

# External Complaints Handling

Procedure

# Contents

1.	<i>Procedure statement</i> .....	2
2.	<i>Who does this Procedure apply to?</i> .....	2
3.	<i>Overarching principles in dealing with complaints</i> .....	3
3.1.	Providing fairness to staff.....	3
3.2.	Transparent and open communication with the complainant.....	3
3.3.	Making an apology.....	3
3.4.	Managing unreasonable conduct by the complainant .....	4
3.5.	Confidentiality and Privacy Issues .....	4
4.	<i>Steps for managing an external complaint</i> .....	4
	Step 1: Receive Complaint .....	5
	Step 2: Recording complaints .....	6
	Step 3: Initial Review of Complaint.....	7
	Step 4: Responding to complaints – initial acknowledgment.....	8
	Step 5: Conduct an investigation and escalate if complaint is serious.....	8
	Step 6: Review Recommendations and determine management actions.....	9
	Step 7: Communicate outcomes back to the complainant.....	9
	Step 8: Implement Actions recommended by the investigation.....	9
	Step 9: Monitoring and follow up of actions and assessment of actions.....	10
5.	<i>Breaches of the External Complaints Handling Policy</i> .....	10
6.	<i>Further information and resources</i> .....	10
6.1.	Internal Policies and Procedures .....	10
6.2.	Legislation .....	10
6.3.	Other resources.....	11
6.4.	Support and/or advice.....	11
7.	<i>Document management</i> .....	11
	<b>APPENDIX 1: DEFINITIONS</b> .....	<b>13</b>

# 1. Procedure statement

This External Complaints Handling Procedure (Procedure) supports the Greater Cities Commission (Commission) External Complaints Handling Policy by providing a structured mechanism to allow complaints and concerns about the Commission to be notified and managed in a professional manner.

In accordance with this Procedure, all staff may at some stage receive complaints, provide information or advice, and/or make and communicate decisions in relation to complaints received. It is critical when dealing with complaints that the Commission's commitment to doing so in a manner, which is fair, courteous, and respectful of privacy is met. In addition, there is a need to ensure that reasons are provided for decisions made in relation to any complaint received.

The Commission is committed to:

- respectful treatment of the Complainant and all persons involved;
- providing information and accessibility for those making a complaint;
- maintaining good communication with the complainant and all persons involved;
- taking ownership by equipping staff to handle external complaints and discharge their responsibilities effectively;
- timeliness in dealing with complaints; and
- transparency to enable scrutiny, including good records keeping and providing reasons for decisions.

## 2. Who does this Procedure apply to?

This Procedure applies to all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Procedure, "staff" refers to all people to whom this Procedure applies.

In this Procedure, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

## 3. Overarching principles in dealing with complaints

### 3.1. Providing fairness to staff

Staff who have been the subject of a complaint should be consulted and respected during the complaint handling process. The principles of procedural fairness must be applied. This means that staff generally have a right to be given detailed information on a complaint made about them and to be given an opportunity to respond.

However, there are some limits to these rights, particularly where a complainant's request for confidentiality is concerned. The following principles should generally apply:

- a staff member who is handling a complaint or conducting an internal review should consult with the other staff who were involved in the incident which was the subject of the complaint;
- where a staff member has been named by a complainant as the subject of a complaint, the staff member should be advised of the nature of the complaint, unless there is a compelling reason not to do so. This advice, with specific details, should be given by a manager, and at an early stage of the process. However, where the complainant has requested anonymity or confidentiality, personal information or any details of the complaint which may identify the complainant should be withheld. Similarly, a copy of the complaint should not be provided to staff if this would breach the complainant's request for anonymity or confidentiality;
- when advising a staff member of a complaint, the manager should approach the matter in keeping with the principles of procedural fairness and natural justice, and should offer the staff member a de-briefing session if appropriate;
- a staff member who is the subject of a complaint has the right to respond to the officer handling the complaint, and have the staff member's version of events stored in the complaint file or record; and
- the appropriate time to address and resolve any staff performance issue that may arise as a result of a complaint is at the time of handling the complaint. It is generally not appropriate to defer dealing with such an issue until a formal performance review process. However, where there is a pattern of similar complaints which indicate there may be an ongoing performance issue, it may be appropriate to discuss complaints during a staff member's performance review.

### 3.2. Transparent and open communication with the complainant

Staff responding to a complaint should, where necessary, consult with the complainant before responding. This may be needed to confirm or clarify the outcome which the complainant expects or will accept, and any other issues that may require clarification. The initial complaint received from the complainant may not always specify these details.

### 3.3. Making an apology

Staff should consider making an apology in appropriate circumstances. Research in customer satisfaction indicates that the giving of apologies is often the most effective way to deal with a grievance. Part 10 of the *Civil Liability Act 2002* (*Civil Liability Act*) provides that, in most cases, the giving of an apology is not an admission of fault or liability (however there are some exclusions).

The NSW Ombudsman has issued a series of fact sheets designed to assist agencies to apply the provisions of the *Civil Liability Act* when an apology may be appropriate. The fact sheets outline how an apology should be worded, which apologies are not protected by the *Civil Liability Act*, and liability issues regarding apologies. The fact sheets are available at [NSW Ombudsman](#). Advice should be sought with the Director, Governance & Legal before any apology is made.

### 3.4. Managing unreasonable conduct by the complainant

The Commission is committed to ensuring, as far as is reasonably practicable, the health, safety and wellbeing of all staff and visitors. Therefore, in the instance where an external complainant's behaviour threatens the physical and mental stability of staff the Commission will put measures in place to protect its staff.

There are strategies that staff can utilize when responding to complainant conduct that is unreasonable. 'Unreasonable' conduct will depend on the circumstances, but may include:

- excessive persistence or repetition of a complaint;
- demands that are not in proportion with the wrong suffered by the complainant;
- deliberate lack of cooperation of the complainant with due process; and
- behaviour such as use of abusive language, threats or violence.

Strategies for managing such conduct are detailed in NSW Ombudsman [Managing Unreasonable Conduct by a Complainant – Guidelines 2021](#)

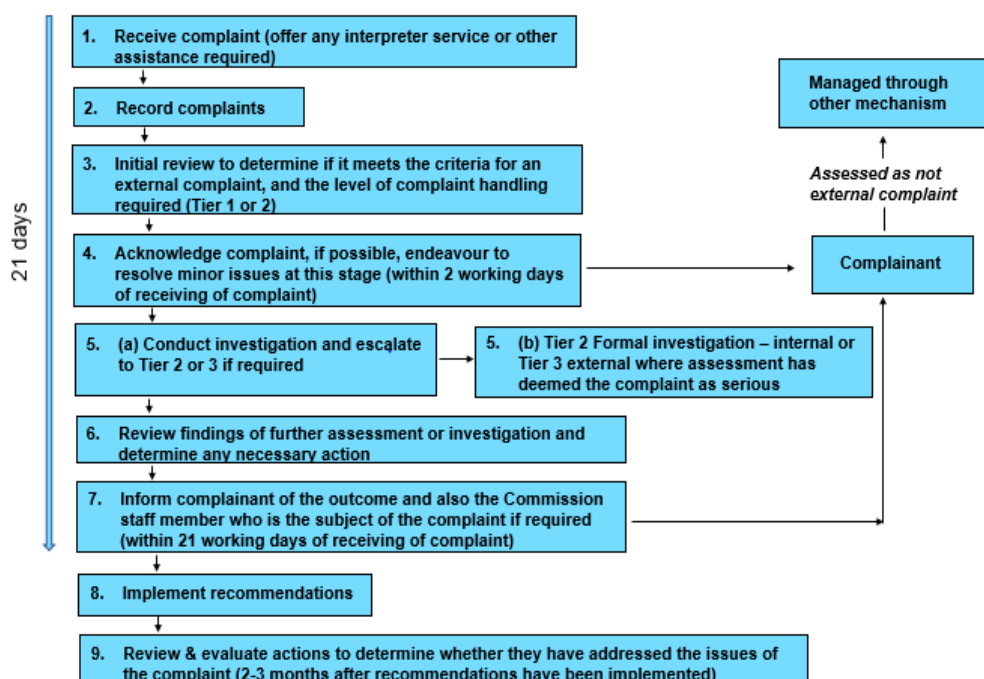
Even where a complainant's conduct is deemed unreasonable, the substance of the complaint may nevertheless be legitimate and must still be addressed.

If staff feel the complainants conduct is unreasonable, they should contact their manager or a senior executive manager for assistance.

### 3.5. Confidentiality and Privacy Issues

The Commission is committed to handling complaints in a manner that respects the confidentiality and privacy of those involved. It is important to note however that, for the Commission to appropriately address complaints, it may be necessary for those handling the complaint to contact others to seek and clarify information. If the complainant has any concerns relevant to the confidentiality and privacy of their complaint, they need to immediately be made known to those responsible for handling the complaint.

## 4. Steps for managing an external complaint



## Step 1: Receive Complaint

### Options for submitting a complaint

There is a variety of options for people to submit a complaint. Generally, complainants should be able to make a complaint:

- by writing a letter;
- by sending an email;
- by submitting the online web form; or
- verbally over the telephone.

In some circumstances, such as a Tier 2 complaint it will be acceptable to request that a complainant puts their complaint in writing, by completing the Commission's Complaint Handling Form. This includes where the matter is complex or contentious. It may also be appropriate to suggest the complainant makes an appointment for another time to discuss the complaint in detail.

### Verbal Complaints

#### Accepting verbal complaints

Staff should accept a complaint verbally, where it is apparent that the complainant wishing to make the complaint:

- has a disability that makes it difficult or impossible for him or her to make a complaint in writing; or
- is otherwise unable to make a complaint in writing (for example due to an inability to read or write in English).

#### Procedure for verbal complaints

Where a complaint is received verbally, staff must:

- take down in writing the details of the complaint in the complainant's own words, as far as possible;
- check with the complainant that the details of the complaint taken down accurately reflect the complainant's concerns. This may involve reading the details back to the complainant or providing them with a printed copy; and
- keep an official record of the complaint by reporting the complaint to the Director, Governance and Legal who will register the complaint in the Complaints Register.

#### Use of interpreters

Where it is apparent that the complainant making the complaint:

- speaks a language other than English; and
- does not speak or understand English well;
- has a hearing impairment; or
- either the complainant or the complaint handler considers that holding a face-to-face meeting with the complainant is necessary in order to resolve the complaint satisfactorily.

Staff should offer to contact the [Telephone Interpreter Service \(TIS\)](#) on 131 450 to assist with the taking down of the details of the complaint. Where the complainant has telephoned a staff member, the complainant should be advised to contact the TIS themselves, who will in turn contact the staff member.

Alternatively, the staff member should offer to arrange an Auslan or relevant language interpreter to attend the face-to-face meeting, at the cost of the Commission.

## Complaints by a third party on behalf of complainant

Where a third party has made a complaint on behalf of a complainant, staff must:

- not assume that the third party is authorised to act on behalf of the complainant;
- as appropriate, seek the consent of the complainant to deal with the third party on the complainant's behalf;
- consider the privacy implications of releasing information to the third party; and
- not release any information without the complainant's express consent to the release.

## Complaints received anonymously

If a complaint is received anonymously (with no means of identifying the complainant or their contact details), staff must still record the complaint in the usual manner. The complaint should also be assessed to determine if it nevertheless raises relevant issues, and whether or not any improvement to service delivery or policy is warranted.

## Complainants requesting anonymity

If a complainant identifies themselves but requests anonymity or confidentiality during the complaint handling process, a manager (who is not the subject of the complaint) should:

- clarify with the complainant their concerns and to whom details may or may not be disclosed during the complaint handling process. For example, the complainant may be comfortable with a manager who is reviewing the complaint having access to the complainant's identity details, but not the staff at the location where the action complained about occurred; and
- as necessary, make anonymous or keep confidential any records of the complainant's complaint and apply appropriate security to the complainant's complaint records.

Always consider the complainants feelings and where appropriate apologise.

## Step 2: Recording complaints

### Keeping official records

Under the State Records Act 1998 (State Records Act), The Commission is required to make and keep full and accurate records of its activities.

Accordingly, Branches must maintain an official record of all incoming complaints. Such records should be documented and provided to the Director, Governance and Legal who is responsible for maintaining the Complaints Register.

It is recognised that, for some verbal complaints of a less serious nature it may be impractical to make an official record of an 'expression of dissatisfaction'. It may also be inefficient to do so when the cause of the dissatisfaction is beyond the control of the Branch / Division.

Even if such a verbal complaint is not recorded, it still remains necessary for staff to provide a verbal response to the complainant, for example, to explain the limits of the Branch / Division statutory role or the assistance that can be offered.

### Content of official records

Records of an incoming complaint must include, at a minimum:

- the name and contact details of the complainant;
- the date of the complaint;
- the nature of the complaint; and
- the category of the complaint.

## Protecting privacy and confidentiality

Staff must generally protect the privacy and confidentiality of records about complainant complaints. This should involve:

- applying appropriate security classifications to files that contain complaints;
- providing appropriate secure storage of complaint files and records;
- restricting access to any individual complaint record to those staff involved in the handling of that particular complaint; and
- ensuring that complaint handling practices comply with the Commission's obligations to protect privacy and personal information under the *Privacy and Personal Information Protection Act 1998*.

## Step 3: Initial Review of Complaint

Determine whether the report received is an external complaint and attempt to assess the severity of the matter being raised in the complaint.

If it is an external complaint, you need to triage the complaint as either a Tier 1 or Tier 2 complaint. An explanation of a Tier 1 and Tier 2 complaint is provided below.

Further general guidance on the range of options for resolving complaints is available in the NSW Ombudsman's ['Tips for accessible complaint handling'](#).

**Note:** if the complaint is internal then it should be progressed to People and Culture who will handle the assessment and may refer the matter to the Executive Director, People and Corporate Services or to a Public Interest Disclosure Officer where appropriate.

### How to assess the severity of a complaint and who to refer it to

Level	Identifier	Responsible
Tier 1	General complaints of a non-serious nature that can be resolved immediately and informally by people receiving the complaint or those otherwise directly involved.	<ul style="list-style-type: none"><li>• the person(s) directly involved in the matter where they are not the recipients of the complaint; or</li><li>• a manager where the complaint is about the staff members' own conduct.</li></ul>
Tier 2	<ul style="list-style-type: none"><li>• Complaints of a serious nature where:</li><li>• the complaint involves an allegation of any staff member committing a criminal offence, acting corruptly, or engaging in misconduct;</li><li>• the complainant requests the complaint be referred to a manager or was unable to resolved as Tier 1;</li><li>• the complaint is received from a representative of the media;</li><li>• the Complainant makes a demand for compensation;</li><li>• the Complainant alleges a breach of a privacy protection principle;</li></ul>	<ul style="list-style-type: none"><li>• Director, Governance and Legal; and</li><li>• Director/Executive Director of the Branch relating to the complaint; and</li><li>• Executive Director, Thought Leadership and Engagement for all matters involving media representatives.</li></ul> <p>Note: Executive Director, People and Corporate Services may be consulted as necessary.</p>



	<ul style="list-style-type: none"> <li>purports to make an application for access to information, under the Government Information (Public Access) Act 2009 (GIPA); or</li> <li>the complaint relates to matters that are otherwise of a sensitive nature.</li> </ul>	
<b>Tier 3</b>	<p>Complaints involving an external body such as NSW Ombudsman or the Independent Commission Against Corruption (ICAC), including:</p> <ul style="list-style-type: none"> <li>where the Commission has determined it is appropriate to refer the complaint to the external body for external review;</li> <li>where the Complainant has requested the matter be referred for external review following a decision being made by the Commission after an internal review; or</li> <li>where the external body is referring the complaint to the Commission for internal review.</li> </ul>	<p>For all complaints relating to external bodies:</p> <ul style="list-style-type: none"> <li>Chief Executive Officer;</li> <li>Executive Director, People and Corporate Services; and</li> <li>Director Governance and Legal</li> </ul>

If there is doubt as to whom the complaint should be directed, it should be lodged with the Manager/Director of the Branch responsible for the issue which has given rise to the complaint. Staff are also encouraged to seek advice from the Governance and Legal team.

## Step 4: Responding to complaints – initial acknowledgment

### Time standards

Tier 1 complaints should be resolved as early as possible and should not take longer than 21 business days.

- Senior executive managers or their delegate will oversee Tier 2 complaints and must: acknowledge the complaint in writing within 2 business days of receipt ; and
- wherever possible, indicate in the interim response when a full response can be expected.

## Step 5: Conduct an investigation and escalate if complaint is serious

### Authority to conduct internal reviews

Tier 2 complaints are to be managed by the relevant Executive Director of the relevant Branch with advice from the Governance and Legal team. Reviews will be conducted by the nominated staff member authorised to conduct an internal review of a complaint.

Tier 3 complaints that have been referred to the Commission by an external body for internal review will be assessed by the Chief Executive Officer and the Executive Director, People and Corporate Services. The Chief Executive Officer will delegate the responsibility for internal review and may outsource this function where appropriate.

### Records of internal reviews

The nominated staff member must retain official records of an internal review, including copies of relevant documents which formed the basis of the decision. These records must all be saved in the

Commission's records management system.

### **Matters requiring investigation or referral**

Where an internal review involves very complex or sensitive issues, it may be more appropriate to undertake a more formal investigation. In this case, the investigation should be undertaken by a staff member or manager of appropriate seniority who has an understanding of investigatory procedures. The NSW Ombudsman's ['Investigation of complaints' webpage](#) provides useful guidance on this task.

The following protocols must apply:

- Executive Director of the relevant Branch will refer the matter to the Director, Governance and Legal who will notify the Chief Executive Officer and the Executive Director, People and Corporate Services.
- Referral of a matter to the NSW Ombudsman or ICAC should be signed by the Chief Executive Officer in accordance with the *Independent Commission Against Corruption Act 1988*.
- Reporting to the NSW Police Force of a criminal offence allegedly committed by a staff member should be done with the authority of the relevant Chief Executive Officer (unless it is an emergency) and also reported to the Executive Director, People and Corporate Services and the Secretary.
- Reporting to the NSW Police Force of a criminal offence allegedly committed by any other person should be done by an Executive Director, unless it is an emergency. The Chief Executive Officer must also be briefed.

## **Step 6: Review Recommendations and determine management actions**

The senior executive manager responsible for managing the complaint will conduct a review of the findings, further assessment or investigation and determine any necessary management actions that need to be taken and how these will be implemented. This will be done in consultation with Director, Governance and Legal. Where appropriate the Chief Executive Officer and Executive Director, People and Corporate Services may be involved.

## **Step 7: Communicate outcomes back to the complainant**

Send a written response to the complainant within 21 days of receipt. If this can't be achieved, an interim response must be sent to the complainant.

The written response should outline that the Commission conducted an internal review and provide any key findings that may be useful to the complainant. This response should also include information outlining the complainant's rights to seek an external review if they are unhappy with the outcome of the Commission's internal review.

## **Step 8: Implement Actions recommended by the investigation**

Implement the recommendations as a result of the investigation (at steps 4 and 5) or other actions (determined at step 6).

### **Record these actions, timeframes, and other information**

Within 1 month from the date of the initial complaint at step 1.

Unless the formal investigation takes longer, some initial actions may have occurred at step 4. Both the complainant and staff member, the subject of the complaint, should be formally notified of these actions if required.

## Step 9: Monitoring and follow up of actions and assessment of actions

The Director or Executive Director responsible for the Branch relating to the complaint is required to monitor the effectiveness of the remedial actions and conduct a review after 2-3 months of actions being implemented to determine whether they have addressed the issues of the complaint.

As part of continual improvement, monitor the workplace to ensure there is no continuation or repeat of the behaviour which is the subject of the complaint.

## 5. Breaches of the External Complaints Handling Policy

Failure to adhere to this Procedure and the Policy can lead to reputational damage and consequences for individual staff members. If staff members are unsure about any part of this Procedure, they should seek guidance from their manager or the Director, Governance and Legal.

Behaviour that is clearly contrary to this Procedure will be dealt with appropriately, in a manner that is proportionate to the seriousness of the matter. It may be that a discussion between the staff member and their manager is enough to clarify the responsibilities of the staff member.

Staff should be aware that the Government Sector Employment Act 2013 (GSE Act) provides for disciplinary action to be taken in circumstances where there is a finding of “misconduct”, in accordance with rules made under that GSE Act. Action, under section 69 of the GSE Act, may range from a caution to the termination of employment.

## 6. Further information and resources

### 6.1. Internal Policies and Procedures

- External Complaints Handling Policy
- Code of Ethics and Conduct – Staff
- Records Management Policy
- Grievance Resolution Policy
- Grievance Resolution Procedure
- Information Access Policy
- Public Access to Government Information (GIPA) Procedure
- Public Interests Disclosures Policy
- Public Interests Disclosure Procedure
- Privacy Management Plan

### 6.2. Legislation

#### NSW

- Crown Employees (Public Service Conditions of Employment) Award 2009
- Crown Employees (Planning Officers) Award 2016
- Government Sector Employment Act 2013
- Government Sector Employment Regulation 2014

- [Government Information \(Public Access\) Act 2009](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Ombudsman Act 1974](#)
- [Industrial Relations Act 1996](#)
- [Public Interest Disclosures Act 1994](#)
- [Civil Liability Act 2002](#)
- [State Records Act 1998](#)

### 6.3. Other resources

[NSW Government Personnel Handbook](#)

[NSW Public Service Commission, Behaving Ethically: a guide for NSW government sector employees](#)

[NSW Ombudsman](#)

[Managing Unreasonable Complainant Conduct 2009 \(NSW Ombudsman\).](#)

[Telephone Interpreter Service \(TIS\)](#)

[NSW Ombudsman's Complaint Handler's Tool Kit, Investigating Complaints](#)

[Anti-Discrimination Board of NSW](#)

### 6.4. Support and/or advice

Employee Assistance Program – (AccessEAP)

1800 818 728

[info@accesseap.com.au](mailto:info@accesseap.com.au)

## 7. Document management

<b>Approver</b>	Executive Director, People and Corporate Services
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<b>Revision history</b>	Version 1 – March 2022; Version 1.1 May 2022
<b>Next review date</b>	March 2024
<b>Responsible branch</b>	People and Corporate Services
<b>CM9 Reference</b>	DOC22/3577

# Appendix

Form/Template/Info/Guide

Appendix 1 - Definitions

# Appendix 1: Definitions

<b>Complainant</b>	means a person, organisation, or their representative (including clients, consumers, service users, customers, etc.) making a complaint.
<b>Complaint</b>	means an expression of dissatisfaction made to or about the Commission, related to its products, services, staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
<b>Complaint management system</b>	means the policies, procedures, practices, staff, hardware, and software used by the Commission for the management of complaints, including the Complaints Register.
<b>Complaints Register</b>	means the Complaints Register, which records all complaints the Commission receives, as outlined in this policy.
<b>Corrupt conduct / behaviour</b>	<p>has the same meaning as in the <a href="#">Independent Commission Against Corruption Act 1988</a> which states that it may involve:</p> <p>“any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials, or any public authority.”</p> <p>It could include any of the following matters: official misconduct, bribery, blackmail, theft, obtaining or offering secret commissions, embezzlement, or forgery.</p> <p>Conduct does not amount to corrupt conduct unless it could constitute or involve: a criminal offence, a disciplinary offence, or reasonable grounds for dismissing, dispensing with the service of, or otherwise terminating the services of a public official.</p>
<b>Feedback</b>	means opinions, comments, and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about the Commission, its products, services, staff or its handling of a complaint, where a response is not explicitly or implicitly expected or legally required.
<b>Grievance</b>	means a complaint made or an objection raised (written or verbal) by a staff member about an act, behaviour, omission, situation, or decision in the workplace they think is unfair or unjustified.
<b>ICAC</b>	means the Independent Commission Against Corruption.
<b>Personal information</b>	<p>means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.</p> <p>Note: this is based on the definition of “personal information” in the <a href="#">PPIP Act</a>.</p>
<b>Public interest disclosure</b>	means a disclosure of wrongdoing made by a public official in NSW that meets the requirements of the <a href="#">PPIP Act</a> .
<b>Unreasonable complainant</b>	means any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource, or equity issues

<b>conduct</b>	for the Commission, its staff, other service users and customers, or the customer him/herself.
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