website)	
Direct electronic (e.g. email, SMS)	
Traditional media (e.g. TV or radio advertising)	
Social media (e.g. Twitter, Facebook)	
Using third party groups (e.g. stakeholder or advisory bodies)	
Other (please list)	

3.2. How can a person make a complaint to your agency (tick any or all that apply):

Letter	
In person	

Text message	
Email	
Web-based form	
Telephone	
Social media	
Other (please list)	

3.3. Does your agency deal with the following groups?

Prisoners / detainees	
People in remote locations	
People with disabilities	
People who don't speak English	
Minors	
Indigenous people	
Other potentially vulnerable groups (please specify)	

3.4. If your agency deals with any potentially vulnerable groups in question 3.3, does your agency have any special measures in place to ensure these people are aware of/have access to your complaints service?

Yes	
No	

If yes, please describe the measures.

3.5. Does your agency accept anonymous complaints?

Yes	
No	

3.6. Do you have a statement of expectations or mutual responsibilities for complainants, for example in a service charter?

Yes	
No	

If yes, please provide a copy or link.

3.7. Have you assessed the demographic of your complainant base, as opposed to your overall client base?

Yes	
No	

If yes, please provide a copy or link to the assessment.

4. Fairness

4.1. How would you assess your agency's complaint management staff against the following principles?

	Never	Rarely	Sometimes	Usually	Always
Impartial					
Maintain an open mind					
Maintain confidentiality					
Consider each complaint on its merits					
Disclose conflicts of interest					

5. Responsiveness

5.1. Does your agency have strategies in place to assist vulnerable or marginalised people throughout the complaints management process?

Yes	
No	
N/A	

If yes, please describe the strategies.

5.2. Does your agency have procedures in place for dealing with complainants who show unreasonable or difficult behaviour?

Yes	
No	
N/A	

If yes, please describe the procedures.

5.3. Does your agency have procedures in place for situations where a complainant expresses a fear or perception of retribution or disadvantage?

Yes	
No	
N/A	

If yes, please describe the procedures.

5.4. Does your agency allow a review of complaints if the complainant is still dissatisfied?

Yes	
No	
N/A	

If yes, please describe the review process.

5.5. Are complaints resolved to finalisation by the designated complaint-handling area, or by line areas in the organisation?

Yes	
No	
N/A	

If yes, please describe the process of internal referral and resolution.

6. Efficiency and process

6.1. Rate the following aspects of your agency's complaint management:

	Very poor	Poor	Adequate	Good	Excellent
Timeliness of acknowledgement					
Timeliness from receipt to resolution					
Referrals / transfers to other bodies					
Advising complainant of outcomes					
Recording the complaint					
Recording key decisions during the complaint process					
Analysis of systemic issues					

6.2. Does your agency have service standards for timeliness of resolution for complaints?

Yes	
No	
N/A	

If yes, please advise the percentage of cases in the financial year 2012-13 in which those standards were met.

6.3. Does your agency have a complaints management policy?

Yes	
No	
N/A	

If yes, please provide a copy or link.

6.4. Does your agency use a case management system for complaints?

Yes	
No	
N/A	

If yes, which system do you use?
If no, how does your agency record and track complaints?

6.5. Some expressions of dissatisfaction can be resolved at the first point of contact. Does your agency record these interactions as complaints?

Yes	
No	
N/A	

6.6. Does your agency monitor consistency of complaint management across the agency?

Yes	
No	
N/A	

If yes, please describe the monitoring process.

6.7. Does your agency have a process for referring complaints **to** other organisations?

Yes	
No	
N/A	

If yes, please describe the referral process.

6.8. Does your agency receive complaints that are transferred **from** another organisation?

Yes	
No	
N/A	

7. Working with multiple agencies

7.1. Does your agency work in conjunction with other agencies or contracted service providers, including State or local government bodies?

Yes	
No	

Please go to section 8.

7.2. Does your agency assist members of the public to identify the responsible agency in a multi-agency environment; for example through uniforms or promotional material?

Yes	
No	
N/A	

If yes, please describe the assistance provided.

7.3. Does your agency have a process for asking other organisations to provide a remedy for a complainant that has approached your agency in the first instance?

Yes	
No	
N/A	

If yes, please describe the process.

8. People and culture

8.1. Rate your agreement with the following statements:

Staff who handle complaints:	Never	Rarely	Sometimes	Usually	Always
Are specifically trained in complaint management					
Understand the agency's business					
Have access to the information they need to resolve complaints					
Clearly understand the agency process for complaint management					
Are able to provide appropriate remedies themselves					
Are able to access other staff who can provide a remedy where appropriate					
Are a valued part of your organisation					

8.2. Does your agency provide specific training on complaint management to staff who are designated complaint handlers?

Yes	
No	

8.3. If your agency has staff outside the complaint management area who resolve complaints or provide remedies, rate your agreement with the following statements:

Staff outside the complaint management area who resolve complaints or provide remedies:	Never	Rarely	Sometimes	Usually	Always
Respond to the complaint management area in an appropriate time frame					
Understand the agency's business					
Have access to the information they need to resolve complaints / provide remedies					
Clearly understand the agency process for complaint management					
Demonstrate a culture that values complaints					

9. Remedies

9.1. How frequently are the following remedies provided by your agency:

	Never	Rarely	Sometimes	Usually	Always	N/A
Apology						
Compensation or financial remedy						
Further explanation						
Change of decision						
Action expedited						
Change to policy or practice						
No remedy						

9.2. Do you collect data on complainant satisfaction?

Yes	
No	

If yes, please provide a copy or link.

10. Integration

10.1.   Does your agency have a mechanism or process to feed complaint information back to the business or operational areas?

Yes	
No	
N/A	

If yes, please describe the mechanism or process.

10.2.   Does your agency have designated staff conducting systemic and root cause analysis from complaint information?

Yes	
No	

10.3.   Is information from complaints regularly reported to senior management of your organisation?

Yes	
No	

If yes, please describe, or provide a recent example of the reporting.

10.4.   Does your agency have a dispute management plan?

Yes	
No	

If yes, please provide a copy or link.

10.5.   Who is the senior management owner of the complaint management process in your organisation?

Definition of concepts

Fairness
The agency:
   • deals with complaints impartially,
   • handles complaints confidentially,
   • is open about the process,
   • keeps complainants advised of progress, and
   • gives complainants the opportunity to respond and to seek internal review.

Accessibility
   • Information about how to make a complaint is freely available.
   • People can complain in a variety of ways—for example, by telephone, by mail and by using the internet.
   • Steps are taken to remove barriers—real or imagined—to making a complaint.

Responsiveness
   • People with particular needs are assisted.
   • The agency is alert to the needs of vulnerable clients.
   • Unreasonable complainant behaviour is managed professionally.

Efficiency
   • Complaints are resolved as quickly as possible, preferably on first contact if the complaint is straightforward.
   • There is regular internal reporting to supervisors, so that unresolved complaints can be escalated if necessary.
   • Staff have written complaint handling guidelines and procedures.
   • There are quality assurance procedures for the complaint handling process.

Integration
   • Dealing with complaints is part of an agency's core business, so that complaint handling is integrated with other business activities and all staff are involved.
   • Agencies consider establishing a formal procedure for referring complaints to other organisations they work closely with.
   • Agencies cooperate in dealing promptly with complaints.
   • When government functions are outsourced to a private organisation, the contract stipulates how complaints are dealt with.