VICTORIAN ombudsman

GOOD PRACTICE GUIDE

Complaint handling for Victorian public sector organisations

2nd edition

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Accessibility

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The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria.
We extend this respect to their Elders past and present. We acknowledge their sovereignty was never ceded.

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Ombudsman's message

Throughout my career, I've been buoyed by the public sector's shared commitment to delivering fair, accessible services for every member of the community. It's why we're all here.

Inevitably, for anyone in service delivery, complaint handling and problem solving is core business. When people complain, they are expressing something fundamental: that they care. They care about fairness. They care about justice. And in making their complaint, they may not just be making things better for themselves, but for others too by highlighting issues of broader importance – and we should embrace that.

Rather than shy away from complaints, it's my hope that the public sector can learn to love its complaints.

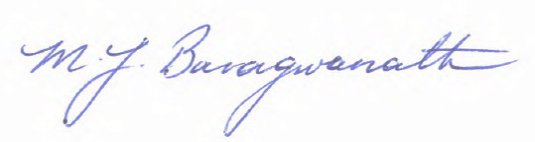
Complaints are a vital source of feedback – a critical barometer of the community's satisfaction with the services you deliver and how you engage with them. A well-handled complaint can help win, or regain, trust, and that's something we can all aspire to.

Updated to reflect the Australian Standard on complaint handling, this second edition of the good practice guide encourages organisations to take a step back and look critically at their complaint systems.

Because, whatever the size of your organisation or the nature of the services you deliver, the complaints you receive can provide valuable insights into what is working well, what could be improved and how you can fulfil your commitment to being fair and accountable to the community.

In line with our *Strategic plan 2025-29*, our good practice guides will help advance our focus on prevention. Through resources, training and guidance, we are working to assist the public sector to improve the quality of its administration and complaint handling to build stronger practices.

In the decade ahead, partnering with organisations across the public sector to improve complaint handling will be a vital part of achieving our vision: **Victoria is fair**. I hope that you'll join with us to bring that vision to life.



Marlo Baragwanath
Ombudsman

Why do complaints matter?

As public servants we all strive to deliver quality programs and services to the community in a way that is timely, transparent, flexible and fair. However, mistakes, misunderstandings and unexpected problems happen, and when things go wrong, it's reasonable that people will complain.

Well-handled complaints fix problems quickly, lead to better services and can restore public trust in government. On the other hand, when complaints are not handled well, issues may be escalated to involve lawyers, Ministers or the Ombudsman. Relationships and reputations may suffer and opportunities to improve may be missed.

From our experience, people who complain to us are not only aggrieved by an organisation's action or decision, but also how the organisation responded to their complaint about it. Complaints about complaint handling have been a common theme for over 50 years. We've created this good practice guide to help organisations learn to love their complaints and ultimately avoid the Ombudsman.

We've included guiding principles reflecting the revised Australian Standard *Guidelines for complaint management in organizations* (AS 10002:2022, ISO 10002:2018).

This guide also aligns with Victoria's public sector values and the *Charter of Human Rights and Responsibilities Act 2006* ('Human Rights Charter') and includes useful templates and practical examples.

You can use this guide to create a new complaint system, to review and improve your existing complaint system and to access tips for responding to individual complaints as they arise.

It includes three main parts:

- **Enabling complaints** – making it easy for people to complain
- **Responding to complaints** – taking action to manage complaints
- **Learning from complaints** – analysing complaint data to improve your services.

We've also added information about complaint system reviews and some resources you may find useful in part 4.

At the end of the guide, you will find the following:

- a model policy template
- a flowchart of the complaint handling process
- an example outcome letter.

What is a complaint?

People might contact your organisation for all sorts of reasons, and it can be helpful to clearly define what is a complaint – and what isn't.

We define a **complaint** as:

> An implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required.

It includes dissatisfaction with an organisation or its contractors':

- customer services
- actions or decisions
- inaction or delay
- policy or processes.

This definition is consistent with the Australian Standards and matches the definition used by the Commonwealth Ombudsman, meaning Victorians interacting with state and federal bodies can expect the same.

From time to time, your organisation might receive feedback rather than an explicit complaint.

We define **feedback** as:

> A compliment, criticism, comment or suggestion where a response is not sought, or not reasonable to expect.

Complaints and feedback can be distinguished by whether the person can reasonably expect a response. Like complaints, feedback is valuable and can help identify opportunities for improvement.

Generally, initial **requests** for service, action or information are not complaints, although they do prompt action. Subsequent requests may be an implicit complaint about service, inaction or delay.

A **complaint system** includes all the policies, procedures, practices, people and resources used to manage complaints.



1. Enabling complaints

Guiding principles

Good complaint systems enable complaints by:

- being proactive and **people focused**
- providing **transparent** information about how and where to complain
- being **accessible** and **safe** to everyone
- **protecting** people who complain from detrimental action.

Complaints are valuable – they are the canary in the coalmine telling you what people think about your services, programs and decisions. Complaints are also inevitable, and an effective complaint-handling system, supported by policies and procedures, is the best way to deliver a return on investment.

The best complaint-handling systems actively welcome complaints and encourage problem solving. Being able to complain about government is also a human right.

This chapter outlines how you can make it easy for people to complain.

Quick tips

- **Commit to receiving complaints**
- **Develop and implement a policy**
- **Choose and train the right people**
- **Empower your staff**
- **Look after your people**
- **Publicise how to complain**
- **Make your complaint system accessible and safe**
- **Protect people who complain from detrimental action**

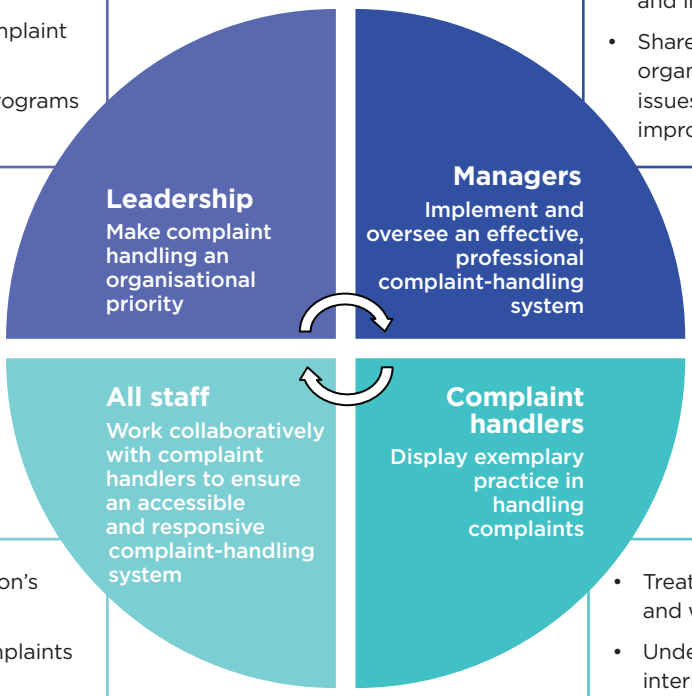
1.1 Commit to receiving complaints

In Victoria we have a human rights framework to help us keep people at the centre of public administration. Being committed to receiving complaints is a great way to promote people's right to participate in public life.

For a complaint-handling system to be effective, it needs to be supported by a culture where all staff understand the value of complaints. This type of culture is set from the top, but everyone has a role to play in managing complaints, from the frontline staff taking the complaints, to managers who oversee the complaint-handling system.

Leadership should receive regular reports about complaints, and even staff who do not handle complaints need to understand the system so they can refer complaints to someone who can help.

- Express your commitment to complaint handling in corporate documents, such as business plans and service charters.
- Resource your complaint handlers to deliver an effective service.
- Report publicly on your complaint handling in annual reports.
- Use complaints to review programs and improve services.



- Recruit, train, develop and support suitable staff.
- Document and maintain policies, procedures and guidance.
- Implement robust quality assurance and internal review processes.
- Share complaint insights within the organisation to address systemic issues and promote continuous improvement.

- Be aware of your organisation's complaint-handling system.
- Help people access the complaints process.
- Help your complaint-handling colleagues resolve problems.
- Address systemic issues identified by complaints.

- Treat complainants professionally and with respect.
- Understand and comply with internal complaint-handling policies and procedures.
- Keep informed about your organisation's programs and services.
- Identify and escalate systemic issues.
- Be frank and fearless in proposing solutions to resolve complaints and promote fairness.

Recognising complaints

All staff should be aware of your complaint-handling system to identify complaints and help people get to where they need to go. Remember, not everyone who complains will use the word 'complaint'. Look out for phrases like:

- 'I'm not happy with …'
- 'I'm angry about …'
- 'I don't like …'
- 'I don't agree with …'
- 'I want compensation for …'
- 'It's not fair that …'
- Why can't you …'
- 'Why didn't you …'
- 'Something's gone wrong'
- 'That sucks! '

1.2 Develop and implement a policy

The cornerstone of an effective complaint-handling system is a clear policy that lays the foundation for staff to consistently respond to complaints well.

A good complaints policy should cover:

- how, where and to whom complaints can be made
- how the complaint will be handled, and the steps involved
- roles and responsibilities
- avenues for internal review if the complainant is dissatisfied
- service standards, such as response times
- information on external review options such as the right to complain to the Victorian Ombudsman.

As every organisation is different, when developing a complaints policy it is helpful to consider:

- statutory and regulatory requirements
- the number and demographics of the people using your services
- the nature of your interactions with the public
- the number and types of complaints you receive
- how you can use complaints to improve your operations
- your financial, operational and other organisational requirements
- the feedback of your staff and other interested parties.

Complaint policies need to be reviewed regularly to ensure they reflect current practice.

See Appendix 1 for a model complaint policy.

1.3 Choose and train the right people

Skilled, knowledgeable staff are the most valuable resource in any complaint system. Complaint handlers need a range of skills and personal qualities including:

- empathy
- respect and courtesy
- discretion
- negotiation skills
- problem-solving skills
- strong communication and rapport-building skills
- the ability to remain impartial.

Complaint handlers also need a wide range of knowledge to be effective:

Complaints practices	How to support people	Their work environment
• How to enable the complainant to tell their story • Your complaints and procedural fairness processes • Referral options, pathways and process alternatives • Case management techniques • How to investigate complaints • How to exercise discretion • How to manage unreasonable complainant conduct	• The impact of power imbalances • How to write in plain English • Language and cultural differences • The needs of people experiencing vulnerability • Support services they can refer complainants to • Mental distress and its effect on behaviour • Mental health first aid – recognising and supporting people who have a mental health problem or mental health crisis, until they receive professional help or the crisis resolves	• Your organisation's people and work • Reporting and data capture techniques • Legislative and regulatory frameworks including the Human Rights Charter • Legal ramifications and risks • Conflicts of interest • Stress management techniques

1.4 Empower your staff

Complaint handlers need to be empowered to manage complaints effectively. This means delegating the appropriate authority to staff dealing with complaints so they can make decisions and provide remedies. Not every complaint can be resolved by frontline workers, but many can if they are given reasonable authority and understand when it's appropriate to use their discretion.

Complaint handlers are also well placed to offer helpful insights to improve your organisation. They can ensure lessons learned translate into continuous improvement activities.

1.5 Look after your people

Complaint handling can be difficult and stressful, and staff need support to maintain a healthy, positive attitude.

There are many hazards complaint handlers may face, including violence or aggression from complainants, unreasonable or excessive time pressures, and poor support.

Managing the risks associated with these hazards not only protects staff, but it also decreases turnover and absenteeism. It may also improve broader organisational performance and productivity.

Well-defined informal and formal supports will help minimise the negative impacts of complaint handling on your staff.

Informal strategies can involve managing caseloads, providing a buddy, limiting time spent answering calls and carefully allocating certain types of complaints.

Formal strategies can involve having a formal debrief, particularly after an incident. This could be conducted inhouse or through an employee assistance program. Having appropriate health and safety policies and procedures for your staff is also essential.

1.6 Publicise how to complain

To complain, people need to know how to contact you. Information about how to complain and your complaint policy should be:

- readily available on your website, including a prominent link on your home page or contact page with a functional search tool
- provided to people in any service delivery statements, such as a service delivery or customer service charter
- included in welcome packs or induction materials for people who use your services
- available in hard copy upon request
- available from your reception or service centres.

The information you provide about your complaint system should include:

- how to make a complaint
- when to make a complaint
- what information the complainant should provide
- when to expect an acknowledgement
- details about your complaint-handling process
- advice on how to check on the status of a complaint
- options for internal and external reviews.

1.7 Make your complaint system accessible and safe

To make your complaint system accessible to everyone, you need to remove any financial barriers. It should be free to make a complaint, and organisations should offer a toll-free phone number where possible.

We live in a diverse community, and people's communication needs may differ because of a variety of factors, including disability, age, literacy, health or past trauma. Language barriers, homelessness or shift work can also inhibit people from accessing your organisation.

The best complaint handlers will ask people if they have a preferred method of contact and if they need any help to engage with the process.

Accessible complaint systems

Make your complaint system accessible by:

- accepting complaints by telephone, letter, email, online and, if possible, in person
- providing fact sheets and brochures in a range of languages
- offering free access to a translation and interpreter service
- providing information in accessible formats such as large print, Braille, audio and video formats including Auslan, text-to-speech and Easy English
- using the National Relay Service to communicate with people who are deaf or hard of hearing, or who have a speech or communication difficulty
- adhering to Web Content Accessibility Guidelines
- providing support to make complaints if needed
- allowing authorised representatives to act for or help people make and manage complaints.

Sophisticated complaint systems also recognise that accessibility is about more than communication. Some parts of the community may be less likely to complain for cultural or other reasons.

Culturally safe complaint handling acknowledges the diverse experiences and perspectives of people, who may have faced historical or systemic barriers to seeking redress. A culturally safe approach involves active listening, avoiding assumptions and adapting processes to be flexible, inclusive and accessible.

It also requires an awareness of power imbalances and a commitment to trauma-informed practices, ensuring people feel empowered rather than alienated. By embedding cultural safety into complaint handling, you can foster trust, enhance fairness and improve the overall effectiveness of your services.

By comparing the demographics of the people who use your services, and the demographics of those who complain, you can identify groups that are under-represented. To better engage these communities, you could work with stakeholder and advocacy groups and conduct outreach activities.

Case study: Accessible complaint systems

New mother Kalina was excited to take her newborn Petra overseas to visit family for the first time. Kalina knew she couldn't get Petra a passport without first having a birth certificate, so she applied several times, but no certificate was issued.

English was not Kalina's first language and she didn't understand why her birth certificate applications were not being processed. Kalina called the organisation and visited in person to try to sort it out, but without success.

Kalina then complained to the Ombudsman.

Noting what appeared to be a miscommunication between the parties, we made enquiries with the organisation. We discovered that there had been an issue with Kalina's payment which may have been caused by a technical glitch at the organisation's end.

To fix the problem, the organisation called Kalina to apologise and promptly issued Petra's birth certificate free of charge.

1.8 Protect people who complain from detrimental action

Sometimes people are reluctant to complain because they fear reprisal. This can be particularly problematic for people who rely on organisations for their daily living needs, such as those providing social services or other welfare. For some, it can be a challenge to get past the old saying that goes 'don't bite the hand that feeds you'.

To help overcome this, in addition to welcoming complaints, your complaint-handling system should make it clear that you will take all reasonable steps to protect people from reprisals.

Reprisal against a person for making a complaint could be improper conduct under the *Public Interest Disclosures Act 2012* and must be taken seriously.

Anonymous complaints

Sometimes people want to complain anonymously or will ask you not to disclose their identity. There can be many valid reasons for this, and organisations should accept anonymous complaints.

When someone wishes to make an anonymous complaint, it's important they understand that it may be difficult to resolve their individual concerns or investigate their circumstances without knowing who they are.



2. Responding to complaints

Guiding principles

Good complaint systems respond to complaints by:

- acknowledging and dealing with complaints in a **timely** way
- providing **transparent** information about how complaints are handled
- protecting the **privacy** of information as far as possible
- treating everyone involved in a way that is **objective**, **respectful** and **fair**
- considering and respecting **human rights**
- having clear processes for **managing complex behaviour**.

Every organisation should choose a complaint-handling model that is best suited to its work, structure, size and, importantly, the needs of its users. While there is no 'one size fits all' response to complaints, there are good practices every organisation can adopt.

This chapter outlines the steps to take when responding to a complaint and things to consider throughout the process.

Quick tips

Process

- Acknowledge complaints quickly
- Explain your process
- Make an initial assessment
- Resolve early when you can
- Escalate when needed
- Find a solution
- Provide outcomes with clear reasons
- Explain options for review

Considerations

- Address complaints promptly
- Be respectful, impartial and fair
- Consider human rights
- Protect privacy
- Manage complex complainant behaviour
- Manage complaints about contractors

Process

2.1 Acknowledge complaints quickly

Every year, the Victorian Ombudsman receives hundreds of complaints about delays in complaint handling. Year on year, it is consistently one of the most complained about issues.

Complaints about delays can be avoided if you acknowledge and respond to complaints promptly. Complaints should be acknowledged within three business days, or sooner if the matter is urgent.

Organisations should respond to all complaints unless you have previously told the complainant that you may not respond. (See section 2.13 on managing complex complainant behaviour for more information.)

Where a complaint involves multiple areas of your organisation, it's helpful to coordinate your response to avoid confusion and double handling.

2.2 Explain your process

Explaining your complaint process to complainants at the start promotes transparency and ensures that people know what to expect. Helping the complainant understand the process can help manage their expectations and reduce the risk of unreasonable behaviour.

Tell people:

- how their complaint will be dealt with
- who is handling their complaint and how to contact that person
- what issues you are considering
- when they can expect a response
- their likely involvement in the process
- the possible or likely outcomes.

It's also useful to manage expectations by:

- asking what they want to achieve
- assessing whether their expectations are reasonable and achievable
- explaining what your organisation can and cannot do, or will and will not do
- identifying any issues over which you have limited control, such as statutory requirements or budget constraints
- providing alternative avenues for them to manage their complaint if your organisation cannot help.

In some cases, it can help to confirm your advice in writing – for example, where the complainant has already expressed unrealistic expectations. If you are unable to meet your organisation's timelines for any reason, let the complainant know as soon as you can and explain the reasons for the delay.

People are less likely to complain to the Ombudsman if you keep them informed about what is happening with their complaint.

2.3 Make an initial assessment

Not all complaints require the same level of investigation or priority. It helps to triage complaints when you receive them to determine when, how and who should respond.

There are various things to consider.

Impact and risk	Outcome and other considerations
• The seriousness of the issues raised • Any need for urgent action – for example, where there are health or safety concerns for any person • The complexity of the complaint • Whether the complaint raises systemic issues • The impact on the person and broader community • The potential for the complaint to escalate	• The outcomes sought by the complainant • Whether the complaint is about a staff member, and needs to be handled by an independent, impartial person • Whether the complaint involves other organisations • Whether the complaint is subject to special statutory requirements – for example, if it is a disclosure under the *Public Interest Disclosure Act 2012*

To assess a complaint, you will need to clarify the details and determine what outcome the complainant is seeking. If a complaint falls outside your organisation's responsibilities, tell the person as soon as possible and refer them to an organisation that can help them.

Is it a public interest disclosure?

A public interest disclosure is a particular type of complaint. It can be a report about:

- the improper conduct of a public body or public officer
- a detrimental action taken, or threatened to be taken, by a public officer or body against a person in reprisal for making a public interest disclosure or cooperating with the investigation of a public interest disclosure.

Many organisations have a Public Interest Disclosure Coordinator who:

- receives potential public interest disclosures
- ensures the welfare of disclosers
- educates their colleagues about public interest disclosure legislation.

If you believe a complaint could be a public interest disclosure, you must refer the complainant to your organisation's Public Interest Disclosure Coordinator without delay. If your organisation does not have a coordinator, you can refer the complainant to the Independent Broad-based Anti-corruption Commission ('IBAC').

You can find more information about public interest disclosures on the IBAC website.

Disputes about responsibility

In some cases, there may be confusion about which organisation is responsible for a complaint.

The Victorian Ombudsman is sometimes contacted by people who have been referred back and forth between two organisations, both of which claim the other organisation is responsible. This is understandably frustrating.

When two organisations are involved, they should share information, with consent where appropriate, to determine who is responsible for resolving the issue.

Case study: Who is responsible?

A resident complained to his local council that water was not draining from a reserve behind his property, causing damage to his garage. The council said the transport authority owned the land and therefore was responsible, but the transport authority said it was the council.

We made enquiries and met with the parties who agreed to engage an independent surveyor to establish the cause of the damage, which would show who was responsible for fixing it.

The survey confirmed that it was the transport authority's responsibility. It paid the resident compensation for the damage and committed to maintaining the reserve.

In this case, the council and the transport authority should have reached an agreement about how the complaint would be handled, rather than simply referring the complaint to the other. Had they worked together, the complaint could have been managed faster and without being escalated to the Ombudsman.

2.4 Resolve early when you can

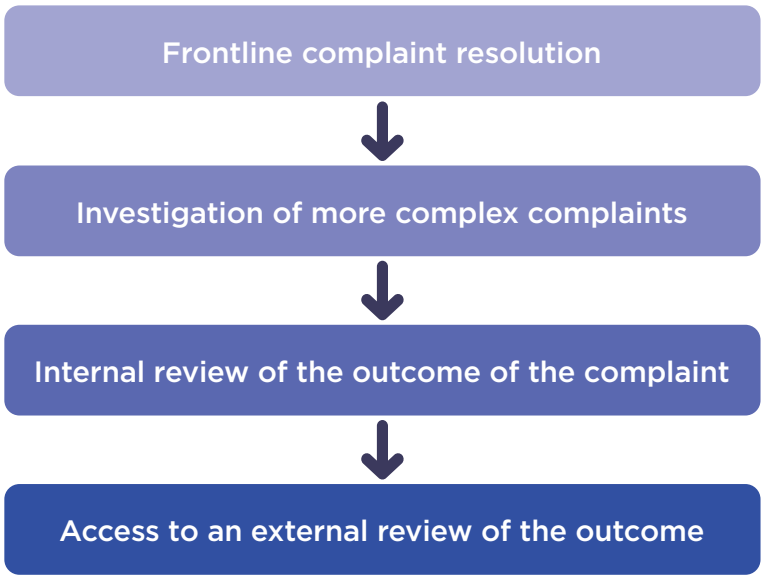
The quickest and most effective way to manage complaints to is to have them resolved by the frontline staff or area that usually delivers the service the person is complaining about. There are many possible solutions and remedies for complaints and many of these are easily implemented – see section 2.6.

Not all complaints can be resolved quickly by frontline staff, but many can. Where possible, your organisation's complaint-handling policy should encourage and empower frontline staff to resolve complaints when they are received. Early resolution means less work for your staff and happier complainants.

When this happens, the complaint should still be recorded – see section 3.1.

2.5 Escalate when needed

There will be some complaints that cannot be easily resolved and will need to be escalated. The most effective and efficient complaint systems use a tiered approach:



See Appendix 2 for a detailed flowchart of a tiered approach to complaint handling.

Your organisation's complaint-handling policy should spell out when complaints should be escalated. That might include where:

- the complaint cannot be managed by frontline staff
- the complaint is complex and requires detailed consideration
- the complaint is about a staff member and needs to be handled independently.

Once a complaint is escalated, you must investigate it. The nature and scope of any investigation will depend on the circumstances of each complaint, the issue raised, the parties involved and the likely outcome.

You should consider whether it's appropriate for your organisation to investigate the complaint. In some cases, staff from a different business unit or a third-party contractor may be necessary.

Where possible, investigations should lead to solutions and remedies for the complainant, but sometimes the complainant will be dissatisfied with the decision an organisation makes about a complaint. In these cases, the matter should be escalated further for a review, either within the organisation or to an external body – see section 2.8.

2.6 Find a solution

To be accountable, organisations need to be prepared to admit mistakes and correct them.

It's appropriate to offer a remedy if your organisation's decision, or the process leading up to the decision, was unfair or could have been communicated better.

Possible remedies include:

- acknowledging the wrong and the harm to the complainant and providing a sincere apology
- providing a better explanation for your organisation's decision or actions
- reversing your organisation's decision explaining why the error occurred and the steps your organisation is taking to prevent it happening again
- making systemic change to your organisation's policies or system
- correcting records
- providing a payment or compensation
- waiving fees, charges or debts
- providing some other outcome sought by the complainant.

The remedy should be fair, practical and proportionate to the seriousness of the issue.

Organisations need to have systems and processes in place to ensure that outcomes and their implementation are properly monitored and reported on to senior management.



'Foreshadowing' outcomes

Complainants often appreciate an opportunity to discuss your preliminary findings before you finalise their complaint.

This promotes fairness by giving them another opportunity to be heard. It can also lead to better outcomes:

- The complainant may have extra information or evidence you have not considered.
- It can be easy to misunderstand or overlook parts of complex complaints, and the complainant may be able to clarify the issues.

The complainant may dispute some of your facts and findings. If you can address areas of disagreement before you finalise the complaint, the complainant may be more likely to accept the outcome.

Case study: A fair remedy

An organisation accidentally deducted a payment from a woman's bank account twice. It acknowledged the mistake and told her it would process the refund when it had several similar requests, so its finance department could process them all at once.

While this is a solution that does not appear unreasonable on the surface, it was a solution that created another problem.

The woman was a single mother on a pension and the mistake had left her with only $14 in her bank account. Failing to consider the circumstances led to an outcome that was not fair.

The woman complained to us, and we asked the organisation to reconsider. It agreed to make the payment that day and spoke to its bank to ensure the money was available quickly.

2.7 Provide outcomes with clear reasons

Providing clear reasons for decisions displays fairness, transparency and accountability. It helps the complainant understand why you made your decision, whether or not you upheld their complaint.

When we make enquiries with organisations, we often find they provide us with convincing explanations for their actions. However, they have failed to communicate these to the complainant. If clear explanations for decisions had been provided, the complaint might not have been escalated to us.

Organisations should communicate the outcome of a complaint to the complainant in writing, though another method may also be needed, taking into account the complainant's communication needs and preferences.

Good outcome letters:

- briefly describe the complaint and identify the issues
- explain the steps you took to investigate or manage the complaint
- clearly identify the outcome
- provide reasons for your decision
- describe any remedies that are being offered.

You should also:

- give the contact details of a staff member the complainant can contact to discuss the outcome
- offer information about escalating their complaint for an internal review or appeal
- advise the complainant of the Victorian Ombudsman and any other relevant external review options.

See Appendix 3 for an example outcome letter.

Template letters

Organisations often use template letters to respond to common issues, which can save time.

That said, templates need to be customised to the complainant's specific concerns and circumstances. Otherwise your letters may not actually explain the reasons for your decision, and may exacerbate the complainant's grievance by creating the impression that you have not listened to their concerns.

Case study: Better communication

A man complained to us because he believed his concerns about an occupational health and safety issue at his workplace had been ignored by the safe work authority.

We made enquiries and learned the workplace had in fact been inspected as soon as the man raised his concerns, and that it was determined no action was required.

So, although the authority had promptly acted to investigate the issue, the man had no idea his concerns had been taken seriously.

If the authority had communicated more effectively about what it had done, the man may not have complained at all.

2.8 Explain options for review

As complaint handlers, we are accountable for our decisions and should submit ourselves to appropriate scrutiny.

Good complaint systems allow complainants to request that their complaint be escalated to a more senior staff member for a review. At the Victorian Ombudsman, we ask complainants to:

- submit any requests for review within 60 days of being informed of the outcome
- explain why they believe we have made an error and include any supporting evidence.

You should appoint an experienced senior staff member who has not been involved in the matter previously to conduct the review. This ensures the process is as independent as possible.

In appropriate cases, you might also consider using alternative dispute resolution methods, such as conciliation to try to manage the complaint.

A review by a senior staff member may uphold the original decision or overturn it. If a complainant remains dissatisfied with the outcome after it has been escalated, you should inform them of any relevant external avenues of complaint or appeal. These include:

- the Victorian Ombudsman
- specialist complaint bodies such as the Victorian Equal Opportunity and Human Rights Commission (for complaints concerning discrimination) or the Health Complaints Commissioner (for complaints about health providers)
- statutory rights of appeal such as a merits review at the Victorian Civil and Administrative Tribunal ('VCAT').

Referring complainants to the Victorian Ombudsman

We recommend the following text for referring complainants to us:

If you are unhappy with the outcome of this process, you can complain to the Victorian Ombudsman online at www.ombudsman.vic.gov.au/complaints or by calling 1800 806 314.

Considerations

2.9 Address complaints promptly

Complaints get harder to manage the longer they stay unresolved. Complainants can become frustrated with delays, their expectations of a significant outcome can increase, and they can start to raise new issues.

The Australian Standard recommends straightforward complaints be dealt with within 30 days.

If the complaint is complex or needs more detailed investigation, give the complainant an expected timeframe and update them on progress regularly, even if there has been no progress. You should review complaints that are older than 30 days and escalate them if necessary to expedite a resolution.

If the complainant does raise new issues, they need to be assessed on their merits. You may need to treat them as a new complaint to avoid delaying your process.

2.10 Be respectful, impartial and fair

For many complainants, being treated fairly during the complaint-handling process is just as important as the outcome. In fact, people are more willing to accept an outcome if they believe the process to reach that outcome was fair.

All complaints should be treated equitably, and there are many ways to promote fairness:

- Talk to people on all sides of the complaint. Find out the facts, establish common ground and verify information wherever possible.
- Check information and ask questions to show that you are listening.
- Consider each case on its own merits.
- Protect the complainant's identity as much as is reasonable.
- Avoid bias and deal with any real or perceived conflicts of interest.
- Ensure complaints about particular staff members are handled by someone independent.
- If your organisation needs to make any decisions or take any actions that are affected by the complaint, put these on hold until the complaint is finalised, whenever this is possible.



Case study: Considering fairness

A homeless man with a learning disability had driven a friend, who also had a disability, to a conference at a local church. He parked in a designated disabled parking bay, displaying a valid permit.

The driver knew he needed to move the car after two hours, which he did. However, a trailer was blocking the only other disabled parking bay, so he parked in a permit zone.

He received an $87 parking fine. He twice asked the local council which had issued the fine to review its decision to fine him. The council declined both times because a disabled parking permit did not allow a person to park in a permit zone.

The council said it was acting within the law; technically, the car was parked illegally. That said, in the interests of fairness, we asked the council to reconsider, and the fine was withdrawn.

Case study: Exercising discretion

A 22-year-old migrant to Australia required urgent medical treatment and was transported to hospital by ambulance. He was charged over $900 for this trip.

His employment ceased shortly after, and he asked that the fee be waived because of his financial difficulties. His request was refused because he was not a concession or health care card holder at the time of the ambulance trip.

However, he was granted Centrelink assistance one week after the invoice for the ambulance service was issued.

Although the refusal to waive the fee was in accordance with policy, we considered discretion could and should have been exercised in the interests of fairness and assisting people in financial distress.

Ultimately, the fee was waived.

2.11 Consider human rights

The *Charter of Human Rights and Responsibilities Act 2006* ('Human Rights Charter') is an Act of the Victorian Parliament that sets out the rights and freedoms shared by everyone in Victoria and is protected by law. The rights and freedoms in the Human Rights Charter include, for example, the right to equality and non-discrimination, protection from cruel, inhuman and degrading treatment, the right to liberty and security, privacy rights, property rights, freedom of association and freedom of expression.

The Human Rights Charter requires all public authorities (state and local government and associated agencies) to act compatibly with human rights and make decisions that give proper consideration to human rights.

In relation to human rights, there are three key questions to ask when assessing a complaint:

1. Is a Human Rights Charter right relevant to the complaint?
2. If so, did the public authority impose a limitation on the right?
3. Was any such limitation reasonable and necessary (i.e. proportionate)?

Some people might expressly complain about their human rights being interfered with. More often, however, people simply complain about the action or decision they are unhappy with.

Organisations with the best complaint handling systems will consider human rights as part of managing every complaint they deal with.

In identifying whether a complaint raises human rights, you could consider, for example, whether the action or decision:

- restricted people – in their movement, where they live, are they detained?
- impacted on someone's privacy?
- involved children?
- related to someone's care and protection?
- had a particular impact on different groups in the community? For example, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, lesbian, gay, bisexual, transgender and intersex people, people with a disability, women, young people and older people.

Our website has more information about Managing complaints involving human rights.



Case study: Complaints involving human rights

Jane's daughter Leslie used three life-support machines to keep her alive. To help cover the cost of running the machines, Jane received a discount on her electricity bills under a scheme set up by the (then) Department of Health and Human Services.

One day, Jane's power company said she would have to pay the full electricity rate because Leslie's machines were not on the department's list of approved models. Without the discount, Jane could not afford to keep the machines running.

> ***'It was horrible having to make about twelve phone calls, and every-time you get onto someone they put you onto someone else'*** **– Jane**

The department's scheme to help people pay for life saving equipment promotes the right to life. Even though Leslie's specific machines were not on the department's approved list, they met the criteria that should have qualified Jane for the discount. We made enquiries with the department and asked it to reconsider Jane's eligibility for the discount.

The department ultimately decided that Jane was eligible for the discount. It helped Jane prepare an application and later contacted her power company to reinstate her concession. It also back-paid Jane for the period she had been without the discount, so she was not left out-of-pocket.

2.12 Protect privacy

Complaints can involve personal information about:

- the complaint
- the staff who are the subject of the complaint
- third parties.

This information needs to be managed in accordance with relevant privacy laws and ethical obligations. Generally, you should:

- only use the personal information collected to deal with the complaint, or to address any systemic issues arising from the complaint
- only share personal information with staff on a need-to-know basis
- de-identify the information if it is being made public.

Your staff are also entitled to be treated respectfully and fairly if someone complains about them. In some cases, such as public interest disclosures about improper conduct, it is not appropriate to inform staff when a complaint is made about them. But in most cases, staff are entitled to be:

- informed of complaints about them
- given a chance to explain the circumstances
- provided with appropriate support throughout the process
- given full details of the complaint (subject to confidentiality) before any interview
- kept informed of progress and the result.

The focus of the complaint-handling process should be on resolving the problem, not assigning blame. Any disciplinary processes arising from complaints should be separate from the complaint-handling process.

If any adverse findings are made about an individual staff member, you will need to balance the right to privacy and reputation with what you can tell the complainant.

2.13 Manage complex complainant behaviour

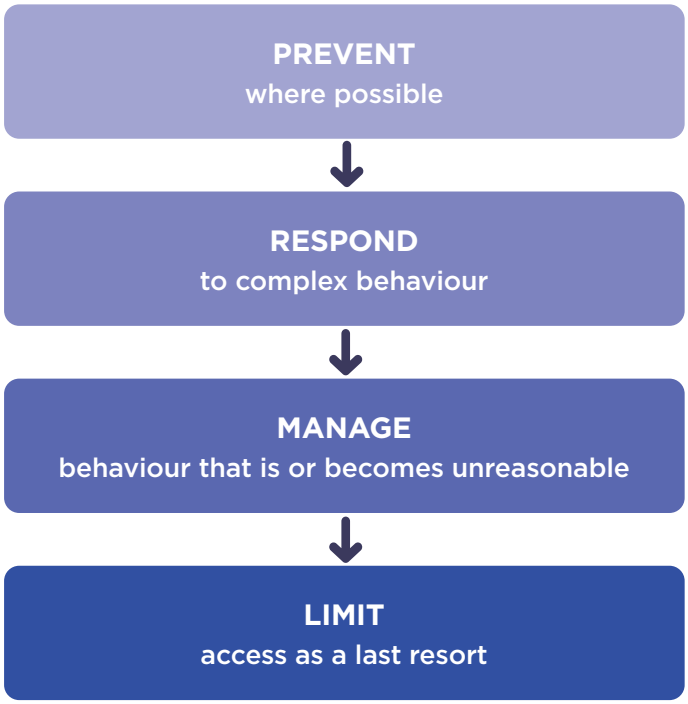
People can be angry and frustrated when they make a complaint, sometimes for good reasons. One of the skills involved in complaint handling is dealing with these emotions while maintaining a reasoned, evidence-based approach to responding to the complaint.

In a small number of cases, a complainant's conduct can, because of its nature or frequency, raise health or safety issues for staff, or consume a disproportionate amount of your organisation's resources to the detriment of other complainants.

The Victorian Ombudsman does not expect our staff, or staff in other public organisations, to tolerate behaviour that is offensive, abusive or threatening, or that consumes disproportionate resources.

For more information, see our *Good practice guide: Managing complex complainant behaviour* for strategies for managing the impact of such behaviour, while recognising that the complainant may still have a valid grievance that needs to be addressed.

The guide recommends a four-stage approach which recognises that complaint handlers encounter a spectrum of behaviour – from slightly confronting to clearly unreasonable – and that your response needs to be proportionate.



We recommend organisations:

- address how they manage complex complainant behaviour in their complaint-handling policy
- train staff on how to deal with complex complainant behaviour
- support staff where a complainant's behaviour is affecting their wellbeing.

Allocate sufficient time and resources to dealing with unreasonable conduct. If it is left unmanaged, it can be an immense drain.

How to avoid escalating conflict

Dealing with people who are angry and frustrated can help to:

- focus on the issue and not the person
- ask questions about the facts to move the complainant from a 'feeling state' to a 'thinking state'
- find something to agree with, without necessarily agreeing with the complainant's point of view – for example, 'I agree that $2,000 is a lot of money to lose'
- ask questions to clarify your understanding, like 'From what you tell me it seems … is this correct?'
- use cooperative language, positive suggestions and choices
- not defend, deny or argue
- set aside your own personal views and feelings
- stay respectful in your language and tone.

2.14 Manage complaints about contractors

Your organisation is ultimately responsible for all complaints about your services, irrespective of whether those services are delivered by you or a third-party contractor. It is also in your interests to know if people are complaining about a service delivered by someone you have contracted.

You should set out how you manage complaints about contractors in your complaint-handling policy.

It is good practice, and in some organisations legally required, to monitor the way contractors deal with complaints and have clear oversight of their complaint-handling process. This includes:

- reviewing and approving the contractor's complaint-handling process, which should ideally be consistent with your own
- ensuring you audit the contractor's complaint handling
- requiring the contractor to collect complaint data, which your organisation can access, monitor and report on as part of its own complaint system
- ensuring any systemic issues regarding the contractor's performance are identified and promptly addressed
- requiring the contractor to inform complainants that your organisation can review their complaint if they remain dissatisfied. The contractor should provide complainants with information about where and how to complain to your organisation.



3. Learning from complaints

Guiding principles

Good complaint systems use complaint information to:

- foster **continuous improvement**
- ensure **accountability** in the handling of complaints.

Your organisation can get value from complaints by using the information they provide to improve your decisions and services.

Complaints are a form of feedback, just like client and community surveys or evaluation reports. Your organisation's complaint system should help you identify where you need to make changes.

This chapter of the guide outlines the steps you need to take to use complaint data to learn and improve your services.

Quick tips

- **Record complaints**
- **Analyse complaints to improve services**
- **Monitor complaints to improve your system**
- **Report your complaints**
- **Review your system**

3.1 Record complaints

The best way to record and track complaints is having a central database that can be accessed by any staff handling complaints across your organisation.

The database should suit your circumstances. Smaller organisations that receive few complaints might use a spreadsheet. Larger organisations that receive many complaints may need specialised case management software, or to integrate complaint handling into existing customer service systems.

Your staff need to know when and how to record complaints so there is consistency across your organisation, remembering that a complaint is any expression of dissatisfaction, regardless of how or to whom it is made.

What to record

For every complaint you receive, you should record:

- the complainant's name and contact information
- relevant demographic information
- how the complaint was received
- when the complaint was received
- a description of the complaint
- the department, team, or service that the complaint relates to
- the complainant's desired outcome
- any support requirements, such as an interpreter service
- the complainant's communication preferences
- the staff member responsible for handling the complaint
- any steps taken to address the complaint
- the outcome of the complaint
- any remedies or follow-up action needed
- when the complaint was finalised
- any recommendations for improvement arising from the complaint, including who is responsible for implementing the recommendations.

3.2 Analyse complaints to improve services

Classifying and analysing complaint information regularly will help you identify systemic and recurring problems and areas where your organisation's services may need to improve.

It is useful to consider:

- the number of complaints you're receiving
- any trends in complaints over time
- the types of issues or services being complained about
- the outcomes of the complaints
- the demographics of complainants.

Your analysis needs to identify the underlying reasons for complaints. Where complaints reveal systemic issues or breaches, these may need to be reported both internally and, in some cases, such as privacy breaches, to bodies like the Office of the Victorian Information Commissioner.

Analysing your complaints data includes considering changes to products and services to minimise future complaints.

Understanding what your analysis shows

Be careful when interpreting complaint data. An increase in complaints following a change in your organisation's complaint-handling practices may show that your complaint system is more accessible or working better, not that service levels have dropped.

3.3 Monitor complaints to improve your system

Complaint data can also be used to assess the performance of your complaint system. Your key performance indicators could include:

- complaint outcomes, including whether decisions were upheld, partially upheld or not upheld
- how long it took to manage complaints
- any service changes resulting from complaints
- the number of complaint outcomes altered following an internal review
- customer satisfaction, measured through surveys or by monitoring social media
- the number of complaints escalated to the head of your organisation or your minister
- the number of complaints escalated to the Victorian Ombudsman, resulting in changes to your decisions, policies or practices.

It can be helpful to periodically audit compliance with your complaint policies and procedures to identify opportunities for improvement.

3.4 Report your complaints

Organisations should report on their complaints both internally and publicly.

The head of your organisation and executives should receive regular reports about complaints covering:

- the number of complaints received
- the quality and timeliness of complaint handling, including total numbers and average response times
- systemic issues and actions taken to address them
- any media activity associated with complaints or systemic issues
- any recommendations about how to improve services that have arisen from complaints.

For transparency and to support public trust, you should also publish your complaints data in your annual report or on your website.

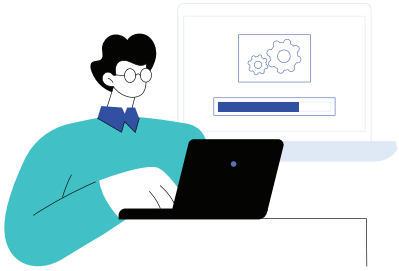
3.5 Review your system

It is helpful to regularly review your complaint system to ensure it remains up to date with the law and good practice and continues to meet community expectations. A review every two years could consider:

- changes to your organisation's functions or organisational structure
- any changes to statutory or regulatory requirements
- technological changes
- results of your complaints monitoring, including results from any satisfaction surveys, audits and complaint-handling performance reviews
- feedback from external bodies such as the Victorian Ombudsman and other stakeholders
- current best practice
- the views of your staff.

It is also important to check how your complaint system is resourced to ensure it continues to meet demand by considering:

- the number of staff dealing with complaints compared with the number and nature of the complaints received
- the currency and appropriateness of training provided to staff
- the clarity of complaint-handling procedures and other documentation
- the level of support provided to staff
- the adequacy of equipment.



4. Improving your complaint system

The advice in this guide can help organisations improve their complaint systems themselves. However, further help is available.

4.1 Complaint system reviews

The Ombudsman can proactively review the complaint-handling practices and processes of other organisations. This is called a complaint system review.

Organisations can contact us to request a review, or we may suggest a review where we have identified opportunities for improvement. Reviews are conducted in private and are designed to help build capability.

Step 1: Scoping

The review will evaluate how your complaint system measures up against the Australian Standard *Guidelines for complaint management in organizations* (AS 10002:2022, ISO 10002:2018) and the principles outlined in our good practice guides. There are core elements we will consider in most reviews, but reviews can also be customised to consider specific themes or areas.

Step 2: Assessment

You may be asked to complete a short self-assessment on your organisation's complaint-handling practice. This will help you reflect on your current practices and whether they enable you to respond to and learn from complaints.

You'll provide us with any policies and procedure documents relevant to the self-assessment and examples of complaints your organisation handled. We will consult with your staff to better understand your self-assessment and processes.

Step 3: Reporting

After conducting a review, we will report back to you and may make recommendations to improve your complaint management practices. We can also provide education and training or other assistance to support you.

To request a complaint system review email
complaints@ombudsman.vic.gov.au

4.2 Other resources

The following publications were used to help develop this guide and are useful resources for organisations wanting to know more.

Australian Standard, *Guidelines for complaint management in organizations* (AS 10002:2022, ISO 10002:2018), available via the Victorian Government Library Service

Victorian Ombudsman, Good practice guide: Managing complex complainant behaviour February 2022

Victorian Ombudsman, Councils and complaints – a good practice guide (2nd edition), July 2021

Commonwealth Ombudsman, Better Practice Complaint Handling Guide, February 2023

New South Wales Ombudsman, Effective complaint management guidelines (4th edition), November 2024

Ombudsman Western Australia, Guidelines on effective complaint handling, January 2017

New South Wales Ombudsman, Managing unreasonable conduct by a complainant (3rd edition), 2021

Independent Broad-based Anti-corruption Commission, Managing internal investigations, September 2023

Safe Work Australia, Model Code of Practice: Managing psychosocial hazards at work, August 2022

Victorian Equal Opportunity and Human Rights Commission, 'Victoria's Charter of Human Rights and Rights and Responsibilities' webpage, www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/

Victorian Equal Opportunity and Human Rights Commission, The Charter of Human Rights and Responsibilities: A guide for Victorian public sector workers, January 2024

Victorian Public Sector Commission, 'Public sector values' webpage, www.vic.gov.au/accessibility-guidelines-government-communications

Centre For Accessibility Australia, What is the WCAG Standard?, December 2024

Victorian Government, Accessibility guidelines for government communications webpage, www.vic.gov.au/accessibility-guidelines-government-communications

Appendix 1 – Model policy template

This model policy template is intended as a guide only. Organisations will need to tailor it to suit their circumstances.

How to complete this template

It is recommended that this text be included in your policy as it is written in this template.

Suggested wording is in italics. This text should be tailored to suit your organisation.

[Tips and instructions for drafting the policy are in blue italics and brackets]

Download an editable MS Word version of this template
www.ombudsman.vic.gov.au

Name of organisation	*[Your organisation]*
Title	*Complaint handling policy*
Date approved	*1 July 2021*
Last reviewed date	*1 July 2024*
Next review date	*[Review your complaint system regularly, including procedures and key performance indicators. We suggest three years]*
Responsible officer	*Manager, Policy*

Purpose

We recognise people have a right to complain about our actions, decisions and services.

We value complaints and commit to resolving issues quickly, fairly, efficiently and with courtesy. We promote access, equity, and transparency throughout the complaints process, while maintaining privacy.

The purpose of this policy is to document our complaints process that:

- provides a means for receiving complaints or feedback
- encourages the reporting of workplace complaints and issues
- is easily accessed and practical
- is understood by our customers and other stakeholders
- meets the requirements of our organisation
- provides for a fair, equitable and timely response
- complies with relevant laws.

Guiding principles

This policy is based on seven principles.

1. Commitment

We are committed to receiving and resolving complaints. We value complaints and recognise they are part of our core business, serving our community and improving our services.

2. Accessibility

All people can easily complain and staff actively assist them to navigate the complaints process.

3. Transparency

We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

4. Objectivity and fairness

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

5. Privacy

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how we handle personal information. Complaint data is de-identified if reported on more widely.

6. Accountability

We are accountable internally and externally for our decision making and complaint handling. We provide reasons for decisions and ensure we are open to appropriate review processes.

7. Continuous improvement

Acting on, learning from, and using complaint data helps us identify opportunities for improvement.

Scope

This policy applies to all staff and contractors performing functions on our behalf.

Staff grievances, code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

Definitions

A **complaint** is:

> *An implied or express statement of dissatisfaction where a response is sought, reasonable to expect or legally required.*

It includes dissatisfaction with the organisation or its contractors':

- customer services
- actions or decisions
- inaction or delay
- policy or processes.

The **complaint management system** is:

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

Feedback is:

> *A compliment, criticism, comment or suggestion where a response is not sought, or not reasonable to expect.*

A **service request** is a:

- request for approval
- request for action
- routine inquiry about the agency's business
- request for the provision of services and assistance
- report of failure to comply with laws regulated by the organisation
- request for explanation of policies, procedures and decisions.

[Note: The definition of a service request will vary depending on the organisation's core business. Define any other key terms that your organisation uses]

Roles and responsibilities of organisation staff and contractors

Frontline staff/complaint handling staff

Managers and directors

Chief Executive Officer

Third-party contractors

[For each party, enter a general description of their role and responsibilities within the complaint system.]

How to make a complaint

A person can make a complaint in a number of ways.

Internet: *[Insert web address. If you have an online feedback form or use webchat, include instructions on how to access these from the home page]*

Email: *[Insert email address]*

Telephone: *[Insert telephone number]*

Mail: *[Insert name of organisation and postal address]*

In person: *[Insert locations]*

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint.

We accept and respond to anonymous complaints, provided we have received enough information to do so.

Accessibility

[Detail the processes/services the organisation has in place to assist people with additional needs to make a complaint.]

Complaint handling procedure

Overview

We take a four-tiered approach to complaint handling, as follows:

1. **frontline resolution:** frontline staff receive the complaint, assess it, and manage it immediately, if possible
2. **investigation of more complex complaints:** if frontline staff cannot manage the complaint, they will refer it to an investigator for investigation
3. **internal review:** if the complainant is dissatisfied with the handling or outcome of their complaint, they can request an internal review
4. **access to external review:** if the complainant is dissatisfied with the process or outcome of the internal review, we inform them of any available external review options.

Frontline resolution

- We will acknowledge all complaints within three days of receipt.

Frontline staff will:

- clarify the complaint and the outcome sought
- assess the complaint to determine how it should be dealt with. *[Consider including the criteria upon which complaints will be assessed and how you will deal with complaints – e.g. facilitating a response, conciliating, requesting a review of a decision.]*

- If we're not the right organisation to handle the complaint, frontline staff will help the complainant get to the right place.

Investigation

- If frontline staff cannot resolve or finalise the complaint, it will be assigned for further investigation.
- The frontline staff member will tell the complainant how long it will take to respond and who they can contact for updates.
- We will aim to manage all complaints within 30 days.
- If it will take longer than 30 days, we will contact the complainant as soon as possible to inform them and explain why.
- Complex complaints that need to take more time to manage may be escalated to ensure a resolution is achieved as soon as possible.
- We will advise complainants of the outcome of their complaint and include reasons for our decisions.
- If requested or where otherwise appropriate, we will provide outcomes in writing and ensure complainants have contact details if they have any questions.
- Before finalising a complaint, we may contact the complainant to discuss and foreshadow the outcome.

Internal reviews

[Identify the staff member/s who are responsible for internal reviews – an internal review should be escalated to a senior staff member not involved in the original decision/action/investigation.]

[Detail your internal review process and timeframes.]

We provide outcomes of internal reviews in writing and advise of any avenues of external review, including making a complaint to the Victorian Ombudsman.

Complaints about contractors

We recognise that we retain a level of responsibility for services carried out by contractors on our behalf.

[Consider whether you will allow contractors to respond to complaints directly.

When deciding, consider whether you have (or can put in place) appropriate oversight controls for any complaint handling carried out by contractors.

If contractors handle complaints, provide details of any oversight controls and other requirements the contractor will be subject to.]

If a complainant is not satisfied with the outcome of a complaint, they can ask the organisation to review the decision.

All complaint outcome letters written by contractors will include the name and contact details of an organisation staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome.

Complaints including allegations of improper or corrupt conduct

Where a complaint includes allegations of improper or corrupt conduct, it will be handled in accordance with the *[Insert name of policy for handling public interest disclosures]*.

Remedies

Where we find we have made an error, we will apologise and take steps to correct the situation. Possible remedies include, but are not limited to: *[list the remedies such as:*

- *explaining why the error occurred and what has been done to prevent it happening again*
- *making a different decision*
- *offering payment or compensation*
- *providing other means of redress requested by the complainant.]*

Privacy

When gathering information to respond to a complaint, we will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- provide it in a de-identified format when disclosing data to the public
- share it with staff on a need-to-know basis
- act in accordance with *[insert title of privacy policy]*.

Recording complaints

All complaints are recorded in our *[complaint database]*.

[Insert process for recording complaints.]

We analyse our complaint data and provide *[annual / more frequent]* reports to *[insert details of relevant parties to report to]* on how we can reduce complaints and improve our services. Senior management is responsible for acting on the recommendations in these reports.

We record the following information for each complaint:

- the complainant's name and contact information
- relevant demographic information that could help improve services
- contact information for any person supporting the complainant (if relevant)
- the supports requested by the complainant
- how the complaint was received
- when the complaint was received
- a description of the complaint
- the department, team, or service that the complaint relates to
- the complainant's desired outcome (if known)
- the complainant's communication preferences
- the organisation staff member responsible for handling the complaint
- any action taken, including contact with the complainant, response times, remedies offered and the outcome
- when the complaint was finalised
- any recommendations for improvement and who is responsible for implementing them.

Reporting on performance

To measure our performance, we have the following key performance indicators:
[Insert KPIs associated with complaint handling. These KPIs may be related to:

- *complaints upheld, partially upheld, not upheld*
- *performance against timelines set by the organisation, ie average time to respond*
- *number of changes made to services as a result of complaints*
- *number of complaint outcomes overturned on internal review*
- *customer satisfaction with the complaint system*
- *number of complaints escalated to the head of your organisation or your minister*
- *number of complaints escalated to the Victorian Ombudsman resulting in a decision being changed or a proposal for action being made by the Ombudsman.]*

We include data on complaints in our annual report.

Unreasonable complainant behaviour

Complainant behaviour is considered 'unreasonable' when, because of its nature or frequency, it raises health, safety, resource or equity issues for the people involved in the complaint.

When we encounter unreasonable behaviour, we will:

[If you do not often deal with unreasonable complainant behaviour, list the steps you will take to:

- *prevent complex behaviour where possible*
- *respond to complex behaviour*
- *manage behaviour that is or becomes unreasonable*
- *limit access as a last resort.*

If your organisation does frequently deal with unreasonable complainant behaviour, you should develop a specific policy about this. Our Good practice guide: Managing complex complainant behaviour contains a model policy you can use to develop your own.]

Relevant legislation

Ombudsman Act 1973

Charter of Human Rights and Responsibilities Act 2006

Freedom of Information Act 1982

Independent Broad-based Anti-corruption Commission Act 2011

Privacy and Data Protection Act 2014

Public Interest Disclosure Act 2012

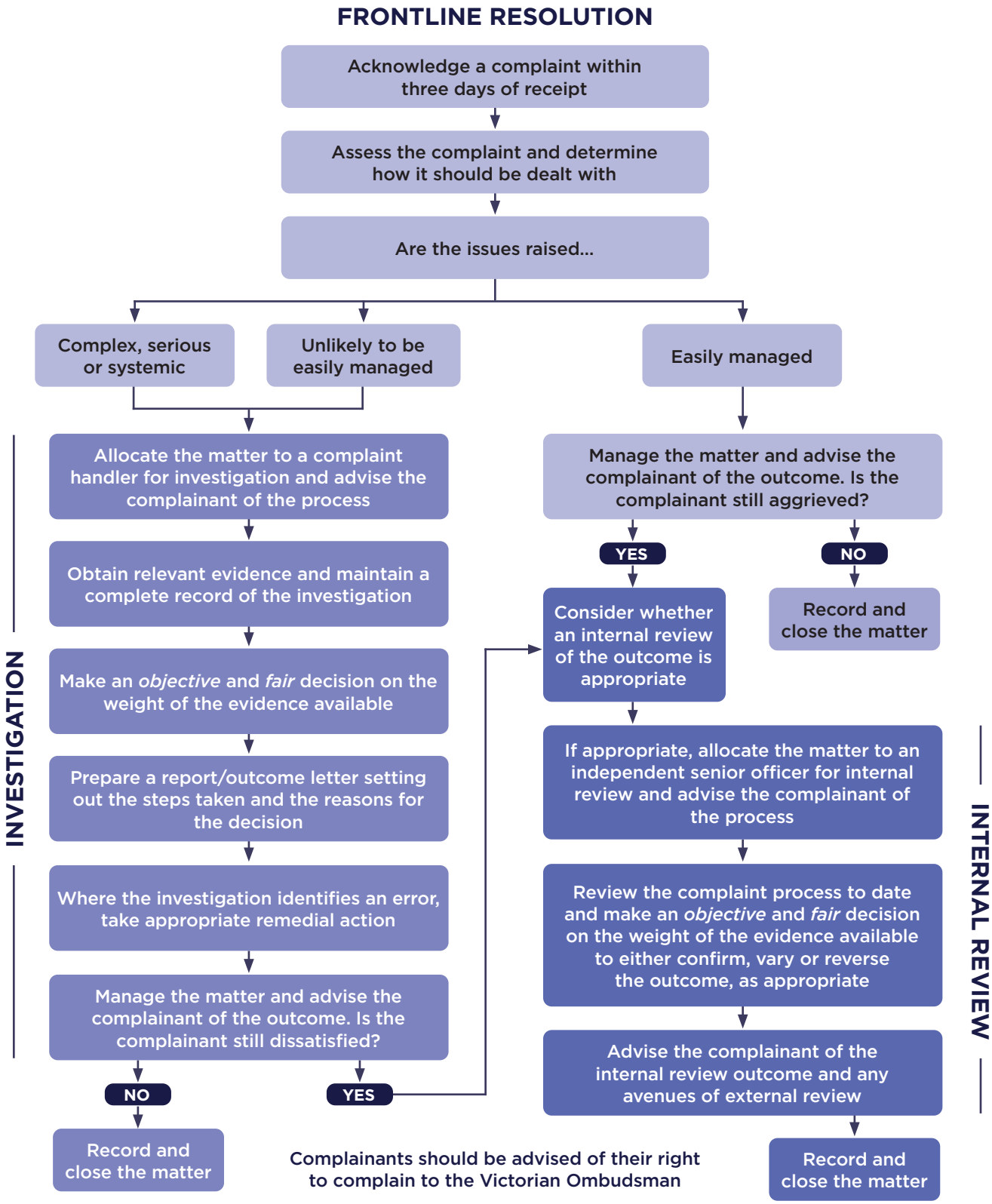
Related documents

[Insert all related documents, for example:

- *complaint handling procedure*
- *managing complex complainant behaviour policy*
- *customer service policy/charter*
- *public interest disclosure policy*
- *employee code of conduct*
- *infringements policy*
- *conflict of interest policy, etc.]*

Appendix 2 – Complaint handling flowchart

This flowchart shows how a tiered approach to complaint handling can work in practice.



Appendix 3 – Example outcome letter

This is a fictional outcome letter that incorporates the elements set out on in section 2.7 and takes a receptive attitude to feedback. Remember there is no 'one size fits all' response to complaints. You will need to tailor each outcome letter you write.

Dear Mr Hammond

Your complaint to the Department of Prehistoric Wildlife

Thank you for speaking with me last month about your complaint to the Department of Prehistoric Wildlife. I'm sorry for the time it has taken me to assess this matter and get back in contact with you.

Acknowledge any delays

As I understand it, you own and operate a zoological reserve with a license issued under the *Terrible Lizards Act 1988*. On 1 April, you received notice from the Director of Licensing that your licence had been suspended until you undertake refresher training on safety protocols.

You have complained to the Department about the Director's decision, which you say is unfounded and unfair.

Describe the complaint and identify the issues

While I ultimately agree with the Director's decision to suspend your licence, I appreciate you should have been given the reasons for their decision and have set out more information below.

Provide the outcome of your assessment as early as possible

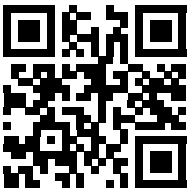
Assessment
In assessing your complaint, I have carefully considered:

- the information you provided
- relevant provisions of the Terrible Lizards Act and associated regulations
- the evidence available to the Director when they decided to suspend your licence
- advice from the Licensing and Compliance Unit regarding applicable safety requirements.

Explain the steps you took to investigate the complaint

While I appreciate you believe the Director 'just has it in for you', the records show the decision to suspend your licence was based on multiple complaints about serious lapses in adherence to established safety protocols for handling large reptiles at your facility. In one instance, video footage shows staff and guests were exposed to unnecessary risk due to inadequate containment measures and improper handling techniques.

Describe the evidence that supports your decision



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Outcome
On the information available, I consider the decision to suspend your licence was reasonable and in accordance with the Terrible Lizards Act.

That said, I acknowledge the notice of suspension was not clear and have reminded staff that decisions affecting licence holders must be clearly explained, with supporting evidence where appropriate. We have also improved our templates as a result of your feedback, so thank you for bringing this issue to my attention.

Acknowledge opportunities for improvement

I appreciate having your license suspended and temporarily closing the reserve must be stressful, and if you need further guidance or help enrolling in the refresher training so you may reopen safely, please contact the Licensing and Compliance Unit on 3460 7289.

If you have any questions about my assessment of your complaint, please feel free to contact me on 5872 7742 or by return email.

Provide contact details if the complainant would like to discuss the outcome

Review options
If you are unhappy with the outcome of this process, you can complain to the Victorian Ombudsman online at www.ombudsman.vic.gov.au/complaints by calling 1800 806 314.

Advise of any internal or external review options, including to the Victorian Ombudsman

Yours sincerely,

Dr Terry Dactyl
Deputy Secretary, Complaints

Victorian Ombudsman
Level 2, 570 Bourke Street
Melbourne VIC 3000

Phone **1800 806 314**
Email **complaints@ombudsman.vic.gov.au**
Web **www.ombudsman.vic.gov.au**