



AUSTRALIAN
COUNCIL
FOR
INTERNATIONAL
DEVELOPMENT

ACFID Code of Conduct

**Guidelines for the Development of
a Complaints Policy**

CONTENTS

SECTION	TITLE
1	PURPOSE OF THESE COMPLAINT POLICY DEVELOPMENT GUIDELINES
2	STEPS TO DEVELOP AND IMPLEMENT A COMPLAINT POLICY
3	HOW TO USE THE COMPLAINT POLICY TEMPLATE
4	COMPLAINT POLICY TEMPLATE AND MODEL TEXT
5	RESOURCES AND USEFUL WEB-LINKS
6	ATTACHMENTS A – ACFID CODE D6 PARAGRAPHS B – IMPLEMENTATION GUIDELINES FOR D6 C - THE BASICS OF COMPLAINT HANDLING D - WHAT YOUR CONSUMERS/CLIENTS EXPECT E - PRINCIPLES FOR REMEDY AND REDRESS F - EFFECTIVE APOLOGIES G - UNREASONABLE COMPLAINANT CONDUCT

1 PURPOSE OF THESE COMPLAINT POLICY DEVELOPMENT GUIDELINES

The ACFID Code of Conduct Compliance Indicator 7.3.3 requires a signatory organisation to have “a documented complaints handling policy”. These complaint policy development guidelines have been produced to provide guidance to signatory organisations on how to develop, implement and review their complaint policy and procedures. These policy development guidelines are considered to be an example of good practice and are based on *AS ISO 10002-2006 Consumer/client satisfaction – Guidelines for complaint handling in organizations*. This standard is essential for any organisation dealing with complaints. These guidelines are also informed by the policies and procedures of international NGDOs. These guidelines combine policies and procedures in one document. A separate complaint handling procedures manual should be created to put into place the organisation’s complaint policy, which should include specific guidelines on how the organisation will implement the different components of the policy; such as the steps that will be taken when responding to particular kinds of complaints.

An organisation’s complaint policy should reflect the organisation’s size, nature, style, character and program delivery structure. The size of the policy may therefore vary between organisations, dependent on these factors and the level and type of risk factors faced by each organisation. The complaint policy should refer to, and link with, other organisational charters, policies, codes and procedure manuals in order to ensure that the complaint policy is relevant and integrated into the organisational culture.

2 STEPS TO DEVELOP AND IMPLEMENT A COMPLAINT POLICY

Step 1:	Consultation and discussion within the organisation <ul style="list-style-type: none">• Identify key stakeholders for participation in the policy development process (Ideally participation will incorporate staff from a range of country/cultural settings)• Define the purpose of the Complaint policy for your organisation, and the issues to be addressed within the policy document• Ensure the views and wishes of communities your organisation serves including women, children and young people are respected
Step 2:	External consultation <ul style="list-style-type: none">• Consult as widely as necessary to inform your complaint policy development e.g.• Include consideration of funding and implementing partners to ensure compliance with their complaint policy requirements• Include any national bodies with complaint handling responsibilities or interests, e.g. consumer affairs or justice agencies
Step 3:	Stock take <ul style="list-style-type: none">• Review your existing policies and ensure your complaint policy harmonises with them• Reflect on the work your organisation does, and use this process to accurately represent your organisation and its commitment to effective complaint handling
Step 4:	Risk identification <ul style="list-style-type: none">• Review all activities of your organisation and the importance of effective complaint handling in reducing risks. For example, complaints can be an early identifier of inappropriate behaviour of staff in recipient countries.

Step 5: Developing and drafting a complaint policy

- Determine at the outset who is responsible for drafting the policy
- The planning phase should include consideration of your organisation's vision, values and commitment to effective complaint handling, definitions to be detailed, issues to be addressed, and identification of the complaint handling focal point to be named in the policy, and where the decision making responsibilities will lie e.g. Complaints Manager
- ***This is the stage at which the Complaint Policy Model/Template can be used.***

Step 6: Implementation and training

- Determine the steps by which the organisation will ratify, promote and educate participants about the policy
- Identify additional organisational resource requirements which may be required to effectively implement all aspects of the policy

Step 7: Monitoring and review

- Determine the steps your organisation will take to monitor the effectiveness of the policy
- Identify a group to review and set a realistic timeline

Outcome

- A complaint policy document that is a living document. It will constantly be reviewed to ensure it is responsive to the needs of the organisation committed to good/best practice in complaint handling

3 HOW TO USE THE COMPLAINT POLICY TEMPLATE AND MODEL TEXT

The Complaint policy template and model text at Section 4 incorporates:

- suggested sections to include in a complaint policy,
- the rationale for the inclusion of each section, and
- model text for each section.

The complaint policy template can also be used as a tool for reviewing existing complaint policies in order to ensure that they are current, up to date and relevant to address developments and or new programs and activities.

Although there is no one policy that fits all NGDOs, all policies should be based on the following:

- nature and size of the organisation;
- types of activities undertaken;
- risks presented to marginalised groups and children; and
- how these risks are managed.

Risk management is an important step in developing and reviewing your complaint policy. Complaint risk management should become an ongoing activity in the organization, and be considered as integral to the planning of all new activities or expanding existing ones.

The success of a complaint policy will depend largely on stakeholder involvement and support, including:

- the extent to which key stakeholders (including overseas partners and program teams) can readily absorb the key policy requirements;
- the way in which the policy is distributed to stakeholders- this may differ depending on who the stakeholders are;
- the way stakeholders are supported (through training/awareness raising/resourcing) to meet the key policy requirements; and
- the reporting of outcomes of complaints (i.e. does the policy work!).

Accessibility of your policy

All ACFID members must have their policy readily accessible on their website.

Consider your stakeholder groups when designing the formats of your policy. For example some of the sections may need to be translated, or to be attached as annexes to enhance accessibility for certain stakeholders, such as a child-friendly version designed for children and young people.

Communication and distribution of your policy

After finalising your complaint policy, it will be important to consider how best to share it with your key stakeholders. Agency approaches may differ depending on the nature of operations and the relevant stakeholders. An organisation's complaint policy can be distributed to stakeholders through some of the following mechanisms:

- **Staff/ Board and Volunteers:** Recruitment, induction packages and training on an ongoing basis;
- **Partners and suppliers:** Include the complaint policy as part of contracting or partnership agreements, include partners in training as appropriate
- **Project visitors:** Include the complaint policy in pre-departure briefing/documentation
- **Supporters:** Include reference to the complaint policy in sign up mechanisms and terms and conditions etc
- **Website:** the policy must be on the agency's website
- **Primary stakeholders:** Forms and formats will depend on the primary stakeholders your organisation works with and may include translations or pictorial storyboards. It is useful to work with partners or in country-offices to develop effective forms and formats for primary stakeholders.

Supporting policy implementation

Whilst it is important to have a complaint policy in place, it is equally important to regularly monitor its implementation. The creation of a simple checklist to use as part of a regular (preferably annual) internal audit or review is one way to monitor policy implementation. This exercise can also prove helpful in gaining whole of agency/stakeholder ownership of the policy and for identifying ongoing or new resource requirements.

Monitoring implementation of the complaints policy through program/project monitoring and partner reviews also provides important information on implementation in countries where your organisation works.

Agencies should commission an independent review of the effectiveness of its complaint policy 3 years after its implementation and then every 5 years.

4 COMPLAINT POLICY TEMPLATE AND MODEL TEXT

Organisations may set out their policy document as they see fit, but there are a number of matters that a good comprehensive complaint policy needs to cover. This paper will use the following structure and provide a rationale for what should be included in each section, some guidance on content development where appropriate and suggested model text for your policy document.

1 Title of the Policy Document

2 Introduction and reasons for adoption of a complaint policy

3 Guiding principles

4 Definitions

5 Scope of the policy

6 Educating the organisation on the complaint policy and training relevant personnel

7 Publicising the Policy

8 Where and How Complaints may be made

9 How complaints are handled

10 Inquiries, minor complaints and jurisdiction

11 How complaints are investigated

12 Timeframes

13 Responding to and closing a complaint

14 Outcomes of complaints

15 Confidentiality

16 Recording complaint data

17 Reporting about complaints

18 Continuous improvement in complaint handling

1 Title of the Policy Document

The title should make clear the intent of the policy. This could be as specific as complaint handling or be broader to include inquiries and feedback in general.

Suggested Model Text for Your Policy Document

XYZ Agency – Policy on complaints and complaint handling

2 Introduction and reasons for adoption of a complaint policy

If the policy is to be provided as a stand-alone document the introduction may start with a description of the organisation's mission, vision, purpose and nature of programs. The introduction should make clear that the organisation values complaints and its commitment to effective complaint handling.

It is usual for the governing board of an organisation to adopt a policy by resolution and to make effective implementation of a policy a key performance requirement of its CEO. If this is the case the introduction could also make this clear.

Some organisations shy away from using the word **complaint** perhaps because of a concern that the word implies they are prone to errors and that this will diminish their reputation. On the contrary, prominently using the word complaint makes it clear that an organisation is prepared to work hard to continually improve its performance and this will enhance its reputation.

Organisations must have the policy easily accessible on their website. Organisations should use the word complaint prominently on the home page with a link to their complaints policy and information on making complaints.

Suggested Model Text for Your Policy Document

Introduction – The value of complaints and our commitment to good complaint handling

XYZ Agency recognises the importance and value of listening and responding to concerns and complaints. We are committed to achieving the highest standard we can in every area of our work and to continuous improvement. This applies especially to delivery of services, seeking donations and accountability to stakeholders generally. We are committed to working according to or above the standard required by the Code of Conduct of the Australian Council for International Development (ACFID). Receiving concerns and complaints is one of the most important ways of learning what we need to do to improve our work.

This policy applies to all our people - employees and volunteers – and they are familiarised with it. Those with particular relevant responsibilities are trained in its application.

We make clear the value we place on receiving concerns and complaints in all relevant communications. We advise how a copy of this policy may be obtained and we provide clear information on how complaints may be made.

3 Guiding principles

The guiding principles are the underlying philosophical principles on which the policy is based. This statement expands on the organisation's commitment to effective complaint handling as required by the code: **Signatory organisations recognise the importance and value of listening and responding to concerns and complaints**

The following is based on generally accepted principles for complaint handling.

Suggested Model Text for Your Policy Document

Guiding principles for Our Policy

We have adopted the following principles for our complaint policy and procedures.

Principle 1: Visibility

We will clearly publicise information about how and where to complain

Principle 2: Accessibility

We will ensure that our complaint handling process is as accessible as we can practically make it to all complainants.

Principle 3: Responsiveness

We will respond to complaint according to our predetermined timeframes.

Principle 4: Objectivity

We will address all complaints in an equitable, fair and unbiased manner using evidence submitted by both the complainant and our personnel through the complaint handling process.

Principle 5: Charges

Access to the complaint handling process is free of charge to complainants

Principle 6: Confidentiality

We will observe strict confidentiality in complaint handling.

Principle 7: Consumer/client-focused approach

The interests of our consumers/clients are foremost in our approach to complaint handling.

Principle 8: Accountability

We will ensure that accountability for and reporting on the actions and decisions with respect to complaint handling is clearly established.

Principle 9: Continual improvement

Continual improvement of the complaint handling process and the quality of services is one of our permanent objectives.

4 Definitions

This section will provide definitions relevant to the policy. The ACFID Code defines a complaint as - An 'expression of dissatisfaction'. This definition is taken from the International Standards Organisation (ISO) standard on complaint handling. An organisation's policy could use the full

ISO definition. A complaint is different from feedback and enquiries and is usually more formal and a response or resolution is expected from the complainant. As a result, complaints should be dealt with differently to feedback and enquiries.

Suggested Model Text for Your Policy Document

Definitions we use

Complaint means an expression of dissatisfaction made to an organisation, related to its products or services, or the complaint handling process itself, where a response or resolution is explicitly or implicitly expected.

Complainant means a person, organisation or its representative, making a complaint.

Enquiry means a request for information or an explanation

Feedback means opinions, comments, suggestions and expressions of interest in the products or the complaint handling process

Stakeholder or interested party means a person or group having an interest in the performance or success of the organisation

5 Scope of the policy

The scope will define the relevant stakeholders, or to whom the policy refers, which can include staff, volunteers, visitors, sponsors, board members and consultants. *The suggested text below is for a comprehensive policy. It might be that it will be appropriate for some organisations to have separate policies and procedures for complaints from different groups such as donors, local people and staff.*

Suggested Model Text for Your Policy Document

Scope of Our policy

This Policy is intended to apply to any complaint, regardless of who makes it.

We will accept complaints relating to our paid staff, our volunteers, our partners, our contracted service providers or anyone else acting on our behalf.

A complaint may be made by a person to whom we deliver services or goods or who is affected by our services or goods, a partner, a local organisation with which we work, our staff, volunteers, donors or a member of the public.

Anonymous complaints can be made, but obviously our ability to investigate them may be limited because of this.

6 Educating the organisation on the complaint policy and training relevant personnel

This will describe how the organisation will educate staff and others about the policy and procedures.

Suggested Model Text for Your Policy Document

Educating our organisation on our complaint policy and training relevant personnel

Our Complaints Policy has been distributed to all our paid staff, our volunteers, our partners, our contracted service providers and all others acting on our behalf. We require all those who may be involved in any way with a complaint to formally signify their commitment to this policy.

To familiarise them with this policy we run induction programs for our governing board members and all relevant personnel. Personnel directly involved in complaint handling are fully trained in all aspects of this policy and its implementation. We take special care to train our field personnel to encourage, receive and handle complaints taking account of language issues and cultural sensitivities.

7 Publicising the Policy

There is no point in an organisation being committed to effective complaint handling if its policy and procedures are not well communicated to those who might wish to make a complaint. The policy and procedure document must be written in an approachable, easy to understand manner. For many organisations translation to local languages will be needed and communication by spoken word and pictorial means may be necessary where literacy is an issue. The complete policy and procedure document must be available on the website. Clear and simple instructions on making a complaint should be given.

It is best practice for the home page of a site to have a prominent tab with the word **complaint** that takes the reader to the complaint instructions page and which then has a link to the full document.

Suggested Model Text for Your Policy Document

Publicising Our Policy

We make clear the value we place on receiving concerns and complaints in all relevant communications. We use the word "complaint" or its equivalent in relevant languages other than English. (If the organisation has a website) Our website opening page has a prominent tab with the word complaint linking to this policy and information on how to make a complaint. Where literacy is a constraint we will orally invite expressions of concern and complaint on a regular basis. We will take care to give this invitation in a way that is culturally appropriate recognising that in some cultures people require greater encouragement to make a complaint. We will take special care to facilitate complaints from vulnerable populations including children and marginalised groups. If required we will make use of pictorial means of communication.

We ensure that making a complaint to us is as easy as possible. We will take complaints orally in person, over the phone and by any written means. We will do our very best to assist a complainant to put their complaint in writing or to write it down ourselves as faithfully as we can.

All relevant communications explain this and explain our procedures for handling complaints including: (Note - e.g. website, newsletters, annual report, partnership agreements, staff policies)

- *where or to whom complaints can be made*

- *information to be provided by the complainant*
- *the process for handling complaints*
- *time periods associated with various stages in the process*
- *the complainant's options for remedy, including external means*
- *how the complainant can obtain feedback on the status of the complaint*

In addition to the general reviews of our complaint handling specified in section 18 we will monitor how effectively we are publicising our complaints policy on a continuing basis and make necessary improvements in its communication.

8 Where and How Complaints may be made

This section will describe the various avenues by which complaints can be made. Phone numbers, email and addresses in Australia should be included in the policy. Access point in countries where the organisation works should also be available.

Suggested Model Text for Your Policy Document

Where and How Complaints may be made

We are able to receive complaints orally in person or by telephone and in writing by post, email or online via our website. Where complaints are made orally we will ensure our write up of the complaint contains all the information the complainant wishes to provide.

Complaints may be made by a friend or advocate of the complainant on their behalf.

Where appropriate, for some projects/programmes we may establish complaint committees involving representatives from partner organisations and members of communities we are serving.

Where appropriate we may utilise complaint/suggestion boxes. We recognise that in some circumstances complainants may wish to remain anonymous. Because such complaints can alert us to problems that need fixing we will accept them though clearly it may not be possible to provide a remedy to an individual.

In Australia, complaints can be made through the following channels:

Ph...

Email:,,,,,

Postal.

In countries where we work, complaints can be made through our partners or implementing agencies. We work with them to ensure point of access are made clear and complaints are handled in line with our policy and processes and in forms appropriate to the countries where we work.

9 How complaints are handled

This section will describe the approach of personnel responsible for receiving complaints and the steps they will take.

Suggested Model Text for Your Policy Document

How we will handle complaints

When we take an oral complaint we will:

- *Identify ourselves, listen, record details, and determine what the client wants;*
- *Confirm that we have understood and received the details;*
- *Show empathy for the client, but not attempt to take sides, lay blame, or become defensive;*

For all complaints we will:

- *Seek from the client the outcome/s they are expecting;*
- *Make an initial assessment of the severity of the complaint and the urgency of action*
- *Clearly explain to the client the course of action that will follow:*
 - *if the complaint is out of our jurisdiction;*
 - *if we may exercise a discretion not to investigate;*
 - *if preliminary enquiries need to be made, or further consideration needs to be given;*
- *or*
 - *if the complaint is to be investigated.*
- *We will not create false expectations, but assure the client that the complaint will receive full attention;*
- *Give an estimated timeframe or, if that is not possible, a date by which we will contact them again;*
- *Check whether the client is satisfied with the proposed action and, if not, advise them of alternatives.*
- *Ensure that the complaint is appropriately acknowledged;*
- *Follow up where necessary, and monitor whether the client is satisfied.*
- *We will register all complaints (see section 16)*

Where appropriate we will ensure that personnel working in communities we serve have all necessary training to encourage and handle inquiries, expressions of concern and making of complaints so as to take account of cultural and gender sensitivities and to ensure that cases involving children are appropriately handled.

We will ensure that a complainant is not required to express their complaint to a person implicated in their complaint. We will also ensure that a person implicated in a complaint is not involved in any way with the handling of that complaint.

Initial assessment of complaint

We will first assess whether there is more than one issue raised in the complaint and whether each needs to be separately addressed.

To determine how a complaint should be managed, we will assess it in terms of the following criteria:

- a) severity;*
- b) health (including mental health) and safety implications;*
- c) financial implications for the complainant or others*
- c) complexity;*
- d) impact on the individual, public and organisation;*
- e) potential to escalate;*
- f) systemic implications; and*
- g) the need for, and possibility of immediate action.*

If we assess the complaint as significant in terms of one or more of these criteria we will classify the complaint accordingly.

10 Inquiries, minor complaints, proper complaints and jurisdiction

This section will outline the approach to taken where initial assessment indicates that investigation of a complaint is not warranted.

Determining whether or not a complaint should be investigated is often not easy. If it is based on a misunderstanding or insufficient information it might be that provision of information immediately satisfies the complainant and thus the complainant becomes an inquirer and the complaint can be recorded as an inquiry.

A complaint may be frivolous or capricious. With care it ought to be possible to negotiate its early withdrawal.

A complaint may be vexatious. That is it is made without sufficient grounds or it is not necessary for the pursuit of a legitimate end, but is made with the intention, or inevitable effect, of causing distress, trouble and annoyance to the person or body who has to deal with it. Again careful negotiation at the outset might achieve withdrawal, but often it will be necessary to take the matter further and ultimately refer it to the external complaint entity that is the ACFID's Code Committee.

A complaint may be about a matter that is outside the jurisdiction of your organisation perhaps because it relates to the actions of another organisation or an individual who is unconnected with your organisation. It might concern a matter that must be dealt with by the police or other authority of the relevant state and thus the obligation is to notify the police or relevant authority. Such notifiable matters include those that appear to involve criminal offences e.g. assault, sexual or otherwise, theft and severe damage to property. Civil matters such as defamation may also be outside jurisdiction.

Suggested Model Text for Your Policy Document

Inquiries, minor complaints and jurisdiction

We will endeavour to deal immediately with inquiries and minor complaints which are made orally by telephone or in person, that is during the initial phone call or meeting. However, as far as possible, we will ensure that the inquirer or complainant is completely satisfied with the information and or resolution provided.

On receipt of a complaint we will also attempt to determine expeditiously whether investigation is required or not depending on jurisdictional questions and whether the complaint is ill conceived.

If the complainant disputes an assessment that a complaint should not be investigated, the member of staff handling the complaint will refer it to a more senior colleague for review. If such a dispute is unresolvable we will refer the complainant to Code Committee of the Australian Council for International Development (ACFID)

11 How complaints are investigated

Organisations must be prepared to devote the necessary resources to complaint investigations. The level will vary substantially dependent on the complaint and its implications.

Suggested Model Text for Your Policy Document

How we will investigate complaints

We will make every reasonable effort to investigate all the relevant circumstances and information surrounding a complaint. The level of investigation will be commensurate with the seriousness and frequency of the complaint.

12 Timeframes

It is most important to set reasonable timeframes and to communicate these clearly. Where circumstances make adherence to timeframes impossible it is critical that complainants are promptly advised.

Suggested Model Text for Your Policy Document

Our timeframes

We will acknowledge written complaints within 5 days

We will acknowledge oral complaints immediately

We will aim to resolve complaints as quickly as possible and within 30 days unless there are exceptional circumstances. If a complaint is not resolved within 30 days we will inform the complainant of progress and keep them informed of progress every two weeks.

13 Responding to and closing a complaint

Making clear that a decision on an investigated complaint is made at a level that indicates the seriousness with which the organisation views the matter is critical to the confidence of the complainant that they have had a proper hearing. **With such confidence when the decision is not favourable requests for reinvestigation or referral to the Code Committee of ACFID are less likely.**

Suggested Model Text for Your Policy Document

How we will respond to and close a complaint

Our CEO or a senior manager delegated by him/her will normally make the decision on a complaint that has required investigation (that is not a minor complaint). Decisions on serious complaints may be referred to our governing board.

We will communicate our decision on a complaint as soon as is practical. Our communication will be in writing in the appropriate language by email and/or post. However, where appropriate such as in the case of a complaint being made by a local community member (in the field) we will also communicate our decision orally and again in the appropriate language.

We will encourage the complainant to respond and advise whether or not they are satisfied with our decision. In our decision we will advise that if a complainant is not satisfied we will be prepared to consider any additional information they may provide and to review our decision.

In all cases we will advise that the complaint may be referred to the Code Committee of ACFID. We will provide all necessary information for referral to the Code Committee and offer to assist in referral.

14 Outcomes of complaints

Making clear the organisation's commitment to learning from the outcomes of complaints is most important.

Suggested Model Text for Your Policy Document

How we will learn from complaints

We will ensure that all relevant personnel are informed of the outcomes of complaints and the implications for our services, goods, procedures and processes.

We will take all required remedial action. We will be prepared to change the way in which we operate and improve or undertake further training of staff. Where needed we will counsel or discipline staff or volunteers.

Where appropriate we will consult and take advice from ACFID and/or other relevant regulatory/enforcement authorities.

15 Confidentiality

Information that identifies the complainant should only be available where needed to deal with the complaint within the organisation. It should be actively protected from disclosure, unless the complainant expressly consents to its disclosure.

Suggested Model Text for Your Policy Document

Confidentiality

We will not reveal a complainant's name or personal details to anyone in or outside our organisation other than staff involved in handling the complaint without obtaining the complainant's permission.

16 Recording complaint data

Good record keeping is essential to effective handling of complaints, but also to gather information for good management of the organisation generally especially so as to indicate where systemic problems might be occurring.

Suggested Model Text for Your Policy Document

Complaint data

We will register all inquiries and complaints. We will ensure that the following information is contained in written complaints and if not, and in the case of oral complaints, record this information ourselves:

- date of receipt*
- a description of the complaint and relevant supporting data;*
- the requested remedy;*
- the service(s) and/or good(s) and/or practice or procedure complained about;*

- *the due date for a response;*
- *immediate action taken (if any) to resolve the complaint*

17 Reporting about complaints

The best arrangements for reporting about complaints and complaints data depends on the structure of the organisation. Unless they are well designed, though, the full value of a good complaints policy and effective complaint handling will not be realised.

Suggested Model Text for Your Policy Document

Reporting about complaints

We will immediately escalate complex and/or major complaints (see 6) to our CEO or his/her delegate.

All complaints will be reported at our regular (insert time period) Management Team meetings and our governing board meetings.

Minor complaints will be reported in summary form. Major complaints will be reported in detail.

An analysis will be included in the complaints report provided with the complaints data?

Our Annual Report will provide de-identified information on complaints.

18 Continuous improvement in complaint handling

It is important to have processes in place to learn from and improve complaints handling processes and outcomes.

The policy must include a process for reviewing and analysing complaint information within the organisation. This may include provide summary data on complaints to management teams or boards.

It is important to review the Policy on a regular basis, to assess its effectiveness and to include any new activities or relevant legislation

Suggested Model Text for Your Policy Document

Continuous improvement

On a continuing basis we will monitor the effectiveness of our complaint handling and make improvements as appropriate.

We will—

- *maintain data collection on complaints for the purpose of identifying trends or upcoming issues;*
- *provide data on complaints to the organisations management team on a quarterly basis to identify trends or review issues and improve practice where necessary;*
- *keep abreast of best practices (both locally and overseas) regarding complaint handling;*
- *foster a consumer/client-focused approach;*

- *undertake specific training and retraining of staff to foster better complaint handling practices;*
- *encourage innovation in complaint handling development; and*
- *recognise and reward exemplary complaint handling behaviour.*

We will conduct an internal review of the effectiveness of our complaint handling every year.

We will commission an independent review of the effectiveness of our complaint handling after 3 years and then every 5 years.

5 RESOURCES AND USEFUL WEB-LINKS

ACFID Code of Conduct Compliance Indicator 7.3.3

Australian Standard: Customer satisfaction – Guidelines for complaint handling in organisations (AS/ISO 10002:2006)

<http://www.hapinternational.org/case-studies-and-tools/handling-complaints.aspx>

ACFID Code of Conduct Good Practice Guide

6 ATTACHMENTS

ATTACHMENT A – ACFID CODE Compliance indicator 7.3.3 and verifier

7.3.3 Members enable stakeholders to make complaints to the organisation in a safe and confidential manner.

Members are required to extend this compliance indicator and verifiers to partners through MOUs or similar.

Verifier

A documented complaints handling policy that:

- Is readily accessible on the organisation's website.
- Provides a safe and discrete point of contact for stakeholders in Australia and countries where work is conducted, to raise concerns or complaints about the organisation.
- Is responsive and fair.
- Provides information to all stakeholders, including to Members of the communities where activities are implemented, about the reporting and complaints procedure.
- Provides information in a clear and easily understandable manner in appropriate forms and through appropriate media.
- Ensures that requirements for filing a complaint take into consideration the needs of the most vulnerable and considers minority and disadvantaged stakeholders.
- Advises a complainant of the ability to make a complaint regarding an alleged breach of the Code to the ACFID Code of Conduct Committee.
- Provides information on how staff and volunteers are equipped to understand and implement the policy.
- Includes a process for reviewing and analysing complaint information within the organisation.

ATTACHMENT B - THE BASICS OF COMPLAINT HANDLING

Guiding documents

Complaint handling principles

AS ISO 10002-2006 Consumer/client satisfaction - Guidelines for complaint handling in organizations. This standard is essential for any organisation dealing with complaints. It is currently in the process of revision by Standards Australia.

http://infostore.saiglobal.com/store/Details.aspx?ProductID=341668&gclid=CP3ehe_D1bQCFUdfpQod9nIASw

Principles for industry dispute resolution bodies

Benchmarks for Industry-based Consumer/client Dispute Resolution Schemes. These benchmarks are in the process of being updated, and will become an annex to AS ISO 10002. They set out principles that should govern external complaint handling bodies, such as the ACFID Code Committee.

http://baseswiki.org/en/Australian_Government:_Benchmarks_for_Industry-Based_Consumer/client_Dispute_Resolution_Schemes,_Consumer_Affairs_Division,_Department_of_Industry,_Science_and_Tourism,_Australian_Government,_1997

Good practice for complaint handling

These guides were produced by the Commonwealth and NSW Ombudsman offices.

<http://www.ombudsman.gov.au/pages/publications-and-media/better-practice-guides/complaint-handling.php>

or

<http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government/effective-complaint-handling-guidelines-2nd-edition>

Unreasonable complainants

It is accepted that from time to time any complaint handling body will encounter complainants who act in a totally unreasonable manner, sometimes referred to as vexatious or querulous complainants. Australian ombudsmen have produced a guide on managing unreasonable complainant conduct.

<http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government/managing-unreasonable-complainant-conduct-a-model-policy-and-procedure>

or

<http://www.ombudsman.gov.au/pages/publications-and-media/better-practice-guides/unreasonable-conduct.php>

Apologies

Some organisations seem to have a lot of trouble accepting the use of apologies. The NSW Ombudsman published an excellent set of guidelines.

<http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government/apologies-2nd-ed>

ATTACHMENT C - WHAT YOUR CONSUMERS/CLIENTS EXPECT

Where is the consumer/client coming from?

One of the first things to consider, when you receive or are responding to a person's complaint is how *they* feel.

Whether they are right or wrong, the consumer/client has almost always contacted you because they have a problem. A problem that they don't believe they can resolve themselves, and a problem that no other body has been able to explain or resolve to their satisfaction - so far.

Some people have encountered extra frustration while trying to solve the problem. They may have been given the telephone run around - the 'flick pass' - from person to person. (They may be suffering from what the community sector often calls 'referral syndrome'.) This type of large organisation behaviour is one that we have all experienced at some point in our lives.

In some cases, the person in the signatory organisation may have thought that the case was resolved. But the consumer/client may not share this view. The person may have given the consumer/client an explanation that made perfect sense to them, but little or no sense to the consumer/client. Thus the consumer/client has become further frustrated, still not knowing why they were treated in that manner

In other cases, the person may have been having a bad day, and given the consumer/client some jargon and another phone number, and hoped they would go away. Or, because of the complexity of the system, the person may not have clearly understood what the consumer/client's problem was, and given them advice or a remedy that was not appropriate to the problem. Advice that certainly didn't fix the problem.

Unfortunately, there will be some cases where the consumer/client may have received just plain bad service from a person who showed little interest in their complaint.

Finally, of course, the consumer/client may not have wanted to hear what they were being told, or the entirely reasonable rationale for the provider's action.

What is needed from you?

We have to understand that a consumer/client who has been through this, and who has not dealt with you before, may have initial reservations about approaching you. You are, after all, just another body to them.

As complaint resolution people, you must be very careful not to make the same mistakes as those who have been involved before you.

First contact is very important for you and the consumer/client. Even though you may have to exercise some discretion on a complaint, or give a consumer/client whose complaint is not in your jurisdiction the number of another organisation to call, you must keep in mind how they might feel about this. Your explanations and advice must be communicated with empathy and understanding.

In these circumstances, complaint handling is your profession, you are the professional intermediaries, and your objective is to resolve a complaint one way or the other. You should have no interest in the outcome, other than that it is fair; it has been explained in a way that the consumer/client and the code signatory understand; and that the procedures for dealing with the signatory and the consumer/client are of the highest professional standard.

Consumer/client service when receiving a complaint

When you take a complaint you need to:

- Identify yourselves, listen, record details, and determine what the consumer/client wants;
- Confirm that you have understood and received the details;
- Show empathy for the consumer/client, but do not attempt to take sides, lay blame, or become defensive;
- Seek from the consumer/client the outcome/s they are expecting;
- Clearly explain to the consumer/client the course of action that will follow:
 - if the complaint is out of your jurisdiction;
 - if you exercise a discretion not to investigate;
 - if preliminary enquiries need to be made, or further consideration needs to be given:or
 - if the complaint is to be investigated.
- Do not create false expectations, but assure the consumer/client that the complaint is receiving attention;
- Give an estimated timeframe or, if that is not possible, a date by which you will contact them again;
- Check whether the consumer/client is satisfied with the proposed action and, if not, advise them of alternatives.
- Ensure that the complaint is appropriately acknowledged;
- Follow up where necessary, and monitor whether the consumer/client is satisfied.

Complainant service issues

Consumers/clients consider the following to be the most important attributes in those handling complaints:

- understanding of the process of complaint handling;
- that the issues raised by the consumer/client are understood;

- that consumer/clients are respected;
- that initial contact is followed up in a timely manner;
- that progress is reported regularly;
- that communications are easy to understand;
- that reasons for conclusions are adequately explained.

ATTACHMENT D - PRINCIPLES FOR REMEDY AND REDRESS

Good practice with regard to remedies means:

1. Getting it right

- **Quickly acknowledging and putting right cases of maladministration or poor service that have led to injustice or hardship.**
- **Considering all relevant factors when deciding the appropriate remedy, ensuring fairness for the complainant and, where appropriate, for others who have suffered injustice or hardship as a result of the same maladministration or poor service.**

Where maladministration or poor service has led to injustice or hardship, the organisation responsible should take steps to provide an appropriate and proportionate remedy.

The organisation should:

- ideally, return complainants and, where appropriate, others who have suffered injustice or hardship as a result of the same maladministration or poor service to the position they were in before the maladministration or poor service took place
- if that is not possible, compensate them appropriately.

The organisation should also ensure they **keep any commitments** to provide remedies, including ensuring they do not repeat any failures.

In many cases, an apology and explanation may be a sufficient and appropriate response.

Organisations should not underestimate the value of this approach. A prompt acknowledgement and apology, where appropriate, will often prevent the complaint escalating. Apologising is not an invitation to litigate or a sign of organisational weakness.

It can benefit the organisation as well as the complainant, by showing its willingness to:

- acknowledge when things have gone wrong
- accept responsibility
- learn from its maladministration or poor service
- put things right.

In putting right any injustice or hardship suffered as a result of maladministration or poor service, the organisation should assess all the relevant circumstances in a balanced way. This means taking into account both objective evidence and more subjective views of the impact of the injustice or hardship. In some cases the remedy will be easy to work out; in others, it will be more difficult because of the number of factors to take into account.

Offering remedies should not necessarily be limited to formal complaints. A timely response may ensure that the person decides not to make a formal complaint.

2. Being consumer/client focused

- **Apologising for and explaining the maladministration or poor service.**
- **Understanding and managing people's expectations and needs.**
- **Dealing with people professionally and sensitively.**
- **Providing remedies that take account of people's individual circumstances.**

Organisations should promptly identify and acknowledge maladministration and poor service, and apologise for them.

An apology means:

- acknowledging the failure
- accepting responsibility for it
- explaining clearly why the failure happened
- expressing sincere regret for any resulting injustice or hardship.

In some cases, it may also be appropriate to express sympathy.

Organisations should consider:

- which organisational level the apology should come from
- who should apologise

- the most appropriate form of apology, for example in person, by telephone or in writing.

It is important to manage expectations from the start, and to explain clearly to the complainant what is and is not possible, so they understand what may be achieved for them. It is possible that the complainant may:

- expect too much
- not fully understand their rights and responsibilities
- have contributed to, or prolonged, the injustice or hardship.

Organisations should make clear to complainants that remedies aim to:

- return them to the position they would have been in if the maladministration or poor service had not happened, if possible
- compensate them appropriately, if that is not possible.

Organisations should do the following:

- consider the wishes and needs of the complainant in deciding an appropriate remedy, but remedies should not lead to a complainant making a profit or gaining an advantage
- behave professionally and with due regard to individual circumstances
- aim to remedy injustice or hardship in a timely way. If the complaint is about a very complex or sensitive issue, or involves more than one service provider, the complainant should be given a single point of contact
- consider all the circumstances of the case and try, wherever possible, to offer a remedy that is calculated fairly and impartially but is still appropriate.

3. Being open and accountable

- ***Being open and clear about how organisations decide remedies.***
- ***Operating a proper system of accountability and delegation in providing remedies.***
- ***Keeping a clear record of what organisations have decided on remedies and why.***

Organisations should provide clear guidance about the criteria they use for deciding remedies. Staff should know the circumstances in which they may offer remedies, and what they may and may not offer.

Criteria for deciding remedies should be clear. But they should not be applied rigidly or mechanically in a way that prevents staff and their managers considering the fairest and most appropriate remedy in all the circumstances.

Organisations should be open and clear with complainants about what remedies may be available to them, and in what circumstances. If the internal governance of an organisation means that some kinds of remedy are available only through a formal complaints procedure, it should be open and clear about that fact.

When offering a remedy, organisations should explain to the complainant how they reached their decision. They should also keep a clear record of the decision and the reasons for it.

4. Acting fairly and proportionately

- ***Offering remedies that are fair and proportionate to the complainant's injustice or hardship.***
- ***Providing remedies to others who have suffered injustice or hardship as a result of the same maladministration or poor service, where appropriate.***
- ***Treating people without bias, unlawful discrimination or prejudice.***

Remedies should be fair, reasonable and proportionate to the injustice or hardship suffered. The organisation should consider how the circumstances of the case have affected the complainant in all ways. Even if an offer of remedy is not legally required, the organisation should consider whether it has acted fairly and how its decisions have affected:

- the complainant
- where appropriate, others who have suffered injustice or hardship as a result of the same maladministration or poor service.

When considering a remedy, it is reasonable for an organisation to take into account any way in which the complainant has contributed to, or prolonged, the injustice or hardship.

Each case must be considered on its own merits. Any guidance or procedure that organisations use to decide remedies should be flexible enough to enable the organisation to consider fully:

- the individual circumstances
- the need to provide an appropriate remedy for the injustice or hardship sustained.

At the same time, people should be treated consistently. Decisions on remedies should take proper account of previous decisions made on similar facts. Any difference in remedies between similar cases should be justified by the objective features or the individual circumstances of the case.

If applying the law, regulations or procedures strictly would lead to an unfair remedy for an individual, the organisation should seek to address the unfairness. In doing so organisations must, of course, bear in mind the proper protection of funds.

5. Putting things right

- ***If possible, returning the complainant and, where appropriate, others who have suffered similar injustice or hardship to the position they would have been in if the maladministration or poor service had not occurred.***
- ***If that is not possible, compensating the complainant and such others appropriately.***
- ***Considering fully and seriously all forms of remedy (such as an apology, an explanation, remedial action or financial compensation).***
- ***Providing the appropriate remedy in each case.***

Where maladministration or poor service has led to injustice or hardship, organisations should try to offer a remedy that returns the complainant to the position they would have been in otherwise. If that is not possible, the remedy should compensate them appropriately. Remedies should also be offered, where appropriate, to others who have suffered injustice or hardship as a result of the same maladministration or poor service.

There are no automatic or routine remedies for injustice or hardship resulting from maladministration or poor service. Remedies may be financial or non-financial.

An appropriate range of remedies will include:

- an apology, explanation and acknowledgement of responsibility
- remedial action, which may include reviewing or changing a decision on the service given to an individual complainant; revising published material; revising procedures to prevent the same thing happening again; training or supervising staff; or any combination of these
- financial compensation for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these.

Organisations should:

- calculate payments for financial loss by looking at how much the complainant has demonstrably lost or what extra costs they have incurred
- apply an appropriate interest rate to payments for financial loss, aimed at restoring complainants to the position they would have been in if the maladministration or poor service had not occurred
- consider what interest rate to pay and explain the reasons for the chosen rate.

Factors to consider when deciding the level of financial compensation for inconvenience or distress should include:

- the impact on the individual, for example whether the events contributed to ill-health, or led to prolonged or aggravated injustice or hardship
- the length of time taken to resolve a dispute or complaint
- the trouble the individual was put to in pursuing the dispute or complaint.

Remedies may need to take account of injustice or hardship that results from pursuing the complaint as well the original dispute. Financial compensation may be appropriate for:

- costs that the complainant incurred in pursuing the complaint
- any inconvenience, distress or both that resulted from poor complaint-handling by the organisation.

Remedial action may include improvements to the organisation's complaints policy or procedures.

6. Options for redress

Options available to an organisation to respond to the needs of a complainant arising out of a problem caused by the organisation or its staff include:

1. **Communication** – with the person who has suffered detriment - options including:

- providing explanations as to why the problem occurred
- giving reasons for decisions (orally or in writing)
- establishing the degree of detriment suffered by the complainant
- providing sufficient information to the complainant about the facts of their case and their legal options
- providing an apology
- reaching agreements acceptable to the complainant through mediation between the parties, conciliation or other informal approaches to resolution.

2. **Rectification** – the organisation or person responsible rectifies the problem – options including:

- reconsidering conduct and taking any necessary action, stopping action that should not have been started, cancelling an intended action, or otherwise changing the conduct of its consequences
- changes to processes, services or products to ensure the problem does not reoccur
- ensuring compliance with obligations, whether legal or otherwise correcting records.

3. **Mitigation** – of the adverse consequences of the mistake, i.e. to moderate the severity of the detriment suffered – options including:

- ceasing action that has, is, or will cause further unnecessary, unreasonable or inappropriate detriment
- taking action to prevent unnecessary, unreasonable or inappropriate detriment
- correcting records that are incomplete, incorrect, out of date or misleading
- repairing physical damage to property
- replacing damaged or lost property
- refunding fees or charges
- waiving fees, charges or debts
- providing assistance and support.

4. **Satisfaction** – of the reasonable concerns of the complainant who has suffered detriment through non-material means – options including:

- providing an admission of fault
- providing an apology
- publicly acknowledging the wrong done
- giving undertakings to set in place improvements to systems, procedures or practice, or any other undertakings that are reasonable in the circumstances

5. **Compensation** – financial compensation for detriment sustained directly or indirectly as a result of a mistake – options including:

- restitution – for loss or damage to property or financial interests; loss of financial or other benefits; or loss of earnings
- reimbursement – refunds; costs or damages that may or are likely to have been incurred by the complainant, i.e., indemnification, medical costs resulting from injury or damage to/deterioration of health, or professional costs incurred by a complainant in

demonstrating that the problem did in fact occur and/or the scope of the detriment arising out of the problem

- satisfaction or appeasement – financial assistance; goodwill gift for damage to reputation or humiliation, worry or distress, including grief and suffering; disturbance to amenity (if not quantifiable); inconvenience, or ‘bother’, i.e., the inconvenience arising out of the fact of having to complain at all.

7. Seeking continuous improvement

• ***Using the lessons learned from complaints to ensure that maladministration or poor service is not repeated.***

• ***Recording and using information on the outcome of complaints to improve services.***

Part of a remedy may be to ensure that changes are made to policies, procedures, systems, staff training or all of these, to ensure that the maladministration or poor service is not repeated. It is important to ensure that lessons learned are put into practice.

It is a false economy and poor administrative practice to deal with complaints only as they arise and to fail to correct the cause of the problem. Learning from complaints, and offering timely and effective remedies, gives the best outcome in terms of cost effectiveness and consumer/client service – benefiting the service provider, the complainant and the taxpayer.

The organisation should ensure that the complainant receives:

- an assurance that lessons have been learned
- an explanation of changes made to prevent maladministration or poor service being repeated.

Quality of service is an important measure of the effectiveness of organisations. Learning from complaints is a powerful way of helping to develop the organisation and increasing trust among the people who use its services. So systems should exist to:

- record, analyse and report on the outcomes of complaints and remedies
- apply the information to improving consumer/client service.

ATTACHMENT E - EFFECTIVE APOLOGIES

Why apologise?

When things go wrong, many complainants demand no more than to be listened to, understood, respected and, where appropriate, provided with an explanation and apology. A prompt and sincere apology for any misunderstanding is likely to work wonders. It often will avoid the escalation of a dispute and the significant cost in time and resources that can be involved.

How should an apology be worded?

The most appropriate form and method of communication of an apology will depend on the circumstances of the particular case, the harm suffered, and what is hoped to be achieved by giving the apology.

Particularly in the more serious situations, in principle the most effective apologies incorporate the following 10 elements, which can be grouped under the six R's:

Recognition:

1. *description of the wrong* – a description of the relevant problem, act or omission to which the apology applies
2. *recognition of the wrong* – an explicit recognition that the action or inaction was incorrect, wrong, inappropriate, unreasonable, harmful, etc.
3. *acknowledgment of the harm* – an acknowledgement that the affected person has suffered embarrassment, hurt, pain, damage or loss

Responsibility:

4. *acceptance of responsibility* – an acknowledgement/admission of responsibility for the wrong and the harm caused

Reasons:

5. *explanation of the cause* – a simple explanation of the reasons for or cause of the problem, or a promise to investigate the cause

Regret:

6. *apology* – an expression of sincere sorrow or remorse, i.e. that the action or inaction was wrong
7. *sincerity of communication* – a form or means of communication of an apology is very important as such matters can indicate or emphasise the level of sincerity of the apologisee
8. *action taken or proposed* – a statement of the action taken or specific steps proposed to address the grievance or problem, by mitigating the harm or offering restitution or compensation
9. *promise not to repeat* – a promise or undertaking that the action or inaction will not be repeated

Release:

10. *request for forgiveness* – a release from blame (an optional element)

ATTACHMENT F- UNREASONABLE COMPLAINANT CONDUCT

These are drawn from the NSW Ombudsman's guidelines, and are being considered for inclusion in AS 10002 as an annex.

Key principles around which an organisation's strategies for dealing with UCC are based should include:

- 1) recognition that in a liberal democratic society which recognises the reasonable right to freedom of expression, this must include the right to express dissatisfaction with a decision/conduct/service/product/policy (provided such expressions of dissatisfaction do not transgress the law or reasonable community standards)
- 2) instruction and training given to complaint handlers to ensure focus is placed on observable conduct and the content of communications, not the person (e.g., without attempting to psychoanalyse or attribute motives)
- 3) acceptance by organisations and individual complaint handlers that they cannot change a complainant, but can modify how they communicate with a complainant dependant on the complainants conduct (e.g. requesting all communication in writing where unreasonable complainant conduct has been clearly demonstrated verbally towards the complaint handler/s).
- 4) adoption by organisations of an appropriate policy/reference document to guide implementation of the range of options available for dealing with unreasonable complainant conduct, including instituting alternative service arrangements, restricting service or terminating service altogether
- 5) recognition that the aim of organisations and complaint handlers in managing unreasonable complainant conduct should be to provide a better level of service for the complainant than would otherwise be the case, if the unreasonable complainant conduct was not addressed.
- 6) recognition by organisations that in order to ensure that complaints made to an organisation are dealt with fairly, efficiently and effectively, and that work health and safety responsibilities and common law duty of care obligations are met, each of the parties to the complaint (e.g. complainants, complaint handlers and any people the subject of complaint) have certain rights and responsibilities.

7) adoption by organisations of a policy setting out the rights and responsibilities of the parties to a complaint [see Annexfor a model policy setting out such rights and responsibilities]

8) Complainants being advised their ability to communicate with the staff of the organisation and the nature of service provision by that organisation, is subject to their reasonable compliance with the responsibilities set out in that policy.

9) Recognition by organisations that their obligation to ensure a healthy and safe work environment for their staff necessitates the regular assessment of the risks faced by staff who deal with complainants, and the development and implementation of strategies to appropriately address the risks identified including complaint handler identity protection.

EXAMPLES OF CONDUCT THAT COULD EITHER IN ISOLATION OR TAKEN TOGETHER, CONSTITUTE UNREASONABLE COMPLAINANT CONDUCT¹:

1) Unreasonable persistence, e.g. making excessive numbers/volumes of telephone calls, emails, letters, and supplying excessive volumes of paperwork, etc. in support of their complaint (when requested not to), refusing to accept the decision of the complaint handler based solely on the fact it was not in the complainant's favour, etc.

2) Unreasonable demands, e.g. demanding more reviews than provided for in the review policy of the agency, demanding a different outcome without demonstrating that the original decision was wrong, making unreasonable demands generally (e.g., that the matter be given priority, that there be a new investigation, that the outcome be changed or about how the complaint was handled), etc.

3) Unreasonable lack of cooperation, e.g. failing or refusing to identify the issue of complaint (where the complainant is capable of identifying the issue), providing disorganised information (where the complainant is capable of organising the information), etc.

¹ Based on the categories of conduct identified in the NSW Ombudsman's *Managing Unreasonable Complainant Conduct Practice Manual* (2nd Edition), May 2012.

4) Unreasonable arguments, e.g. expressing irrational claims/beliefs/conspiracy theories generally, making vexatious complaints, illogically or unrealistically denying any responsibility for actions or inaction, etc.

5) Unreasonable behaviour, e.g. making threats of harm to self, complaint handlers or third parties, making baseless attacks on the intentions, motivations, ethics or conduct of complaint handlers, using abusive language that goes beyond what it is reasonable to expect a complaint handler to put up with, expressing unreasonable anger, aggression or violence, lying or intentionally misleading, etc.