



Lessons in good complaint handling

FINDINGS FROM THE 2019 COMPLAINT ASSURANCE PROJECT

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Report by the Commonwealth Ombudsman,
Michael Manthorpe, under the *Ombudsman Act 1976*

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FOREWORD

When a member of the public contacts my Office to make a complaint about a Commonwealth or Australian Capital Territory (ACT) Government agency, my staff's first action is generally to check whether the person has raised their concerns with the relevant agency before coming to us. If someone has not yet made a complaint to the agency, my staff will encourage them to lodge a complaint with the relevant agency in the first instance, and to come back to us if they are not satisfied with the agency's response.

This is an important step for three main reasons:

- it ensures that agencies have the opportunity to hear and respond to complaints in the first instance
- it places the onus on agencies to have clear, accessible complaint systems
- it allows my Office to manage its resources more efficiently by focusing on matters that are not or cannot be easily resolved without intervention.

However, for all its positives, a significant downside of this approach is that my Office has limited visibility of how agencies handle the complaints we suggest members of the public take up with them. In most cases these people do not return to my Office with a further complaint, but without additional information we cannot be sure if this is because their issues have been resolved or, perhaps, because they are disaffected and tired of the complaint process.

I wanted to gain greater clarity on this point to assure myself and the Australian public that government agencies are handling complaints in an efficient and effective way. To that end, in February 2019 I initiated a pilot Complaint Assurance Project. Through this project, I sought to engage three agencies in a process of self-assessment and oversight, with the aim of fostering agency-led improvements in complaint handling.

In the pilot project I considered the complaint handling processes of:

- the National Customer Service Line (NCSL) of the then-Department of Employment, Skills, Small and Family Business (now part of the Department of Education, Skills and Employment but, for the purposes of this report, referred to as 'Employment')
- the Australian Federal Police (AFP) - ACT Policing
- my Office's Complaints Management and Education Branch (CMEB).

My Office worked with ACT Policing and Employment to identify opportunities for improvement in their complaint handling processes, as well as to highlight and share best practice initiatives. I would like to thank Employment and ACT Policing for agreeing to participate in the pilot project. Both agencies embraced the process by reflecting honestly on the strengths and weaknesses of their complaint systems and actively considering our suggestions for improvement.

I am committed to holding my own Office to the same standards to which I hold other agencies. With this in mind, I engaged secondees from the NSW Ombudsman's Office and the Australian National Audit Office in the project to conduct a review of my Office's own CMEB. This review was a useful experience, highlighting a range of opportunities for improvement in the branch's

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processes and providing suggestions to inform reforms that were already underway. I trust that Employment and the AFP ACT Policing have experienced similar benefits from the process.

In this report I have highlighted some of the areas for improvement we identified across the three agencies in the 2019 review, and shared some initiatives which I consider to be examples of best practice. I hope this report assists other agencies to reflect on their complaint handling practices and provides ideas for addressing issues they might also be experiencing.

From 2020 I have expanded the program to other agencies in Commonwealth and ACT government. If approached to be involved, I encourage agencies to embrace the opportunity to reflect on their strengths, challenges and areas for improvement. Complaints provide vital intelligence to agencies about how they do business. It is essential that complainants are able to access timely, responsive complaint mechanisms and agencies are committed to acting on and learning from that feedback.

My Office also supports government agencies to improve their complaint handling practices through a range of training workshops on best practice complaint handling. I would encourage agencies with an interest in improving their complaint handling to contact my Office to discuss the support it can provide to achieve that goal.

Michael Manthorpe PSM
Commonwealth Ombudsman

INTRODUCTION

Complaint handling is integral to program and service delivery for all government agencies. Even in the very best systems, there will be times when members of the public will be dissatisfied and agencies should have processes for receiving and resolving complaints that are accessible, responsive and fair.

Complaints provide agencies with valuable feedback from the people who interact with their programs and services, and the opportunity to drive improvement and increase public confidence in the agency and broader government. On the other hand, poorly handled complaints can cause frustration for both the individual and agency, drain precious time and resources and cause stress for all involved. Ultimately, poor complaint handling can erode public confidence in government service delivery and decision-making.

Why is effective complaint handling important?

While many people do not have a choice about dealing with government organisations, how those agencies handle complaints about their services influences the community's perception of how effective, fair and accountable they are. Effective complaint handling enables agencies to provide a remedy to a person who has been affected by an error and can restore lost or reduced trust between government and the community. Sometimes complaints also highlight systemic problems that call for a policy change that might not otherwise have been apparent.

It is well recognised that most people are likely to care just as much about how their complaint is handled as they do about the outcome.¹ What this means for agencies is that a complainant is more likely to accept an outcome if the complaint handling process is fair and reasonable and they are treated with respect.

Good complaint handling also has the benefit of minimising unnecessary escalation of complaints and needless internal and external reviews. In turn, this provides cost savings for agencies, government and the community.

The Office of the Commonwealth Ombudsman (the Office) receives many complaints about government agencies each year. The Office generally does not investigate a complaint until the agency has had an opportunity to resolve the matter. For this reason, we usually advise complainants to first complain to the agency involved, to give the agency the opportunity to consider and potentially resolve the issue. However, if the complainant contacts us again to advise the agency has not resolved the matter, we will consider whether we should investigate their complaint.

The Complaint Assurance Project

While the above complaint handling model rightly places responsibility on agencies to manage complaints in the first instance, unless the complainant makes another complaint to us on the

¹ See further 'Ethics and Integrity – Implications for Investigators and Complaint Handlers: Compliance with accepted standards of conduct and decision-making can have practical benefits', Chris Wheeler, NSW Deputy Ombudsman, 9th National Investigations Symposium, November 2012 accessed at https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0020/8318/Justice-Theory-Presentation-Compliance-with-accepted-standards-of-conduct-and-decision-making-NIS-9-November-2012.pdf

same topic the Office tends to have limited visibility of how well agencies handle the complaints we refer to them.

Starting in 2018–19 and continuing in 2019–20, we commenced a number of initiatives to assist us to gain assurance that complainants will have their complaints handled appropriately if they are referred back. These include an education program targeted at government agencies, feedback loops for select complaints we refer back to agencies, a satisfaction survey and a pilot Complaint Assurance Project (the project).

The project sought to engage selected agencies within our jurisdiction in a two-step process of targeted self-assessment followed by structured desktop review and analysis.

The project aimed to:

- promote agency-led quality assurance in complaint management
- establish a model for agencies to self-identify trends, systemic issues and areas for improvement
- assist agencies to identify and improve complaint management
- recognise accomplishments and best practice improvements within agency complaint management
- share areas of potential business process improvements with other agencies.

The project was conducted as a pilot in 2019. A rolling program involving agencies across the Office's has commenced from 2020.

Participating agencies

The pilot project considered the complaint handling approaches of:

- Employment's National Customer Service Line (NCSL)²
- the AFP - ACT Policing
- the Office's Complaints Management and Education Branch (CMEB).

In keeping with our commitment to hold our Office to the same standard to which we hold other agencies, we engaged two secondees³ to review the Office's CMEB's approach to complaint handling.

We selected these agencies as a cross section of complaint handling models used by Australian and ACT Government agencies.

² At the time the project was conducted and our draft report was completed, the NCSL was part of the Department of Employment, Skills, Small and Family Business. Subsequent Machinery of Government changes mean the NCSL and related programs are now part of the Department of Education, Skills and Employment, and it is this department with which we will engage on the implementation of relevant recommendations.

³ One each from the NSW Ombudsman's office and the Australian National Audit Office.

CMEB

CMEB is responsible for receiving, assessing and, where appropriate, investigating complaints about Commonwealth and ACT Government agencies and ACT directorates, under the *Ombudsman Act 1976* (Cth) and *Ombudsman Act 1989* (ACT) respectively.

ACT Policing

ACT Policing is the community policing arm of the AFP, responsible for policing services in the ACT. ACT Policing is subject to the AFP's professional standards framework. Specifically, Part V of the *Australian Federal Police Act 1979* governs the way in which complaints about AFP member conduct and practice are raised and dealt with. This means that the AFP handles complaints from members of the public using the same processes as it handles disclosures from other AFP appointees about member misconduct.

Part V of the AFP Act and the Australian Federal Police Categories of Conduct Determination 2013 classify complaints into four categories, based on the seriousness of the alleged misconduct. In practice, complaints about customer service and minor misconduct (Category 1 and 2) are handled by the Complaints Management Team responsible for the relevant business area while complaints about serious misconduct (Category 3) are investigated by the Professional Standards (PRS) Investigations Unit. Complaints alleging corruption (Category 4) are referred to the Australian Commission for Law Enforcement Integrity and were not considered within this review.

Employment

Employment does not provide employment services directly but, instead, outsources this to contracted employment service providers. Under the terms of their contract, employment service providers are required to establish and publicise a feedback (complaints) process for their clients. If clients have a complaint about their employment service provider, or are dissatisfied with the way their employment service provider has handled their complaint, they can contact Employment's NCSL, which is tasked with responding to feedback and complaints from employment services clients and other stakeholders.

Project methodology

We used the Office's *Better Practice Guide to Complaint Handling* (Better Practice Guide) as the framework for this review. The Better Practice Guide outlines five essential elements of best practice complaint handling.

Culture

- Agencies value complaints as a means of strengthening their administration and improving their relations with the public.

Principles

- An effective complaint handling system is modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration.

People

- Complaint handling staff are skilled, professional, trained and supported.

Process

- The seven stages of complaint handling – acknowledgment, assessment, planning, investigation, response, review, and consideration of systemic issues—should be clearly outlined and implemented.

Analysis

- Information about complaints should be examined as part of a continuous process of organisational review and improvement.

For this project, we asked participating agencies to undertake a self-assessment of their complaint handling system to identify strengths, weaknesses and opportunities for improvement.

Our methodology was as follows:

- Participating agencies were asked to review their complaint management system using a self-assessment tool and to provide us with relevant supporting materials. Agencies were also asked to highlight achievements or good practices, and to identify areas for improvement.
- The Office's review team conducted a desktop review of each agency's self-assessment response and supporting documentation against the Better Practice Guide criteria. We also examined a random sample of finalised complaints against elements of the Better Practice Guide in order to evaluate complaint handling in practice.
- We communicated the results of the review to each agency, including identified best practice and opportunities for improvements, both verbally and in writing. Agencies were invited to provide written comments in response to our draft assessment, which were then incorporated into the final report. The formal responses from Employment and ACT Policing are included as Appendices 1A and 1B of the report.

The Office has prepared this paper to share best practice and lessons learned from the project, as well as common issues and how to avoid them.

ELEMENT 1—CULTURE

In our experience an agency that cares about its clients and its reputation will be committed to good complaint handling. It will have a culture that recognises the value of complaints and require all staff to be committed to effective complaint resolution.

What does a workplace culture that values complaints look like in practice?

Best Practice	
<p>The AFP is undertaking a project to review all processes within its complaint management framework to ensure consistency, transparency and timeliness. The AFP identified that it had significant challenges in resolving certain complaints in a timely fashion and is using this project to consider alternative options for managing these complaints.</p>	<ul style="list-style-type: none">✓ Complaint handling culture is reflected in the attitudes and decisions of staff, policies and procedures of the agency, allocation of resources to the task, commitment to staff capability, feedback opportunities for complainants, and collection and analysis of data.✓ A good complaint handling culture starts with an openness to complaints, a clear focus on people and an understanding of the value and importance of complaints to an agency. <ul style="list-style-type: none">✓ A complaint handling system will only be effective if staff at all levels are committed to good practice.✓ An agency with a strong complaint handling culture will have a complaint handling system that is resourced with enough staff to enable the agency to meet its own timeliness standards and provide a high-quality service to clients.✓ Senior leadership support is vital for a good complaint handling culture. The role of agency heads and senior management includes championing effective complaint handling as a way of strengthening administration and improving trust in government. Senior leadership must be willing to acknowledge and fix systemic issues that are identified through complaints.

Agencies should conduct periodic reviews of complaint handling processes

A commitment to continuous improvement is integral to a strong complaint handling culture. Periodic reviews of complaint handling systems and processes give agencies the opportunity to ensure their systems remain fit for purpose and are meeting their clients' needs.

The AFP and CMEB were both undertaking large scale reviews of their complaint handling systems at the time of this report.

In 2018 CMEB conducted a review of its structure and processes, resulting in a restructure of teams and responsibilities within the branch. At the time of this review, CMEB was also reviewing and updating its complaint handling processes, procedural documents and website content.

Such large scale reviews exemplify best practice and, when conducted at regular intervals, enable agencies to assess whether their complaint handling systems are working as effectively

as possible, and make systems-level adjustments to improve efficiency. We encouraged Employment to also consider conducting this type of review, to ensure its complaint handling system is making the best possible use of available resources and meeting the needs of its clients.

Agencies should have a publicly available complaint handling policy

A complaint handling policy should:

- outline the entire complaint process (including review options) from the complainant's perspective
- demonstrate that the agency welcomes and values complaints
- outline the level of service the agency is committed to delivering to its complainants.

Agencies can achieve this through a single policy document or through a number of complementary documents. In some cases agencies' existing complaint handling procedures may be fit for purpose and can readily be published. In other cases agencies may wish to publish a values based document, such as a service guarantee, alongside their procedural documents.

A good complaint handling policy can:

- build trust with the public
- remind staff of the agency's commitment to its clients
- guide complainants through the complaint process
- manage complainant expectations of the process.

The participating agencies had a range of documents detailing their complaint handling processes and public commitment to handling complaints well. However, we concluded that all of the participating agencies could benefit from improving their published complaint handling policy in some way, including by:

- ensuring complaints policies are published
- ensuring policies on reviews are publicly available
- implementing service guarantees.

Complaint handling systems should be designed around the experience of the complainant

A complaint handling system that values complaints should put the complainant and their experience at the centre of its design.

Best Practice

Employment was using workshops to involve its frontline complaint handling staff in the development of its Service Guarantee, in order to ensure NCSL staff had ownership of the commitments. This is a good approach, as an agency is more likely to deliver on its service commitment if the staff responsible feel ownership for the commitment.

Agencies participating in this review had diverse complaint handling systems. Employment's model uses a call centre (the NCSL) as its primary point of contact with complainants, and outsources most of the investigation and resolution of complaints to its contracted service providers. On the other hand, the AFP deals with complaints from members of the public as part of its professional standards system alongside allegations of misconduct made by other AFP members.

The AFP's approach is driven by a legislative framework that co-locates these functions within the professional standards section. Our review found that, as a result, the AFP's complaint handling system was more focussed on the experience of the AFP member who is the subject of the complaint than the experience of the complainant, and was designed on the premise that most complainants are themselves AFP members. However, in the ACT Policing portfolio, 60 per cent of complaints made in the 2017–18 financial year came from members of the public. We encouraged the AFP to consider how the needs and goals of external complainants differ from the needs and goals of internal complainants and to account for these differences in the design of its complaint handling system.

We found similar themes in Employment's focus on efficiency as a key principle of its complaint handling system. In Employment's system, significant parts of the complaints process are outsourced to providers or assigned to Employment's account managers. We commended Employment for its focus on rapid resolution, but cautioned that it should ensure this did not come at the cost of identifying broader systemic or policy issues within complaints or providing quality outcomes to complainants.

We appreciate that agencies' complaint handling systems often develop over time in response to a range of factors. Nevertheless, we encourage agencies to bear in mind that a client's experience of their complaint handling system has the potential to either entrench negative sentiments towards the agency if not handled well, or to build trust and confidence if the complainant feels like their complaint has been heard and the agency has valued their feedback.

Regardless of the model chosen, agencies should keep the complainant and their experience at the forefront of all decisions made in designing their complaint handling systems.

ELEMENT 2—PRINCIPLES

A strong complaint handling system must be modelled on principles of fairness, accessibility, responsiveness and efficiency. Complaint handling must also be integrated with the core business of the agency.

What principles underpin an effective complaint handling system?

Fairness	<ul style="list-style-type: none">•Complaints need to be considered impartially with a willingness to understand and explore the issues raised, particularly where there are conflicting views.
Accessibility	<ul style="list-style-type: none">•Information about the complaint handling system should be easily accessible and available in a variety of formats.
Responsiveness	<ul style="list-style-type: none">•Agency staff should be aware of possible barriers to making complaints and provide support and assistance to complainants where necessary.
Efficiency	<ul style="list-style-type: none">•Complaints should be resolved as quickly as possible and in proportion to the complexity of the matter complained about.
Integration	<ul style="list-style-type: none">•Complaint handling needs to be integrated within an agency's core business activities.

Agency complaint webpages should be complete, current and user friendly

Clients need to know that they have the right to complain about their interactions with an agency and should be able to easily find information on how to lodge a complaint and the process that will follow. We found that all of the participating agencies could benefit from improving their complaints webpages to ensure that information about the complaint handling process is readily available and easy to understand. Agencies should focus on providing simple and easy to access information about the complaint process to reduce barriers to providing feedback, particularly for vulnerable clients.

Our review identified that each of the participating agencies had multiple webpages dedicated to complaints, with inconsistent content across these. This highlights the importance of agencies conducting regular reviews of their webpages, particularly following machinery of government changes and process revisions, to ensure they remain complete, easy to navigate and reflect the agency's current complaint handling processes.

Agencies should have formal procedures for managing unreasonable complainant conduct and complaint handling staff should receive training in managing such conduct

An agency's inability to manage unreasonable behaviour by complainants can tarnish its reputation and diminish its efficiency in dealing with other complaints. These risks can be mitigated by having clear, publicly available policies and staff who are equipped with the skills and knowledge to manage difficult complainant behaviour.

We found that all participating agencies had policies in place for managing unreasonable behaviour, but in the AFP's case these were not formally or comprehensively documented. We recommended that the AFP develop and publish a formal policy on managing unreasonable complainant conduct, which it agreed to do.

At times agencies may need to restrict services to a complainant in order to manage particularly unreasonable behaviour. To minimise the risk that this action is perceived as unfair or unreasonable, it is critical decisions are made and communicated in accordance with a clearly documented procedure.

Airlines can manage service restrictions well by:

- clearly defining the circumstances in which they will restrict contact with a complainant
- maintaining visibility of complainants whose contact has been restricted
- ensuring service restrictions are reviewed at regular intervals by an appropriate staff member.

We identified that while CMEB had a documented policy for managing unreasonable conduct, it was unclear from the complaint sample whether service restrictions were being reviewed appropriately. We recommended CMEB develop and maintain a centralised list of all access restrictions, to ensure that these are reviewed regularly and in accordance with the policy. CMEB has implemented this recommendation.

Agencies should adopt a flexible, wellbeing-centred approach to managing complaints from vulnerable complainants and complainants from culturally and linguistically diverse backgrounds

Complaint handling systems should be responsive to the needs of all complainants. Some clients, such as people from culturally and linguistically diverse backgrounds or persons with a disability affecting communication, may need assistance to make a complaint. They may also require assistance to engage with the agency as their complaint progresses.

Best Practice

CMEB had strong processes for engaging with complainants with communication barriers or from culturally and linguistically diverse backgrounds. Complaint handling staff:

- were responsive and flexible to the needs of vulnerable complainants
- facilitated clients progressing their complaint via the communication method of their choice
- used interpreters effectively in communicating with clients from non-English speaking backgrounds, having received training in working with interpreters.

These practices made CMEB's complaint system more readily accessible to vulnerable and culturally and linguistically diverse clients, enabling them to clearly articulate their complaint and to participate more effectively in its resolution.

We found that Employment and the AFP could do more to develop their accessibility initiatives.

The AFP demonstrated a flexible, wellbeing-centred approach to engaging with vulnerable *internal* complainants, and we encouraged the AFP to adopt these principles in its engagement with external complainants as well.

In Employment's case, we found the agency needed to do more to support complainants who preferred to lodge their complaint in writing, and those who required an interpreter to make their complaint. In reviewing a sample of Employment's finalised complaints, we found some instances where these factors prevented clients from explaining their concerns in a way that supported the NCSL to effectively facilitate resolution. Employment accepted these recommendations and has undertaken to provide NCSL staff with additional training in using interpreters, updated guidelines to ensure vulnerable clients' communication preferences are accommodated and is exploring options for recording clients' preferred communication method in its IT system.

Complainants may come from a diverse range of cultural backgrounds. It is good practice to provide staff who interact with complainants with training on working sensitively and effectively with people from different cultures. We found that all of the participating agencies provided complaint handling staff with training in engaging with clients from culturally diverse backgrounds. This training should be provided to all staff who interact with complainants, and in the AFP's case we recommended extending this training to its PRS investigators in addition to ACT Policing staff. The AFP agreed to address the recommendation in the coming months.

Processes for handling complaints about complaints processes should be formalised, published and applied consistently

Secondary complaints about the attitude or behaviours of staff managing the primary complaint (service delivery complaints) can provide valuable insight into an agency's complaint handling performance. It is important that they are handled through a transparent process and that staff know what to do if a complainant raises a service delivery complaint with them.

We found that all participating agencies could improve their approaches to handling service delivery complaints. All three agencies had processes for taking service delivery complaints, but we recommended they could improve these by:

- formalising and documenting a service delivery complaint policy and process
- making information about this process publicly available
- making this process available to all complainants, not just the ones whose complaints progressed to investigation
- notifying every person who makes a service delivery complaint of the outcome
- training staff on identifying and responding to service delivery complaints
- restricting access to service delivery complaint records in IT systems to those staff who have a need-to-know
- publishing information about service delivery complaints in the Annual Report.

All three agencies agreed to implement their respective recommendations on this topic in the coming months.

Best Practice	Best Practice
CMEB introduced a dedicated Early Resolution team in 2018, in order to prioritise the efficient resolution of less complex complaints.	Employment has developed and implemented a workforce management tool, enabling it to predict future workloads and adjust the NCSL's staffing accordingly.

Agencies should ensure their complaint handling model is resourced to meet their needs and remains fit for purpose

Complaint handling systems need to be efficient and should aim to resolve complaints as quickly as possible, proportionate to the complexity of the matter. All of the participating agencies had systems and processes for categorising complaints according to their complexity and set standards for how quickly complaints in each category ought to be resolved. Similarly, all agencies had robust systems in place for reporting on complaint resolution timeframes and overdue complaints, both within business areas and to the agencies' senior management.

Employment and CMEB displayed particular strengths in efficiency, with most complaints resolved within their respective service standards.

On the other hand, the AFP identified that it could improve its performance in resolving complaints within its timeliness benchmarks. AFP complaint handling staff perform this task on top of their regular operational policing duties for Category 1 and 2 matters and as part of a two-year rotation through PRS for Category 3 matters. Our review identified it is difficult for staff to prioritise complaints around operational priorities, amidst regular staff changes and

an associated loss of expertise. We acknowledge the AFP's complaint handling model, like many agencies, has been designed in response to a range of factors that extend beyond efficiency. With this in mind, we recommended the AFP review its staffing models and consider whether alternative approaches would provide more timely results. ACT Policing advised it was exploring alternative resourcing models for its complaint handling approach.

Agencies should also be alert to the possibility that a system that is efficient for the majority of complaints might be inefficient at resolving a particular subset of complaints. For example, while Employment's call centre complaint handling model was efficient at resolving most complaints in a timely fashion, we found that this model was not efficient for handling complex cases that involved vulnerable clients or multiple contacts with the NCSL.

The NCSL's call centre model requires clients to speak to any available Customer Service Officer when they contact the department. In complex cases, this may mean clients have to discuss their complaint anew with multiple Customer Service Officers, which can further complicate the complaint process and cause frustration. We recommended Employment allocate case managers to these types of complaints, to reduce the amount of time spent on these complaints and improve the experience for the complainant. Employment accepted this recommendation and has undertaken to formalise and document its strategy for allocating case managers to complex and sensitive cases in 2020.

ELEMENT 3—PEOPLE

Staff handling complaints should be specialised, well trained in the work of the organisation, and effectively supervised. To support staff development, there should be continuing training and learning opportunities, review and feedback.

What does recruiting, training and supporting complaint handlers involve in practice?

Recruitment

- Complaint handling requires a specialised skillset, and agencies should recruit specific staff with the necessary skills and attributes.

Training

- New starters should be trained in the agency's core business, as well as its complaint handling policies and procedures. Ongoing staff should be provided with regular training to address specific challenges and recognised areas for improvement.

Review & feedback

- Supervision arrangements should support staff, taking into account a staff member's experience and the complaints they are dealing with. Staff should be monitored to ensure they are handling complaints correctly and provided with regular feedback on their performance.

Agencies should have an overarching training strategy for complaint handling staff, but also deliver training on identified issues

Training is most effective when delivered as part of a structured program with dedicated budget, objectives and performance measures. All complaint handling staff should receive training on essential topics upon commencement in these roles, including conducting administrative investigations and best practice complaint handling. Agencies should also use quality assurance and quality control processes to identify areas where staff may need to develop their knowledge or skills, and deliver targeted training in these areas.

We found that all of the participating agencies offered some training to their complaint handling staff, but each could also improve their training in some way.

CMEB demonstrated good practices in offering training to new and ongoing staff as part of the broader Office training strategy, as well as providing targeted training in response to identified branch needs. However, we found the branch did not have a formalised role-specific training program in place (as opposed to the whole-of-Office program). The review recommended CMEB more closely assess the branch's learning needs and develop a targeted training strategy, including training in conducting administrative investigations, managing complaints and updated procedures. CMEB agreed to the recommendation and undertook to complete the training by December 2019.

We noted the AFP's current approach to staffing complaint handling roles makes it challenging to deliver ongoing training to complaint handling staff, noting they are either assigned to PRS for a period of two years or drawn out of a pool of appropriate senior staff to act as an investigator as required. We commended the agency for its induction program for PRS staff and for developing an administrative investigations training module, and recommended it ensure all complaint handling staff receive this training, as well as training in best practice

complaint handling. The AFP agreed to make its administrative law investigations training mandatory for all appointees involved in the complaint management process and to explore the development of best practice complaint handling training.

We found Employment provided sound training to complaint handling staff upon commencement through its five day induction program. This included training in Employment's services and programs, along with complaint handling policies and procedures. Employment was also responsive to staff's training needs by providing ongoing training based on areas of concern identified through its monthly quality assurance checks and coaching. However, we recommended Employment also develop a structured ongoing refresher training program, to ensure ongoing training is appropriately prioritised. Employment accepted this recommendation.

Supervision and feedback are critical for staff development, and should be formal, documented arrangements

The review highlighted the importance of coaching and feedback as integral components of staff development. Findings across the participating agencies emphasised that supervision and coaching needs to be part of a documented and structured approach, to ensure expectations are clearly set and ongoing feedback is prioritised.

The review found, in line with the branch's own assessment, that CMEB supervisors had inconsistent approaches to overseeing their staff's workflow and there was limited written guidance on the Office's expectations of supervisors more generally. We recommended that these arrangements be formalised and documented and CMEB agreed, advising it had already developed standard expectations for supervisors and incorporated these into the performance development agreements of all staff with supervisory responsibilities.

In a similar vein, we found Employment had an informal coaching program in place, whereby each Customer Service Officer participated in at least one coaching session per month with a manager listening to call recordings and providing them with feedback. However, there was no criteria for the timing or frequency of these sessions, the process for selecting the calls or the assessment criterion to be applied. We recommended Employment formalise its coaching strategy and document these parameters. Employment advised it had already implemented this recommendation.

Agencies should balance formalised quality control processes at critical decision points and periodic quality assurance reviews of complaint records

Agencies need to ensure their complaint handling staff are handling complaints well and offering complainants outcomes as appropriate. Complaints should be handled consistently, regardless of which staff member they are allocated to, and an agency should have visibility of trends and emerging issues in complaint handling performance. Quality control and quality assurance are two mechanisms for meeting these objectives.

Quality Control

Agencies should utilise quality control processes at points in the complaint handling process where staff are making discretionary and potentially high risk decisions. The review highlighted the importance of quality control processes at critical decision points in the complaint handling process across each of the participating agencies.

Review quality control processes to ensure they are identifying common errors

The AFP had multiple layers of quality control at the ‘finding’ and ‘outcome’ stages of its complaints process, although we found that problems with identifying conflicts of interest, which we noted in the complaint sample, were not detected or rectified by this process.

Have clear criteria for determining when experienced staff will be exempt from quality control processes and document these decisions

In CMEB’s case we found a range of quality control points, but noted discretion was available to omit these points, depending on the experience of the investigation officer. We observed that this discretion was inconsistently applied and recommended the branch document criteria for evaluating whether staff require quality control of their work at these check points.

Quality Assurance

Quality assurance programs allow agencies to monitor decision-making and data input in complaint handling processes without the resource impost of having a senior officer check every decision or record.

Similarly, CMEB was in the process of developing a quality assurance framework and intended to introduce a regular audit of a sample of complaints. The review recommended this be prioritised and that the framework be linked to the branch training strategy and used to inform continuous improvement.

Best Practice

Employment conducts a monthly audit of five per cent of its complaint records. The audit focuses on data integrity and record-keeping, with the findings reported to the NCSL’s management and used to inform training and coaching approaches.

Complaint handling is a specialised role and agencies should ensure staff selected for these roles have requisite complaint handling skills and attributes

Complaint handling requires a specialised skillset and agencies should recruit staff specifically for these roles with the necessary skills and attributes.



In reviewing a sample of Employment's complaints, we identified some complaints where Customer Service Officers demonstrated poor client engagement, a lack of empathy for vulnerable clients and underdeveloped soft skills. We noted Employment did not look for these types of skills and attributes in its recruitment documentation, and recommended it begin to do so to ensure it recruits staff with the appropriate skills and characteristics for these roles. Employment agreed to this recommendation, acknowledging that while they were not explicitly set out in recruitment documentation, empathy and soft skills are key considerations in its recruitment. Employment advised it had already updated the NCSL interview process to focus more on these skills and also undertook to update relevant job descriptions by March 2020.

In the AFP review we noted the challenges its rotational staffing model poses for recruiting specialist staff to complaint handling roles. We found the PRS Investigator job descriptions to be heavily focussed on investigation skills, and suggested there could be benefit in including other attributes of good complaint handlers such as empathy and resilience. For Category 1 and 2 complaints, where investigators are drawn from a large pool, we noted there was no consideration given to whether these staff had the requisite skills to handle complaints well. ACT Policing advised in response to this review, it was exploring opportunities to trial the use of a smaller, specifically trained cohort of workplace leaders to investigate and resolve Category 1 and 2 complaints, with a view to addressing some of the agency's issues with retaining appropriate skills and expertise in these roles.

ELEMENT 4—PROCESS

Good complaint handling requires clearly documented, effectively communicated and easily accessible processes to support all aspects of complaint management.

An effective and efficient complaint process acknowledges and deals with complaints in a timely way to provide confidence to complainants. A complainant should be advised of the complaint process at the time of receipt and be given regular updates throughout, especially if it will take the agency longer to resolve the complaint than initially indicated.

What does an effective complaint handling process look like in practice?

- Agencies should have documented processes covering the seven stages in complaint handling—acknowledge, assess, plan, investigate, respond, follow-up and consider action of systemic issues. These processes should be easy to understand and readily applied to a variety of complaints.
- It is critical that agencies manage complainants' expectations early and communicate proactively throughout the process.

Agencies should have current, consistent and clear guidance and procedures for complaint handling staff

Agencies often have a number of documents outlining their complaint handling procedures. These may include legislation, IT system user guides, policies, procedures and flow charts. If complaint handling is spread across multiple business areas, then each business area may have procedural documents relevant to its part of the process. Where multiple documents exist, it is important agencies ensure these documents are consistent and can be understood together as part of a broader complaint handling system. Our review found that each of the participating agencies could improve its procedural guidance for complaint handling staff to ensure consistency and clarity.

For example, the AFP had three different procedural documents for three different areas of the complaint handling process, which need to be read in the context of two further overarching guidelines. These documents varied significantly in their detail and complexity and made it challenging to discern the complaint handling process in its entirety.

Similarly, the review found inconsistencies between CMEB's IT user guide and its work practices manual, and identified areas where inadequate guidance in the work practices manual resulted in inconsistencies in record-keeping and decision-making. CMEB was already in the process of reviewing and updating its policies and procedures. We recommended it ensure its new documents address these areas of inconsistency and provide guidance on how to perform all stages of the complaints process, how much detail should be recorded and how to make discretionary decisions.



Guidelines for making discretionary decisions

It is particularly important that complaint handling procedures provide clear guidance for staff at points in the process where they are required to exercise discretion and/or make decisions. We identified points in the complaint handling processes of each of the participating agencies at which staff were given discretion to make a critical decision, but did not appear to be provided with clear written criteria upon which to base that decision.

- AFP staff have discretion to decide whether a complaint is suitable for an informal resolution process, but a number of critical terms in the decision-making guidelines are broad and undefined.
- Employment gives Senior Customer Service Officers discretion to determine when a complaint should be referred back to the service provider for ‘investigation’, but does not have written criteria to guide how a Senior Customer Service Officer should make this assessment.
- CMEB staff have discretion to decide whether to give a complainant the reasons for their decision verbally or in writing, but staff do not have access to written guidance regarding the factors they should consider in making that decision.

We recommended that all three of the participating agencies develop and/or document criteria to assist complaint handlers in making these decisions. Providing staff with clear written criteria at these type of decision points ensures consistency across decisions made by different staff, and enables the agency to be transparent about the reasons why a decision was made.

Communication with complainants about the investigation process and progress of their complaint should be timely and clear

Communicating clearly and regularly with complainants throughout the complaint process is critical for setting and managing their expectations and maximising the likelihood they are satisfied with the way their complaint has been handled, even if they are not satisfied with the outcome. Agencies should acknowledge complaints quickly and provide complainants with information about the process, including how and when they can expect to be contacted as the complaint progresses.

Agencies should have internal standards so that staff are aware of how quickly they are expected to acknowledge receipt of a complaint and how often they should contact a complainant during the process. It is best practice to make these standards publicly available, both in the interests of transparency and in managing complainants’ expectations about the process. We noted that communication with complainants was a particular issue for the AFP, where in many cases complaint investigators perform this role on top of their regular duties. The AFP also had relatively lengthy complaint investigation timeframes compared to the other participating agencies, which required a greater number of contacts with complainants during the course of the investigation.

In such circumstances, ensuring that written procedures clearly articulate the expected mode and frequency of contact with complainants can assist complaint handling staff to appropriately prioritise this task.

We recommended the AFP set service standards for acknowledging complaints and updating complainants on the status of their complaint, and reflect these expectations in its complaint handling guidance materials. The AFP advised it would consider if a service standard could be adopted within its current practices.

It is also vital that agencies effectively communicate the findings and decisions to each complainant at the conclusion of the process. The AFP demonstrated good practice in sending outcome notification letters to complainants at the conclusion of an investigation, outlining whether the complaint was established or not. However, where a complaint against an AFP member was established, we noted the letters generally provided little information about remedial actions taken. While noting the importance of protecting the privacy of the subject of the complaint, we recommended the AFP provide more information about remedial actions taken and the general sanctions process in its outcome letters to complainants where their complaint is established. This kind of information assures complainants that their complaint has been valued and taken seriously, and the established misconduct has been addressed.

Under Employment's outsourced complaint handling model, service providers are responsible for investigating complaints that the NCSL assesses as warranting referral, and communicating the outcome of this investigation to the complainant and to the NCSL. This model gives Employment limited visibility of whether the service provider has resolved the complaint to the complainant's satisfaction, and places the onus on the complainant to initiate further contact with Employment if they are dissatisfied. We suggested that this model poses a risk of complainant fatigue,⁴ as well as a reputational risk to Employment in the event a complaint is not handled well by a service provider. These kind of risks can be mitigated by ensuring both the NCSL and the service provider give complainants clear information about the complaints process and their associated review rights.

⁴ Complaint fatigue is when a client ceases pursuing their complaint without the issues being addressed, because it feels too difficult or futile to continue.

ELEMENT 5—ANALYSIS

Complaints provide agencies with a rich source of information about how well they are performing and what improvements they might make. Complaint issues and trends should be a central element of an agency's business review process and used to improve client service.

What does effective complaint handling analysis and learning look like in practice?

- Agencies benefit from dedicating resources to analyse and report on insights from complaints. To this end, regular reporting to senior leadership should be standard practice.
- Agencies should designate ownership of improvement initiatives and establish arrangements for monitoring progress.
- Internal working groups within an agency are useful to connect complaint handlers with service improvement staff and operational business areas.
- Sharing insights from complaints amongst staff and with the community demonstrates that the agency is listening and learning.
- Agencies can be proactive in continually improving complaint handling processes and service delivery by routinely seeking out feedback from complainants about their experience.

Complaint data should be accurately recorded and used to identify systemic issues and opportunities for improvement

Complaints are a valuable source of intelligence and offer agencies a unique perspective on what is and is not working within their programs and services. Regular analysis of complaints data can enable agencies to identify emerging trends and potential weaknesses in their policies and programs, and make changes in response.

The participating agencies demonstrated a range of initiatives for tracking and addressing potential systemic issues identified from complaints data:

- The AFP keeps a register of issues about police policy and practices (as opposed to an individual member's conduct) which are raised through complaints. The register enables the agency to identify trends in complaints about particular policies and track that the relevant manager has taken appropriate action in response.
- CMEB can send comments and suggestions for improvements to agencies if it identifies systemic issues in their administrative practices in the course of a complaint investigation. These comments are recorded in a centralised register, which is used to identify and monitor trends and inform future communication to agencies on similar issues. The Office also uses this intelligence to guide the work of its strategy teams.
- Employment engages account managers to manage its relationship with service providers and ensure they are complying with the Deed. Account managers are able to review complaint data about a service provider to inform their review, but this is not mandatory. We considered complaints data would provide valuable intelligence about potential issues in provider conduct and practice and enable account managers to conduct more targeted

assurance activities, so recommended that Employment make it mandatory for account managers to review this data.

Agencies that effectively use complaints data to drive continuous improvement:

- Record complaints data accurately and in a way that facilitates the identification of trends. If an agency uses specific categories or terminology to inform its reporting, these terms are used consistently by all staff.
- Review complaints data at regular intervals to allow for timely identification and rectification of emerging issues.
- Clearly designate responsibility for responding to identified systemic issues and have a tracking system to ensure remedial action occurs as required.
- Facilitate good communication between complaint handling business areas and strategic business areas in order to effectively harness and utilise the insights gained from complaint investigations to drive continuous improvement.

Senior leadership should receive regular reports on complaint statistics and trends

It is good practice for an agency's senior management to receive regular reports on its complaint handling performance and trends in complaint data. This kind of reporting provides valuable business intelligence and can enable the executive to respond proactively to potentially systemic issues. All three participating agencies demonstrated strong practices in reporting complaints data, trends and analysis to their senior leadership on a regular basis.

Best Practice

ACT Policing tracks its complaints in a database which enables detailed analysis of complaint information. This information is used to provide regular reports to the executive and inform weekly conversations about emerging issues with managers at an operational level.

Agencies should record and publicly report on complaint handling performance

Complaint data can help agencies to improve their programs and services, but it can also help agencies to improve the performance of their complaint handling systems. Agencies should measure the performance of their complaint handling systems using both qualitative and quantitative measures and publicly report their performance against those standards.

Qualitative vs Quantitative measures of complaint handling performance

Quantitative measures

Quantitative performance indicators are data-based measures of performance. They are able to be counted or quantified. In complaint handling these could be things like the number of complaints received per year or the time taken to resolve complaints.

Qualitative measures

Qualitative performance indicators measure how well something is done. They are descriptive and based on opinions and experiences. Qualitative measures of complaint handling performance could include outcomes achieved or client satisfaction with the complaint handling process.

All of the participating agencies demonstrated best practice in using quantitative indicators to measure the performance of their complaint handling system and publicly reporting their performance against these indicators through their Annual Reports.

Agencies should ensure that the metrics they choose for measuring their complaint handling performance give an accurate indication of the health of their complaint handling system. For example, we noted that ACT Policing was reporting the number of complaints outstanding at the end of the financial year and how overdue they were against the AFP's timeliness benchmarks. We recommended that ACT Policing broaden this data to report on all complaints handled during the year (not just those that were outstanding at a point in time) to give a more accurate picture of its overall timeliness. ACT Policing undertook to examine how this recommendation could be incorporated into its reporting regime.

We also found that each of the participating agencies could improve their practices for measuring and reporting on qualitative measures of complaint handling performance.

Measuring performance through client outcomes

Client outcomes are one metric agencies can use to measure the quality of their complaint handling. Outcomes, or remedies, might involve overturning a decision or making system changes in response to an identified issue, but they could also involve providing the complainant with a better explanation of the reason for a decision or action. Not all complainants will receive the outcome they were seeking, but almost all complainants can receive an outcome that assists them in some way.

We found participating agencies were already providing remedies to their complainants, but in many instances were recording these inconsistently or not at all.

- The AFP was providing useful remedies to many of its complainants. We recommended it consider categorising these, recording them at the conclusion of each investigation, and reporting them publicly as a measure of complaint handling performance. The AFP noted this recommendation and agreed to explore whether it could be adopted.
- CMEB was also providing remedies to many of its complainants, but we found inconsistent practices in defining and recording these. CMEB had recently reviewed its terminology and developed business rules for recording outcomes. We recommended the CMEB provide its staff with training and information on these changes, and CMEB did so in October 2019.

Measuring performance through client satisfaction

Client satisfaction is one of the best qualitative measures of complaint handling performance. Agencies can gather valuable information by collecting routine feedback from clients at the conclusion of their complaint, or by conducting periodic surveys of complainants.

CMEB is planning to survey complainants at regular intervals commencing in 2019–20. The AFP and Employment both expressed an interest in seeking feedback from their complainants in a similar fashion. We encouraged the agencies to adopt this initiative and use the feedback gathered to inform continuous improvement of their complaint handling processes.

APPENDIX 1A—RESPONSE FROM THE DEPARTMENT OF EMPLOYMENT, SKILLS, SMALL AND FAMILY BUSINESS

Before the report was published, each agency was invited to provide a formal response for to be appended to our report. Employment responded:

The Department of Employment, Skills, Small and Family Business welcomes the Commonwealth Ombudsman's report. The Department is committed to best practice complaints handling as part of its service offer to the Australian community. The Complaints Assurance Project has been useful for, not just confirming what the department is doing well, but also for identifying areas for improvement. Best practice complaints handling is a process of continuous improvement and the department is committed to regularly reviewing its policies and procedures.

APPENDIX 1B—RESPONSE FROM THE AUSTRALIAN FEDERAL POLICE—ACT POLICING

Before the report was published, each agency was invited to provide a formal response for to be appended to our report. Commissioner Kershaw responded:

The AFP has reviewed the report outlining the trends and best practice across the agencies and supports the findings identified in the final report.

As part of this pilot program, both ACT Policing and the AFP's Professional Standards continue to consider and implement the recommendations from the ACT Policing report. In acknowledging the final report, the AFP will consider those best practices and identify opportunities to enhance the AFP's complaint resolution processes.

ACT Policing is committed to seizing any opportunity to improve practices and to ensure that our complaint management processes are appropriate, timely and thorough.

Throughout 2019, ACT Policing has worked closely with your Office to identify practices and procedures for improvement, with a view to making our complaints management processes more complainant-centric.

ACT Policing has undertaken a number of reforms in 2018 and 2019 to improve the timeliness, completeness and quality of our complaint management processes. These reforms include the introduction of an enhanced electronic case management system to ensure accurate and timely monitoring of matters, and improved processes to identify and respond to conflicts of interest.

In November 2019, ACT Policing implemented a requirement for all ACT Policing members involved in the management of complaints to successfully complete administrative investigations training. In addition, a trial of a dedicated investigator cohort will see all complaints allocated to a dedicated team of experienced and trained investigators.

The ACT Complaint Management Team (CMT) expect these reforms will deliver meaningful improvements to our complaint manager processes, improve consistency and evidence-based decision making, and reduce the incidence of delay in the resolution of complaints.

The AFP agrees with the findings of your Office as they relate to ACT Policing, and is pleased to advise that concerted works are underway to implement those recommendations across ACT Policing. Of the 15 recommendations, I am pleased to inform you that one recommendation has been fully implemented prior to the end of 2019, and the remaining are well on track for completion in the coming months.