

Effective complaint handling

This guide sets out key information for state sector agencies about developing and operating an effective complaints process.

It also provides information about the Ombudsman's role, as an independent, external review body for complaints about the administrative conduct of state sector agencies.

A checklist for agencies to follow in designing an effective complaints process is also included at the end of this guide.

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Why have a complaints process?

Every agency that interacts with the public receives complaints. Some agencies may regard them as a nuisance, interfering with normal work, or view complaints as a criticism of agency acts or decisions that they must defend.

However, people have a right to make comments or raise concerns and expect them to be heard by the agency they have been dealing with. In addition, there are a number of benefits an agency can gain from investing in the development of an effective complaints process.

Enables quick resolution

Good complaint handling can help an agency to resolve a problem quickly before it becomes worse. An effective complaints process will enable the complaint to be considered by the agency at first instance. This provides an immediate opportunity for the agency to review the matter and provide a remedy where necessary. Complaints that are not addressed quickly can create significant additional workload for an agency, both in terms of staff time and resources required. Resolving complaints internally, promptly and close to source can avoid this.

Promotes good decision making

Having an effective complaints process in place can help to encourage good decision making in the first instance. Complaints can provide a window for an agency into the effect of its day to day operations and can be a rich source of information about any problems or inefficiencies that might be occurring. Effective monitoring of complaints provides an agency with an opportunity to identify any problems and sort them out before they escalate and cause widespread concern. As a result, an agency can save time and money before complaints multiply and escalate to the point where external intervention may be sought.

Fosters good relations with the public

Operating an effective complaints process will promote good relations with the public by reassuring them that the agency is both committed to resolving problems, and willing to improve public satisfaction with the services provided. People with a concern about the service provided by an agency might be feeling angry or frustrated, find it difficult to explain the problem, or just not feel comfortable raising their concerns. Having an effective complaints process means there is somewhere for people to go. In addition, people who have problems that are quickly resolved tend to be as understanding and co-operative as those who never experienced a problem in the first place.

Effective complaint handling is fundamental to the provision of a quality service

Designing an effective complaints process

The 3 steps in an effective complaints process

Step 1: Enabling complaints

The complaints process is client focused, visible, accessible, and valued and supported by management.

Step 2: Responding to complaints

Complaints are responded to promptly and handled objectively, fairly and in confidence. Remedies are provided where appropriate.

Step 3: Accountability and learning

There are clear accountabilities for complaint handling and complaints are used to stimulate agency improvements.

Overview of an effective complaints process

An effective complaints process should aim to achieve the following:

- a user friendly system;
- complainants are heard and understood;
- complainants are respected;
- explanations and apologies are provided where appropriate;
- action is taken as soon as possible;
- clear delegations and procedures for staff to deal with complaints and provide remedies;
- a recording system to capture complaints data;
- the use of complaint data to identify problems and trends; and
- an outcome of improved service delivery in identified areas.

Elements of effective complaint handling

A complaints process must be supported by the following elements in order to be effective.

Culture | Principles | People | Process | Analysis

Culture

The agency must value complaints and recognise that effective complaint handling will benefit its reputation and administration. Complaints can:

- highlight weaknesses in an agency's policies, procedures and service delivery; and
- stimulate an agency to improve its business.

Good complaint handling will:

- reassure people that the agency is committed to resolving problems and improving relations with the public; and
- improve the agency's accountability and transparency.

Principles

An effective complaints process must be modelled on the principles of:

- fairness;
- accessibility;
- responsiveness; and
- efficiency.

Complaint handling must also be integrated with the core business of the agency.

People

The staff who handle complaints must be skilled in their role and have a positive attitude when dealing with complainants.

They should be chosen for that function and be fully trained in the work of the agency and in exemplary complaint handling practices.

They should receive effective supervision and regular feedback about their work.

Process

There must be an effective process for handling complaints. The following key stages in complaint handling should be described in internal procedures:

1. a complaint should be acknowledged promptly;
2. the complaint should be assessed and assigned priority, with a decision made as to who will deal with the complaint and when it should be completed;
3. if the matter cannot be resolved immediately and a review is required, it should be planned, with consideration of what action needs to be taken to consider the complaint and who needs to be consulted;
4. the review should resolve factual issues and consider options for complaint resolution;
5. the response to the complainant should be clear and informative, as far as possible, explaining the outcome of the complaint and providing reasons for any decisions made or remedies offered;
6. the response should include information about other possible remedies, in the event that the complainant is not satisfied;
7. any systemic issues that arise as a result of the complaint should be considered and acted on; and
8. action should be taken to record the complaint and its outcome, and to report to management as appropriate.

Analysis

Information about complaints can provide an insight into an agency's policies, procedures and services that are not working as well as they might. It can be used to improve customer service by:

- highlighting service failings that need to be remedied; and
- revealing problems and trends that can be acted on by management.

All agencies should set both qualitative and quantitative measures for assessing their complaint handling. There should be regular reporting to senior management about the subject matter of complaints, how the complaints have been dealt with, and the steps taken to resolve systemic problems.

Designing a process that suits the agency

An effective internal complaints process should be "*fit for purpose*", designed to meet the particular needs of the agency and proportionate to the number and types of complaints the agency is likely to receive.

The following should be considered when designing an internal complaints process:

- how many and what type of clients the agency has;
- how clients generally communicate with the agency;

- the type of acts and decisions the agency is responsible for;
- the level of risk there is to the agency if things “go wrong”;
- how many complaints the agency is likely to receive;
- how many staff the agency has; and
- the resources the agency can make available to deal with complaints.

The design of a complaints process should:

- have clear procedures for both staff and complainants to follow;
- be accessible, with advice available to the public about the complaints system and how to access it;
- allow for resolution at the lowest level possible, including the ability for front line staff to resolve complaints where appropriate;
- provide for referral of a complaint to senior staff where necessary, and an ability for a staff member not previously involved in the matter to consider the complaint; and
- include regular oversight by senior management, with reports provided on complaints received and their outcome, and the information used to improve the services provided by the agency overall.

Making the complaints process accessible

An agency’s internal complaints process should be easy for members of the public to access and understand. Otherwise, it is unlikely that people will use it.

All staff members should be aware of the complaints process and be able to either deal with complaints if they can be resolved quickly and easily, or else refer complaints to the relevant person or team within the agency responsible for the complaints process.

Complaints should be accepted in a number of ways, such as in person, over the phone, by letter, fax or email.

Assistance should be provided to people who are having difficulty formulating their complaint, or who need to communicate with the agency in a particular way due to a disability or a language barrier. It can be helpful to ask people if they have any special requirements for access or communications.

Complaints made via social media

If an agency has set up channels to communicate with the public via social media, such as facebook and twitter, then it should expect to receive some complaints via those mediums.

Agencies should allow for this, by setting up clear procedures for the receipt, referral and handling of complaints via social media.

It may be possible to respond to a complainant via twitter or facebook. However, privacy concerns may mean that the agency should respond directly to the complainant by other means, rather than posting the response online for all the world to see. Where a complaint is made via social media, an agency is justified in asking the complainant for a postal or email address in order to continue discussions in relation to the complaint. These details can be conveyed via personal message.

For any social media channels that are used, agencies should have policies for privacy and moderation, and guidelines for engagement. These should include details of the steps that will be taken by the agency when a complaint is received via social media.

Information about an agency's complaints process should be readily available. The complaints process can be publicised on the agency's website, at the front counter or reception, in leaflets and in newsletters.

Examples – publicising the complaints process

- Examples of information made available to the public about the complaints process of larger agencies can be found here:

<http://www.ird.govt.nz/how-to/disputes/>

<http://www.acc.co.nz/making-a-claim/what-if-i-have-problems-with-a-claim/ECI0046>

- An example of information about a school's complaints handling process can be found in our guide: *Good complaints handling by school boards*¹.
- A generic example of information for the public about an agency's complaints process is set out on the following page.

¹ School boards constituted under subpart 5 of Part 3 of the Education and Training Act 2020 are listed in Schedule 1 of the Ombudsmen Act 1975 (the Act), which means they are an 'organisation' for the purposes of the Act, and for the Official Information Act 1982. School boards were formerly known as school boards of trustees, prior to the commencement of the Education and Training Act 2020, on 1 August 2020.

Example: information for the public about an agency's complaints process

Raising concerns with our service

Have a query or complaint?

While we always try to get it right sometimes this is not the case. So, if you have questions or a complaint about the service you have received, you can contact us. We will look into your concerns and get back to you.

What should I do first?

As a first step, contact the staff member you have been dealing with and explain your concerns. That staff member will try to resolve the matter straight away. If they can't, they may refer your concerns to our complaints team to consider. You can also contact our complaints team yourself.

What do I do if I have a question?

If you have a query, you can contact us and we will discuss this with you.

How do I send a complaint?

You can write to us with the details of your complaint, email, or contact our complaints team to discuss your concerns. Contact us:

By post: *[insert postal address]*

By email: *[insert email address]*

By phone: *[insert telephone number]*

Please also provide a short, clear description of the reasons for your complaint together with any relevant supporting documents.

Next steps

If you have sent us a complaint and given us an email address, we will send you an email confirming we have received your complaint. Otherwise we will write to you acknowledging your complaint.

We will look into your complaint and contact you to work through the issue. You should expect a response from us within 1 – 3 weeks. If we need to take longer because, for example, we need to get additional information or it is a detailed matter, we will let you know.

What should I do if I am not satisfied with the outcome of the complaint?

[insert details of, or reference to, any rights of review or appeal that may be available]

You have the right to raise your concerns with the Ombudsman:

Office of the Ombudsman

Free phone: 0800 802 602

www.ombudsman.parliament.nz

info@ombudsman.parliament.nz

PO Box 10152

Wellington 6143

The Ombudsman can consider complaints about the administrative acts and decisions of state sector agencies. The Ombudsman will ask you if you have first tried to resolve the matter with us directly, and will also consider whether you have any other remedy available. The Ombudsman may look into your complaint and make a recommendation to us regarding the concern you have raised.

Operating an effective complaints process

The role of the complaints officer

Any internal complaints process should have a person or team assigned to take primary responsibility for managing the complaints process. This guide will refer to that person or team as the “*complaints officer*”.

Complaints officers are the most important factor in ensuring that the complaints process works well. Complaints officers should:

- be able to act sensitively and be impartial;
- be trained to receive and deal with complaints about the agency;
- have access to staff at all levels of the agency so that complaints can be resolved quickly; and
- have the authority to act to resolve a complaint or to refer the matter to someone who has the authority.

Complainants are more likely to be satisfied with the complaints process if the person dealing with their complaint is competent, objective and efficient

Receiving a complaint

When a complaint is received it should be considered whether the matter can be resolved quickly and easily by the person receiving the complaint. If it can, this should be done, and the complaint details logged for further analysis. If not, the complaint should be referred to the complaints officer and acknowledged promptly.

If a complaint is received in person, or over the telephone, the staff member receiving the complaint should consider whether it needs to be put in writing. A written complaint may not be needed if the matter can be resolved quickly. Assistance should be given to the complainant to put their complaint in writing if necessary.

A record should be made of the complaint and the date the complaint is received, with a file opened if necessary.

Assessing a complaint

After receipt, the complaint should be assessed. Matters to consider include:

- what the complaint is about;
- how serious or urgent the complaint is;
- whether the complaint may indicate a systemic problem;
- what risks the complaint raises for the agency; and
- what kind of resolution the complainant is seeking.

After considering these matters, a decision can be made as to whether:

- the complaint can be resolved quickly and informally;
- no action should be taken and an explanation given to the complainant for this; or
- a formal review of the matter is needed.

Not every complaint requires review. Most complaints should be able to be addressed at an informal level. Many complaints involve communication problems that can be resolved by discussion with the complainant. Complaints about matters such as delays or failures to reply can often be easily resolved to the complainant's satisfaction.

A complaint should be resolved at the earliest possible opportunity

If the matter does not need to be reviewed, then the complainant should be advised in the most appropriate way, and the outcome of the complaint should be recorded appropriately.

Planning a review

If it is decided to review the matter of concern, the next step is to plan the review. Matters to consider include:

- what the review will be about (i.e. what is the act or decision that has been complained about);
- who will undertake the review;
- who needs to be kept informed of the review;
- what priority will be given to the matter;

- what information or evidence needs to be gathered (e.g. comments from people involved, site inspection, file records, relevant policies or procedures etc); and
- when the review should be completed.

Conducting the review - a fair process

Any review that is undertaken must be fair.

To ensure a fair process, the complaints officer should:

- deal with complaints on their merits;
- act independently and have an open mind;
- take measures to address any actual or perceived conflict of interest;
- consider all information and evidence carefully;
- keep the complaint confidential as far as possible, with the complaint considered in private and information only disclosed if necessary to properly review the matter of concern; and
- act without undue delay.

The complainant, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:

- present their position;
- be advised of any adverse findings against them; and
- comment on any adverse findings against them before a final decision is made.

Providing the person with an opportunity to comment in these cases can assist you to:

- check you have the correct facts; and
- identify any major issues that may be of concern to the person and which they may seek to challenge later on if they are not addressed.

Reporting on the review

The review should follow the plan that has been prepared. Once all relevant information and evidence has been gathered, the matters of concern should be assessed, and a report prepared.

Depending on the nature of the concerns that have been raised, and the proposed outcome of the complaint, the report may only need to be brief or may need to be more detailed.

If it has been identified that something has “gone wrong”, the report should include action that can be taken to resolve the complaint. This may include:

- providing a remedy for the complainant; and/or
- internal action such as changes to policies, procedures or practices.

If nothing wrong is identified, the reasons why the agency's actions are considered fair and reasonable should be set out.

The report should be referred to another staff member in the agency for a “*second person check*” or approval, before it is actioned. This can help to ensure a robust decision is made.

Communicating the outcome of the review

Once the review is complete, the complainant should be advised of:

- the outcome of the complaint;
- the reasons for any decisions that have been made;
- any remedy that is offered; and
- information about any other remedy that might be available, such as to seek a review or appeal, or complain to the Ombudsman.

As far as possible, any communications with the complainant should focus on the actions of the agency as a whole and how that may have affected the complainant, rather than focusing on the actions of individual staff members. This is on the basis that staff members do not act on their own behalf, but as representatives of the agency. The Chief Executive is ultimately responsible for ensuring good administrative conduct by an agency.

However, if any adverse findings are made about a staff member, they should also be informed of the outcome.

Resolving complaints

Action to resolve a complaint may be required where it has been identified that:

- there was an unreasonable delay;
- inadequate advice, explanation or reasons were provided;
- agency policies or procedures were not followed correctly;
- there was an inadequate or unfair process followed;
- there was a factual or legal error;
- there was unprofessional behaviour or misconduct by an official;
- the act or decision complained about was unfair or unreasonable; or

- the act or decision was just plain “*wrong*”.

In resolving a complaint, any remedy should be fair and reasonable, and should aim, as far as possible, to restore the complainant to their original position.

Mistakes should be admitted and put right

Complaints can be resolved in a number of ways, including by:

- acknowledging what has happened;
- providing an explanation, assistance or reasons;
- providing an apology;
- taking action if there has been a delay;
- reconsidering or changing a decision;
- amending records;
- providing a financial remedy for loss; and
- changing policies, procedures or practices.

Concerns about legal liability

In some cases a complainant may have a legal entitlement to redress. There may be concerns about legal liability in this situation. If so, the agency should still offer a resolution where possible, as that may remove the need for the complainant to pursue their legal remedies.

Agencies have a duty to rectify problems for which they are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case, legal advice as to how any offer of resolution should be worded should be obtained.

Record keeping

A full record should be kept of the complaint, any review, and the outcome. The record should include:

- the original complaint;
- details of all communications with the complainant and other parties; and
- any report that has been prepared.

The complaint record should be stored securely to preserve confidentiality and saved in the correct place in the agency's record keeping system so that it can be retrieved if necessary.

A central record should also be kept of all complaints received, and their progress and outcome.

Record keeping guidance

Archives New Zealand is able to provide state sector agencies with guidance on creating and maintaining records and archives. This includes tools and resources to help manage information, care for archives and comply with the Public Records Act.

See: <http://archives.govt.nz/>

Learning from the complaint

A good complaints handling process allows an agency to learn from the problems that arise and take steps to improve internal processes. It is therefore important to build in a system of review.

The complaints that have been received, their outcome, and any proposed internal improvements should form part of an agency's reporting and planning processes. Any systemic issues, serious risks, or areas for improved practices can then be identified by senior management for appropriate action.

Managing unreasonable complainant conduct

Most complainants act responsibly. However, some complainants are difficult to satisfy and occasionally the conduct of some complainants can be challenging because of:

- unreasonable persistence;
- unreasonable demands;
- unreasonable arguments;
- unreasonable behaviour; and
- unreasonable lack of co-operation.

It is important to remember that even where a person's conduct may be unreasonable, they could have a valid complaint and that complaint should be handled appropriately. The key to managing unreasonable complainant conduct is to give fair consideration to the complaint, while ensuring there is no undue imposition on the agency or staff in doing so.

Guidance on managing unreasonable complainant conduct

For detailed guidance in this area, please see our full guide: *Managing unreasonable complainant conduct: A manual for frontline staff, supervisors and senior managers*.

This guide is available at www.ombudsman.parliament.nz from 5 October 2012.

What is the Ombudsman's role?

It can sometimes be useful to have someone independent to step into the middle of a dispute and have a look at a problem. An external review of a complaint can help to either uphold an agency's actions as correct or resolve the problem – and allows the person making the complaint to feel that they have been heard.

The Ombudsman acts impartially to consider complaints from members of the public about the administrative conduct of state sector agencies.

When we receive a complaint, an investigator assisting the Ombudsman may contact the agency to make informal enquiries about the complaint, and try to resolve the matter if appropriate. If the Ombudsman decides to investigate a complaint, we will write to the Chief Executive of the agency concerned, providing details of the complaint and any response that may be sought.

If the matter cannot be resolved, the Ombudsman will form an independent opinion on whether the agency has acted reasonably and fairly. Before forming any adverse opinion the Ombudsman will give affected parties an opportunity to comment.

Where the Ombudsman finds that a complaint has merit, they can make any recommendations they think fit. An Ombudsman's recommendation made under the Ombudsmen Act 1975 is not binding, but may be reported:

- to the relevant Minister or Mayor responsible for the agency concerned;
- to Parliament; and
- publicly in Ombudsman annual reports, case notes, opinions and guides.

Checklist for an effective complaints process

The following checklist sets out ten good practice principles for complaint handling. When using the checklist, consider the type of system that will meet your agency's needs. Not all components of the checklist will apply to your agency. They are prompts to guide your decision making in designing the right type of system for your agency.

Some aspects of the principles may be more relevant to your agency than others and different agencies may be able to meet the complaint handling principles in different ways.

Customer focus

Good practice principle: The agency is committed to effective complaint handling and values feedback from complaints.

- Do you have customer service standards and a complaints process that is valued, supported and followed by management?
- Is your agency open to feedback from clients, including through complaints?
- Are the benefits of complaints and the complaints process communicated to staff, including new staff at their induction?

Visibility

Good practice principle: Information about how and where to complain is well publicised to clients, staff and other interested parties.

- Is information about how to make a complaint and how it will be handled readily available, for example on your website and at your reception or front counter?
- Are the contact details for making complaints prominently displayed, for example in leaflets, on your website or on posters?
- Are front line staff aware of the complaints process and the contact details for your complaints officer?
- Does your complaints process identify alternative external parties the complainant can go to with a complaint?

Accessibility

Good practice principle: The complaints process is easy for complainants to access and understand.

- Are complaints handled at no charge to the complainant and is this information clear in publications about how to make a complaint?
- Can complaints be made in a number of different ways, verbally and in writing using different methods of communication?
- Do you provide access to translating and interpreting services for non-English speaking people to assist them to make a complaint?
- Is the process for making a complaint accessible and easy to use by people from different cultural backgrounds, children and young people, and people with disabilities?

Responsiveness

Good practice principle: Complaints are acknowledged in a timely manner, addressed promptly and according to order of urgency, and the complainant is kept informed throughout the process.

- Do you provide guidelines for staff on how to respond to and prioritise complaints, which cover:
 - who will be responsible for handling complaints;
 - how to assess complaints to decide what can be resolved easily and what requires review;
 - how and when the complainant will be kept informed during the process?
- Is each complaint acknowledged promptly and is the complainant kept informed throughout the process?
- Are complaints addressed promptly and in order of urgency and do you have performance targets which set out the timeframe for resolving complaints?
- Are front line staff empowered to resolve certain complaints at the earliest point of contact with the complainant?

Objectivity and fairness

Good practice principle: Complaints are dealt with in an equitable, objective and unbiased manner, and the complaint handling process is fair and reasonable. Unreasonable complainant conduct is not allowed to become a burden.

- Do you ensure that your staff are aware of, and given guidance on, conflict of interest requirements and how to make declarations where required?
- Are relevant staff given guidance or training in:
 - complaint resolution;
 - evidence based investigation techniques;
 - managing unreasonable complainant conduct?
- Is the complainant (and any person who is the subject of the complaint) given:
 - sufficient opportunity to present their position;
 - the opportunity to comment on any adverse findings;
 - reasons for the decisions made about the complaint?
- Where appropriate, is there a process in place for a “*second person check*” or approval of the outcome of the complaint?

Confidentiality

Good practice principle: Personal information relating to complaints is kept confidential.

- Do you advise staff about confidentiality requirements when handling or involved in complaints?
- Are the personal details of the complainant kept confidential and only used for the purposes of addressing the complaint?
- Are the personal details of any people who are the subject of the complaint kept confidential and only used for the purposes of addressing the complaint and any follow-up actions?

Remedy

Good practice principle: If a complaint is upheld, the agency is able to provide an appropriate remedy.

- Do you support and give guidance to staff on providing remedies when complaints are upheld?
- Are responsibilities for providing remedies clearly defined and at the appropriate level in the agency, for example are front line staff empowered to provide appropriate remedies?
- Do you give guidance to staff on the appropriate use of remedies?
- Are the reasons for decisions relating to remedies provided to the complainant?

Review

Good practice principle: There are opportunities for internal and external review and/or appeal about the agency's response to the complaint, and complainants are informed about these avenues.

- Do you provide complainants with access to an independent internal review of the handling of their complaint by someone who was not involved in dealing with the complaint?
- Do you provide the complainant with information about external review or appeal options, such as the Ombudsman, at the conclusion of the complaints process?

Accountability

Good practice principle: Accountability for complaint handling is clearly established, and complaints and responses to them are monitored and reported to management and stakeholders.

- Are staff aware of their responsibilities for handling complaints and the responsibilities of specific nominated complaints officers?
- Are reasons for complaint decisions and remedies recorded?
- Are any remedial actions and proposed practice improvements acted on, followed up and reported to senior management?
- Do you have a "*fit for purpose*" information system for recording and tracking complaints?
- Do you ensure that all correspondence relating to feedback and complaints is managed in accordance with the agency's record keeping policies and procedures?

- Is standardised and consistent data from complaints reported to senior management along with proposed or actual improvements to your agency's practices?
- Is the effectiveness of complaint handling monitored through appropriate quality assurance and reported to senior management along with any recommended improvements to the complaints process?

Continuous improvement

Good practice principle: Complaints are a source of improvement for the agency.

- Do you analyse feedback and complaints data to identify:
 - recurring themes that may highlight systemic issues;
 - service, process and information inadequacies;
 - opportunities for improvement?
- Is the analysis of feedback and complaints data reported to senior management and used to identify and implement practice improvements?

Acknowledgement

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