

# Complaints Management Policy

---

## 1. Introduction

### 1.1 Purpose

This policy is intended to ensure that Cemeteries and Crematoria NSW (CCNSW) handles complaints fairly, efficiently and effectively.

The CCNSW complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way,
- boost public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our regulatory role, services, staff and complaint handling.

This policy provides guidance to our staff and people who wish to make a complaint on the key principles and concepts of our complaint management system. The policy is based on the Model Complaints Handling Policy issued by the NSW Ombudsman.

### 1.2 Scope

This policy applies to all CCNSW staff members receiving or managing complaints from the public made to or about us, regarding our services, regulatory role, staff and complaint handling.

Complaints may be classified into two categories:

1. **Regulatory role (related to industry and operator matters):** complaints received in respect of the operators of cemeteries and crematoria in NSW.
2. **Governance (related to Cemeteries and Crematoria NSW):** complaints about the operations of the agency and the delivery of its services and regulatory role to industry and the community.

Complaints received by CCNSW Board members in the course of their duties should be referred in the first instance to the Chief Executive Officer of CCNSW for advice and appropriate action under this policy.

Further information is contained in Appendix A.

Staff grievances, the information applications under the *Government Information (Public Access) Act 2009* [GIPA] and public interest disclosures under the *Public Interest Disclosures Act 1994* [PID] are dealt with through separate mechanisms. GIPA and PID matters will generally involve the Department of Industry - Lands.

### 1.3 Organisational commitment

This organisation expects staff at all levels to be committed to fair, effective and efficient complaint handling. The following table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
Chief Executive Officer, CCNSW	Promote a culture that values complaints and their effective resolution	<p>Report to the Board on Cemeteries and Crematoria complaint handling and publicly as required.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review reports about complaint trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data.</p>
Operations Manager - responsible for complaint handling	Establish and manage our complaint management system.	<p>Maintain a complaints register.</p> <p>Provide regular reports to the Chief Executive Officer on issues arising from complaint handling work.</p> <p>Ensure recommendations arising out of complaint data analysis are canvassed with the Chief Executive Officer and the CCNSW Board and implemented where appropriate.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with CCNSW and the Department of Industry - Lands' policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people make a complaint, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's complaints management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>

All staff	Understand and comply with CCNSW's complaint handling practices.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of CCNSW's complaint handling policies and procedures.</p> <p>Assist people who wish to make complaints access the CCNSW's complaints process.</p> <p>Be alert to complaints and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.</p>
-----------	------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 2. Terms and Definitions

### Complaint

Expression of dissatisfaction made to or about us, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Policy can be distinguished from:

- staff grievances
- public interest disclosures made by our staff
- code of conduct complaints
- responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below]
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback']
- service requests [see definition of 'service request' below], and
- requests for information.

### Complaint management system

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

### Dispute

An unresolved complaint escalated either within or outside of our organisation.

### Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

### Service request

The definition of a service request could be any of CCNSW's core business. It is likely to include:

- requests for approval
- requests for action
- routine inquiries about CCNSW business
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by the CCNSW
- requests for explanation of policies, procedures and decisions.

## Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem.

## Policy

A statement of instruction that sets out how we should fulfill our vision, mission and goals.

## Procedure

A statement or instruction that sets out how our policies will be implemented and by whom.

## Public interest disclosure

A report about wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.

## 3. Guiding principles



### 3.1 Facilitate complaints

#### People focus

We are committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures, products and complaint handling. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

Most basic complaints should be managed by front-line staff and should be addressed as quickly as possible in a professional and courteous manner either verbally or in writing. The majority of complaints should be able to be resolved by the provision of additional information at the time they are made. Acknowledgement to the complainant in writing should be provided within **2 working days**, with assessment over **15 working days** and resolution within **20 working days** of receipt.

People making complaints will be:

- provided with information about our complaint handling process
- provided with accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

## **No detriment to people making complaints**

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

## **Anonymous complaints**

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.

## **Accessibility**

We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament, another organisation).

## **No charge**

Complaining to us is free.

## **3.2 Respond to complaints**

### **Early resolution**

Where possible, complaints will be resolved at first contact with CCNSW staff.

### **Responsiveness**

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations, and will inform them as soon as possible of the following:

- the complaints process
- the expected time frames for our actions
- the progress of the complaint and reasons for any delay
- their likely involvement in the process, and
- the possible or likely outcome of their complaint.

We will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

### **Objectivity and fairness**

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

We will ensure that the person handling a complaint is different from any staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or perceived, will be managed responsibly and transparently. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

### **Responding flexibly**

Our staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

### **Confidentiality**

We will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by CCNSW as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

### **Declining a complaint**

CCNSW may decline to deal with a complaint at any time where we are of the view that:

- (a) the complaint is:
  - frivolous
  - vexatious
  - not made in good faith
  - misconceived and/or lacking in substance
  - lacking in currency
- (b) a claim has been commenced (either by the complainant or the Authority) in a court or before another judicial authority;
- (c) the subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency;
- (d) the subject matter of the complaint may be more appropriately dealt with by an external agency;
- (e) CCNSW has already dealt with the substance of the complaint in the past;
- (f) in accordance with legal advice obtained by CCNSW.

## **3.3 Manage the parties to a complaint**

### **Complaints involving multiple agencies**

Where a complaint involves multiple organisations, we will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within our organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

### **Complaints involving multiple parties**

When similar complaints are made by related parties we will try to arrange to communicate with a single representative of the group.

## Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

## Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.

[For further information on managing unreasonable conduct by people making complaints please see the NSW Ombudsman's Managing Unreasonable Complainant Conduct Model Policy 2012].

## 4. Complaint management system



### 4.1 Introduction

When responding to complaints, staff should act in accordance with our complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in our complaint management system are set out below.

### 4.2 Receipt of complaints

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier to the complaint file.

The record of the complaint will document:

- the contact information of the person making a complaint
- issues raised by the person making a complaint and the outcome/s they want
- any other relevant and
- any additional support the person making a complaint requires.

### 4.3 Acknowledgement of complaints

We will acknowledge receipt of each complaint promptly, and preferably within two (2) working days.

Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

## 4.4 Initial assessment and addressing of complaints

### Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issue/s raised in the complaint is/are within our control. We will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

### Addressing complaints

After assessing the complaint, we will consider how to manage it. To manage a complaint we may:

- Give the person making a complaint information or an explanation
- Gather information from the product, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

## 4.5 Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- the outcome of the complaint and any action we took
- the reason/s for our decision
- the remedy or resolution/s that we have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, we make any adverse findings about a particular individual, we will consider any applicable privacy obligations under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

## 4.6 Closing the complaint, record keeping, redress and review

We will keep comprehensive records about:

- How we managed the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
- Any outstanding actions that need to be followed up.

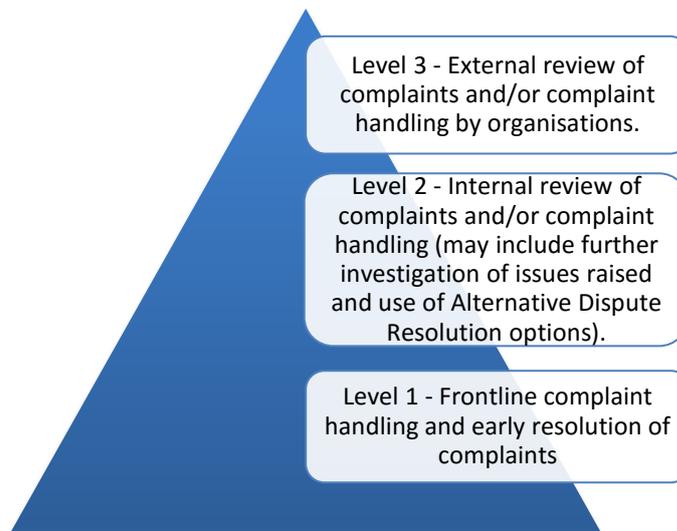
We will ensure that outcomes are properly implemented, monitored and reported to the complaint

handling manager and/or senior management and the Cemeteries and Crematoria NSW Board.

## 4.7 Alternative avenues for dealing with complaints

We will inform people who make complaints to or about us about any internal or external review options available to them. This includes the Department of Industry – Lands, the NSW Ombudsman, the Information and Privacy Commission and the NSW Audit Office, depending on the nature of the complaint.

## 4.8 The three levels of complaint handling



We aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision.

Where this is not possible, we may decide to escalate the complaint to a more senior officer within CCNSW. This second level of complaint handling will provide for the following internal mechanisms:

- assessment and possible investigation of the complaint and decision/s already made, and/or
- facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of CCNSW's review of their complaint, they may seek an external review of our decision (by the Department of Industry-Lands or the NSW Ombudsman for example).

## 5. Accountability and learning

### 5.1 Analysis and evaluation of complaints

We will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. Regular reports will be run on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests we receive for internal and/or external review of our complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.

Both reports and any analysis will be provided to the Cemeteries and Crematoria NSW Board for review.

## 5.2 Monitoring of the complaint management system

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

## 5.3 Continuous improvement

We are committed to improving the effectiveness and efficiency of our complaint management system.

To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- recognise and reward exemplary complaint handling by staff
- regularly review the complaints management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

## Acknowledgements

The development of this policy has been informed by the following:

- Australian and New Zealand Standard Guidelines for complaint handling in organizations AS/NZS 10002:2014
- NSW Ombudsman Effective complaint handling guidelines, 2nd Edition, December 2010
- Victorian Ombudsman Councils and complaints - a good practice guide, February 2015
- Joint publication of the NSW Ombudsman and Department of Local Government Complaints Management in Councils Practice note no. 9, revised July 2009
- Ombudsman Western Australia Guidelines on complaint handling, November 2010
- Commonwealth Ombudsman Better Practice Guide to Complaint handling 1, April 2009
- NESTA Grumbles Gripes and Grievances The Role of Complaints in Transforming Public Services, April 2013
- Scottish Public Services Ombudsman SPSO Statement of Complaint handling Principles, 2011
- The British and Irish Ombudsman Association Guide to Principles of good complaint handling, 2007
- NSW Ombudsman Managing Unreasonable Complaint Conduct – a Model Policy and Procedure 2012
- Victorian Ombudsman Good Practice Guide, November 2007
- Disability Services Commissioner Victoria Good Practice Guide and Self Audit Tool, 2nd Ed. 2013.

## Appendix A

### Complaints management matrix

A complaints management matrix is shown in Table 1, below, with the escalation of referral required depending on the nature of the complaint and the legislation concerned. Generally matters which:

- fall under the *Cemeteries and Crematoria Act 2013* will be managed by Cemeteries and Crematoria NSW with provision for Level 3 complaints to be referred to the Department of Industry – Lands when an external review is required.
- involve the *Crown Lands Act 1989* and related regulations will involve consultation with and possible referral to the Department of Industry-Lands;
- require an external review of CCNSW will be referred to the Department of Industry – Lands.
- involve the portfolio Minister will require advice to/from or involvement with the Department of Industry – Lands.

In some cases, the specific nature of a complaint and its resolution may involve a joint approach by Cemeteries and Crematoria NSW and the Department of Industry – Lands.

**Table 1 – Regulatory complaints about industry service providers and operators**

Act or Instrument	Level 1	Level 2	Level 3
<i>Cemeteries and Crematoria Act 2013</i>	<ul style="list-style-type: none"> <li>• Operations Managers</li> <li>• Routine report to the Board at summary level only.</li> </ul>	<ul style="list-style-type: none"> <li>• All Managers and Chief Executive Officer</li> <li>• Internal review</li> <li>• Routine report to the Board at summary level only.</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Notify Board</li> <li>• Consult with Industry – Lands.</li> <li>• External review</li> </ul>
<i>Crown Lands Act 1989 and Crown Lands (General Reserves) By-Law 2006</i>	<ul style="list-style-type: none"> <li>• Operations Managers</li> <li>• Refer to Industry- Lands</li> <li>• Routine report to the Board.</li> </ul>	<ul style="list-style-type: none"> <li>• Managers and Chief Executive Officer</li> <li>• Refer to Industry- Lands</li> <li>• Report to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Refer to Industry – Lands</li> <li>• External review as required</li> </ul>

**Table 1** relates to complaints about cemetery and crematoria operators which may be within CCNSW's regulatory function. In the first instance, all complaints will be referred to the operators for comment. Complaints which are subsequently deemed to be client-focussed service performance issues between operators and their clients (therefore determined to be outside the scope of the *Cemeteries and Crematoria Act 2013*) will be referred to the operator to resolve.

- Level 1 complaints will be managed by an Operations Manager and included in routine summary reports to the Board
- Level 2 internal reviews of a complaint will be managed by another manager to the one who initially investigated the complaint or the Chief Executive Officer and reported to the Board.
- Level 3 external review of a complaint will be managed by the Chief Executive Officer with Board consultation rather than through periodic reporting. An external investigator may be appointed through this process.

A summary of all complaints will be provided to the Board of CCNSW on a quarterly basis, and included in the CCNSW Annual Report. If the frequency and volume of complaints increases the complaints report will be included in reports for the monthly Board meeting.

**Table 2 – Governance complaints concerning Cemeteries and Crematoria NSW**

Act or Instrument	Level 1	Level 2	Level 3
<i>Cemeteries and Crematoria Act 2013</i>	<ul style="list-style-type: none"> <li>• Operations Managers</li> <li>• Routine report to the Board only at category level only</li> </ul>	<ul style="list-style-type: none"> <li>• All Managers and Chief Executive Officer</li> <li>• Report to the Board</li> <li>• Internal review</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Notify Board</li> <li>• External review (refer to Industry – Lands)</li> </ul>
<i>Crown Lands Act 1989 and Crown Lands (general Reserves) By-Law 2006</i>	<ul style="list-style-type: none"> <li>• Staff and Managers</li> <li>• Refer to Industry- Lands</li> <li>• Report to the Board</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Refer to Industry- Lands</li> <li>• Report to Board</li> </ul>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Notify Board</li> <li>• Refer to Industry – Lands</li> <li>• Investigation</li> </ul>

**Table 2** relates to complaints associated with the operation of CCNSW itself.

- Level 1 complaints can be managed and resolved internally.
  - Level 2 internal review of a complaint will be undertaken by an officer of equal standing or higher to the person who initially managed the complaint.
  - Level 3 external review of a complaint will require referral to the Department of Industry-Lands. Level 3 referrals must be reported to the Board of CCNSW.
  - Level 3 complaints which are directed to the Minister will require notification to the Department of Industry – Lands.
-