

Complaint Handling Guidelines

1. Purpose

Shape Disability's complaints handling guidelines are based on the principles of natural justice (procedural fairness). Any person (a complainant) may report a complaint about Shape Disability, its service or staff.

Complaints are an important way for the management of our organisation to be accountable to the stakeholders and participants, as well as providing valuable prompts to review organizational performance and the conduct of people that work within and for it.

Our complaints handling procedure ensures:

1. Effective handling of complaints made to our organisation
2. Making our complaint handling system accessible
3. Investigation of complaints
4. Procedural fairness (natural justice)
5. Remedies and redress
6. Good record keeping.
7. Continuous Improvement processes.

2. Scope

These guidelines apply to all staff, contractors, visitors, stakeholders, participants and volunteers of Shape Disability.

3. Responsibilities

The CEO has overall responsibility for this procedure. However, all staff are responsible for recording complaints when required, in accordance with this procedure.

4. Recording and Responding to Complaints

- 4.1 Shape Disability invites individuals to submit complaints regarding any aspect of the organisation's operations.
- 4.2 It is anticipated that most complaints raised by participants and their representatives will be resolved informally between the participant and staff involved. If a satisfactory resolution fails to be reached, the following procedure applies.
- 4.3 The Manager is the main point to which complaints should be directed, however, complaints may be received by any staff member of the organisation.
- 4.4 As soon as possible after the receipt of a complaint, the staff member who has been informed of the complaint should inform the Manager.
- 4.5 The Manager will log the complaint on the Complaints Register. The Manager or staff member nominated, will respond to the complaint. In the first instance, this will be informally. An acknowledgement letter will be sent.

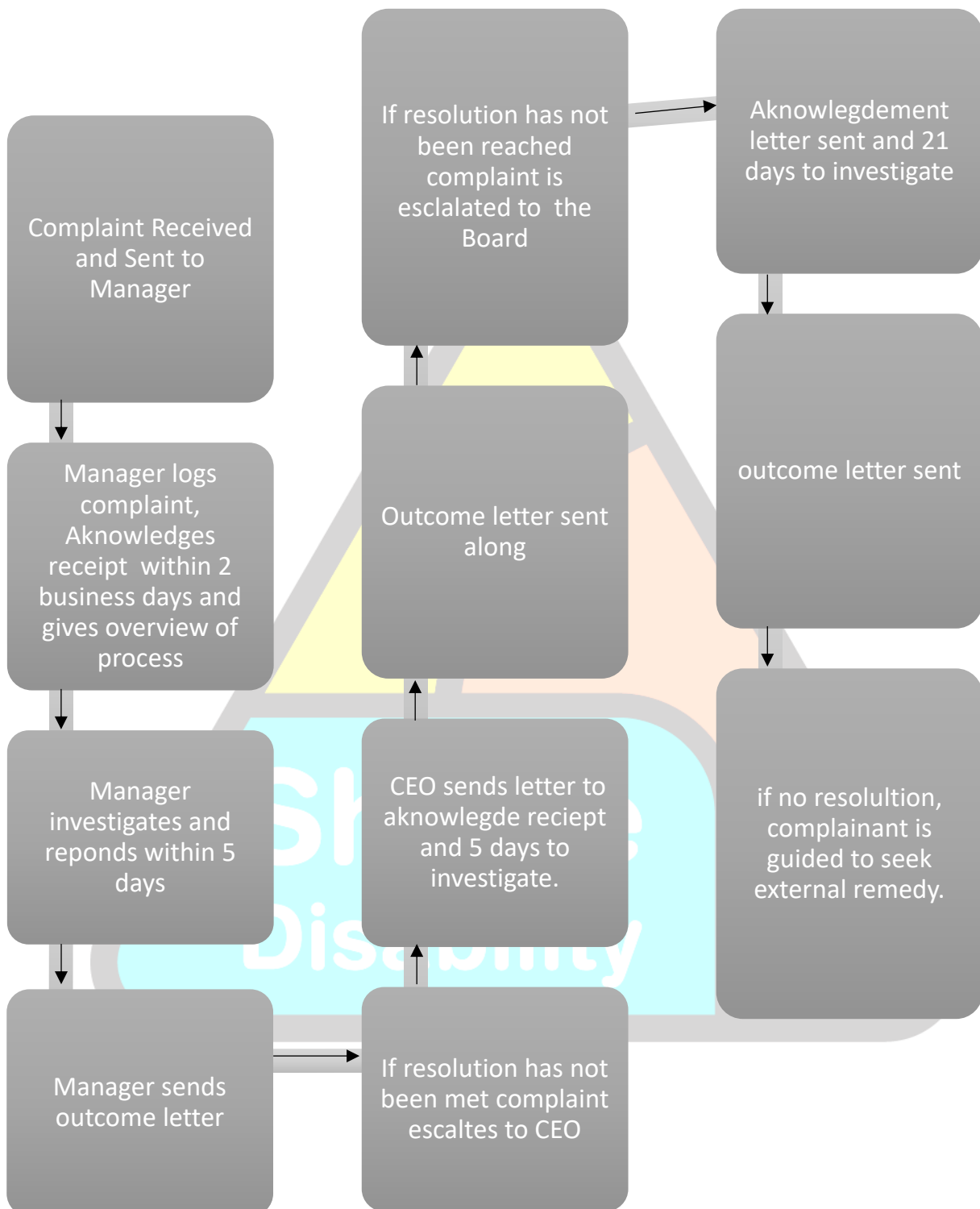
- 4.6** Action to resolve the complaint will commence within 2 working days of the complaint being made (this includes contacting the complainant). A satisfactory course of action will be decided upon between the staff member and the complainant within 5 working days of the complaint being made.
- 4.7** The complainant should be informed of their right to have a support person or advocate present to assist or represent them during this process.
- 4.8** If a satisfactory course of action cannot be agreed upon between the Manager and the complainant within 5 working days, the complaint will be escalated to the CEO.
- 4.9** If the issue remains unresolved, the complaint will be investigated further and more consideration given for a resolution.
- 4.10** If the complainant is not satisfied with the resolution proposed by the CEO, the Board shall have up to 21 days to respond with an outcome.
- 4.11** The individual may wish to approach an external agency:

NDIS Quality and Safeguards Commission
Website: ndiscommission.gov.au/complaints
Phone: 1800 035 544 or TTY 133 677.
National Relay Service: ask for 1800 035 544

The Health and Disability Services Complaints Office (HaDSCO)
GPO Box B61
Perth WA 6838
Complaints and enquiries line: (08) 6551 7600
Administration: (08) 6551 7620
Fax: (08) 6551 7630
Country Free Call: 1800 813 583
TTY: (08) 6551 7640
Email: mail@hadsco.wa.gov.au

**Shape
Disability**

5. Complaints Handling Guideline Overview



6. Guidelines to Effective handling of complaints

Shape Disability's complaint handling system provides three key benefits to our stakeholders and our organization:

1. It resolves issues raised by a person who is dissatisfied in a timely and cost-effective way;
2. It provides information that can lead to improvements in service delivery; and
3. Where complaints are handled properly, a good system can improve the reputation of an organisation and strengthen consumer confidence in an organisation's administrative processes.

7. Benefits of the Association's Complaints Handling

Complainant Wants	Shape Disability Needs
A user-friendly complaint handling system	A user-friendly system for accepting feedback
To be heard and understood	Clear delegations & procedures for staff to deal with complaints and provide remedies
To be respected	A recording system to capture complaint data
An explanation	To use complaint data to identify problems and trends
Remedy and Redress	To improve service delivery in identified areas

8. Shape Disability Three Step Complaint Handling System

STEP 1 - ENABLING COMPLAINTS

- Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued and supported by management.

STEP 2 – RESPONDING TO COMPLAINTS

- Complaints are responded to promptly and handled objectively, fairly and confidentially. Remedies are provided where complaints are upheld and there is a system for review.

STEP 3 – ACCOUNTABILITY AND LEARNING

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

9. Principles for an Effective Complaint Handling System

9.1 Customer focused

The Association is committed to effective complaint handling and values feedback through complaints.

9.2 Visibility

Information about how and where to complain is well publicised to customers, staff and other interested parties.

9.3 Accessibility

The process of making a complaint is easy for the service recipients

9.4 Responsiveness

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

9.5 Objectivity and fairness

Complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable. Unreasonable complainants are not allowed to become a burden.

9.6 Confidentiality

Personal information related to complaints is kept confidential.

9.7 Remedy

If a complaint is upheld, the organisation provides a remedy.

9.8 Review

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

9.9 Accountability

Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.

9.10 Continuous Improvement

Complaints are a source of improvement for organisations.

10. Complaint Handling – Shape Disability Management

Complaint handling is an important role in the association and is recognised as such by management. Shape Disability management is the most important factor in ensuring that an organisation's complaint handling is responsive to complainants.

An effective resolution at the earliest opportunity will enhance the complainant's view of the organisation and allow prompt improvement to practices.

Where possible, complaints are best handled by people at the point of service delivery. These people should be able to resolve complaints at first contact and should log complaint details for further analysis. More serious complaints, or complaints that cannot be resolved by front-line staff, should

be referred to more senior staff or designated Complaint Handling Officers for investigation, resolution and any other appropriate action.

All staff should be made aware of their responsibilities in providing information to help investigate and resolve complaints, and to implement actions to provide remedies or systemic improvements arising from complaints. Complainants are more likely to be satisfied with the complaint handling system if the person dealing with their complaint is competent, objective and efficient.

11. Complaints Investigation and resolution process

Complaints should be dealt with promptly, courteously and in accordance with their urgency.

1. Assess the complaint	Clarify the issues of the complaint and what kind of resolution the complainant is seeking. If it is not a matter that can be handled by the complaints process, refer the complainant to a more appropriate process.
2. Seek resolution	Where appropriate and possible seek to achieve resolution. Where resolution is reached, document the agreed action. In this event it may not be necessary to continue with the investigation unless there are systemic issues that require further examination outside the complaint process.
3. Select the appropriate Investigative approach	If the complaint is not resolved, determine what action is required, which may include options other than a formal investigation.
4. Plan the investigation	Define the issues to be investigated and develop an investigation plan.
5. Ensure proper powers and ensure parameters are established	Assess whether the Manager has the necessary powers to obtain evidence from relevant witnesses and to access relevant records. Ensure they have the authority to conduct the investigation, make a decision and resolve the complaint, or have access to a person who can make decisions and offer remedies.
6. Obtain evidence	Carry out the investigation by gathering sufficient reliable information to enable the issue to be properly addressed by proving or disproving matters relevant to the issue being investigated, taking into account all relevant information and no irrelevant information.
7. Reconsider resolution	Consider whether resolution is now possible
8. Reporting and recommendations	Prepare a document setting out the complaint, how the investigation was conducted, relevant facts, conclusions, findings and recommendations. Recommendations could include remedies for the complainant, action to improve the organisation's service delivery and action to address inappropriate conduct by an officer (e.g. through training, an appropriate disciplinary process or referral to an appropriate external authority).
9. Decide on the complaint and action to be taken	Refer the report to a person authorised to make a decision about the complaint and the action to be taken. After the decision is made arrange implementation of the agreed action and for follow up to confirm the action occurs.
10. Inform the parties	Upon completion of an investigation, the complainant (and, if applicable, the person who is the subject of the complaint) should be given: • Adequate reasons for any decision made; • Any changes or action that have resulted from the complaint; • A remedy, where appropriate; and • Information on where to seek independent internal and external review

12. Providing remedies and redress

If an investigation of a complaint determines that the service provided by Shape Disability to an individual is unsatisfactory and the organisation has in some way contributed to this, Shape Disability will redress to remedy the situation. Circumstances that warrant the provision of redress and remedies by Shape Disability to a complainant can arise in many ways, but in broad terms, are when any one, or a combination, of the following occurred:

- Poor communication resulted in misunderstandings or misapprehensions;
- An inadequate or unfair process was used to arrive at a decision or provide a service; or
- A decision or action was unfair, disproportionate or unreasonable in the circumstances.

The following principles and possible remedies may be useful in determining appropriate remedies:

Principles involved in the consideration of redress	• Mistakes are admitted and put right; • A sincere and meaningful apology is offered; • Redress is fair and reasonable; • As far as possible, redress restores the complainant to their original position; • Decisions about redress are procedurally sound; and • Arrangements and reasons for providing redress are made transparent.
Possible remedies that may be offered to complainants	• An apology; • Reconsideration of a decision; • Amending or retracting documentation; • An offer of non-financial assistance, as appropriate (e.g. providing information or contact details); • Appropriate compensation for loss; • Changed policies or practices to prevent a reoccurrence ;and • Action to modify the behaviour of the staff member who the complaint was about, if applicable.

13. Dealing with unreasonable complainant conduct

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

- Unreasonable persistence;
- Unreasonable demands;
- Unreasonable lack of cooperation.
- Unreasonable arguments; or
- Unreasonable behaviour;

In these circumstances, special measures to deal with this conduct may be required. It is important to remember that, even where a person's conduct may be unreasonable, they may have a valid

complaint and their complaint should be handled appropriately. Fair consideration must be given to the complaint while ensuring that there is not undue use of resources to investigate and resolve the complaint.

The subject of the complaint may also show unreasonable conduct and special measures may also be needed to handle their conduct while ensuring they are treated fairly. All complaints need to be managed as well as they possibly can be from the beginning to minimise the chances of unnecessary delays, misunderstandings and unrealistic expectations. In actual fact, this management process starts before a complaint is ever made - with the accuracy and relevance of the information available in to the association stakeholders about the organisation's role, powers and complaint handling processes.

14.

Warning signs of unreasonable complainant conduct

- when complainants who are unreasonable and uncooperative at the beginning, discover that the outcome will not be as they anticipated.
- Complainant may have made a number of previous complaints about this issue or related issues.
- Made a number of review requests, especially second review requests about the same issue.
- Made contact with other government agencies, MPs, Ministers or other oversight bodies about the current complaint.
- Sought legal advice about the current complaint or the association's handling of the complaint.
- Made freedom of information requests about or related to the issue of complaint
- Raised issues about the case officer's integrity or competence in handling the case.
- They may also have expanded the subject matter of their complaint to include other people or agencies -particularly those that have been involved in dealing with the complaint -or conspiracy theories.

The complainant may:

- Make excessive written and telephone contact with the complaint handling officer
- Give forceful instructions about how the complaint must be handled;
- Refuse to define issues of complaint
- Be resistant to the case officer's explanation if this runs counter to their own views
- Refuse to accept the case officer's advice, even if it is clearly valid and reasonable;
- Provide information in dribs and drabs, despite requests to provide all relevant information
- Withhold information;
- Provide false information
- At the end of the process, provide previously withheld information in an attempt to have the case reopened
- Make excessive demands on resources
 - copies, expert opinion etc
- Be rude, confronting, angry or aggressive; and/or
- Be overly ingratiating, manipulative or make threats.
- Reacting to the news that their complaint will not be taken up or will be discontinued.

The complainant may:

- Refuse to accept the case officer's or association's decision;

- Reframe their complaint in an attempt to have it taken up again
- Raise a range of minor or technical issues, arguing that these call into question the merits of the association's decision;
- Expect a review of the decision based merely on an expression of dissatisfaction,
- unsupported by any arguments or new evidence;
- Demand a second review after the first review; and/or
- Take the complaint to other forums and go on to allege bias or corruption on the part of the association, simply because the decision went against them.

It must be emphasised that none of these signs by themselves necessarily mean the case will involve unreasonable conduct. Whatever the circumstances, if the complainant is able to accept explanations designed to manage their manifestly unrealistic expectations, if they are able to moderate inappropriate behaviour once this is drawn to their attention and if, in the end, they are able to cooperate with the process, then unreasonable complainant conduct is most likely not involved.

15. Managing unreasonable complainant conduct

When is a complainant's conduct unreasonable?

Many complainants are distressed for very good reasons. They are caught up in what they see as a terrible wrong. Their challenging conduct may not be unreasonable given the circumstances. For conduct to be unreasonable, it must clearly go beyond the norm of situational stress. What can be termed 'unreasonable' will vary depending on a number of factors. The same conduct may be unreasonable in one set of circumstances but may not be unreasonable in another. When deciding whether a complainant's conduct is unreasonable, the following objective and subjective factors need to be considered.

Managing unreasonable complainant conduct:

1. The merits of the case
 - Is there an inherent right or wrong in the matter?
2. The circumstances of the complainant
 - Does the complainant have the health, intellectual, educational, language, financial and social resources required to cooperate and meet the requirements of the complaint process? If they do, then more can be expected of them in terms of their conduct than if some or all of these resources are absent.
3. Jurisdictional issues
 - Specific legislation may limit how strategies can be applied to manage association responses to a complainant's unreasonable conduct.
4. Proportionality
 - Is the complainant's distress in reasonable proportion to the loss or wrong suffered?
5. The complainant's responsiveness
 - Do calming measures and explanation help to settle the complainant down?

6. The case officer's personal boundaries
 - If it feels threatening, stressful or otherwise wrong to the case officer dealing with the matter, then it is.
7. Conduct that is unreasonable and unacceptable under all circumstances
 - This is conduct that involves overt anger, aggression, violence and assault this should never be tolerated.

16. Accessibility of complaint processes

The process for complaints and investigations is easy to access and understand. Information about the process is available in a variety of forms of communications, formats and languages appropriate to the needs of all members of the diverse community.

17. Receiving Complaints

Complaints and related correspondence during an investigation are accepted in a number of different ways including in person, over the phone, and in writing via email, fax and letter. Access will be provided to translating and interpreting services for non-English speaking people to assist them to make a complaint.

18. Complainants who require additional assistance

Shape Disability will pay particular attention to ensuring that their complaint handling system is accessible to members of the public that may require additional assistance or different approaches such as people with disabilities, people living in regional and remote areas, Indigenous Australians, children and young people, and people from linguistically and culturally diverse backgrounds. Shape Disability will consider taking the following actions:

- If required Shape Disability shall appoint an Indigenous liaison officer to improve access to your organisation's services and complaint handling systems.
- Identify people in regional and remote locations who can assist with cultural communications.
- Provide training for complaint handling officers in cultural awareness and cross-cultural communications.
- Adapt your complaint handling process to meet cultural requirements of Indigenous people such as less formal meeting arrangements and be aware that communication with remote areas may take longer.
- Accept complaints from representatives and translation services on behalf of non-English speaking Indigenous complainants.
- Provide a text telephone (TTY) service for people with a hearing impairment.
- Make websites accessible to people using screen readers and, if necessary, make publications and correspondence available in Braille, large print or audio formats for people with sight impairment.
- Ensure offices are accessible to wheelchairs and to people with mobility impairment.
- Ask people if they have any special requirements for access or communications.
- Offer assistance to help complainants with reading or writing difficulties to formulate and lodge complaints.
- Accept complaints on behalf of people with intellectual impairment from representatives.

- Provide a toll-free phone number for making phone enquiries and complaints from regional areas.
- Provide hard copy information such as brochures and posters in areas with limited online access.
- Be aware that communication with remote areas may take longer.
- Make information about your organisation's services and how to provide feedback/make complaints accessible online and in locations regularly visited by young people such as schools, colleges and libraries.
- Make information about your complaints process simple and clear, provide it in an age appropriate format and respond to complaints promptly.
- Use Complaint Handling Officers who are trained and experienced to adapt their communications skills when talking to and corresponding with young people.
- Ensure the young person is aware of the nature and limitations of your organisation's services.
- Accept complaints on behalf of children and young people from representatives such as parents, guardians and teachers.
- Establish if the young person making the complaint requires any further assistance due to a disability, being located in a regional area, coming from a linguistically or culturally diverse background or being an Indigenous Australian, and offer appropriate assistance.
- Make information about your services and the complaint handling process available in alternative languages.
- Encourage complainants to use the Translating and Interpreting Service (TIS), which provides a free, national 24-hour telephone interpreting service, publicising the contact number as part of your complaint handling process information and accept complaints through TIS.
- Allow complainants to bring people with them who can translate for them in meetings.

19. Tracking Complaints

Complaints will be logged in the Complaints Register. This Register will be maintained and reported to Management in an ongoing manner.

20. Complaints Handling Systems Checklist

20.1 Enabling Complaints

a. Customer focus

The organisation is committed to effective complaint handling and values feedback through complaints.

- Shape Disability has a complaint handling process that is valued, supported and followed by management.
- The organisation is open to feedback from customers, including through complaints.
- The benefits of complaints and the complaint handling process shall be communicated to staff, including new actions.

b. Visibility

Information about how and where to complain is well publicised to customers, staff and other interested parties.

- Information about how to make a complaint is readily available.
- The contact details for making complaints are prominently displayed, for example. in brochures, induction and welcome pack.
- Front-line staff are aware of the complaint handling process and the contact details for Shape Disability complaints officer.
- The complaint handling system identifies alternative external parties the complainant can go to with a complaint.

c. Accessibility

The process for making a complaint and investigating it is easy for complainants to access and understand.

- Complaints are handled at no charge to the complainant and this information is clear in publications about how to make a complaint.
- Complaints can be made in a number of different ways verbally and in writing, for example, in person, over the phone, and in writing via email, fax, SMS and letter.
- Shape Disability shall provide access to translating and interpreting services for non-English speaking people to assist them to make a complaint.
- The process for making a complaint shall be made accessible and easy to use by all members of the community including Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds.

20.2 Responding to Complaints

a. Responsiveness

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

- Shape Disability shall provide guidance to staff on how to respond to and prioritise complaints
 - who will be responsible for handling the complaints;
 - how to assess complaints to decide what can be resolved easily and what requires investigation;
 - how and when the complainant will be kept informed during the process;
 - how to identify, handle and, if necessary, refer public interest disclosures and complaints about misconduct and corrupt behaviour?
- Each complaint shall be acknowledged promptly (within a specified timeframe) and the complainant (and, if applicable, the person who is the subject of the complaint) kept informed throughout the process.
- All complaints shall be addressed promptly and in order of urgency and performance targets shall set out the timeframe for resolving complaints.
- Front-line staff are empowered to resolve certain complaints at the earliest point of contact with the complainant,

b. Objectivity and Fairness

Complaints shall be dealt with in an equitable, objective, and unbiased manner to ensure that

the complaint handling process is fair and reasonable. Unreasonable complainant conduct shall not be allowed to become a burden.

- Shape Disability shall ensure that staff are aware of, and given guidance on, conflict of interest requirements and how to make declarations where required.
- Relevant staff shall be given guidance or training in complaint resolution and evidence-based investigation techniques and effective handling of unreasonable conduct by complainants or people who are the subject of a complaint.
- The complainant (and, if applicable, the person who is the subject of the complaint) given:
 - sufficient opportunity to present their position and is the information they provide given adequate consideration, taking into account all relevant material and factors;
 - the opportunity to comment on any adverse findings; and – reasons for the decisions made about the outcome of a complaint?
- Where appropriate, the Director shall review the decision made by the person handling the complaint prior to finalization.

c. Confidentiality

Personal information related to complaints is kept confidential.

- Staff shall be advised about confidentiality requirements when handling or involved in complaints.
- Personal details of the complainant shall be kept confidential and only used for the purposes of addressing the complaint.
- The personal details of any people who are the subject of the complaint shall be kept confidential and only used for the purposes of addressing the complaint and any follow-up actions.

d. Remedy

If a complaint is upheld, the organisation provides a remedy.

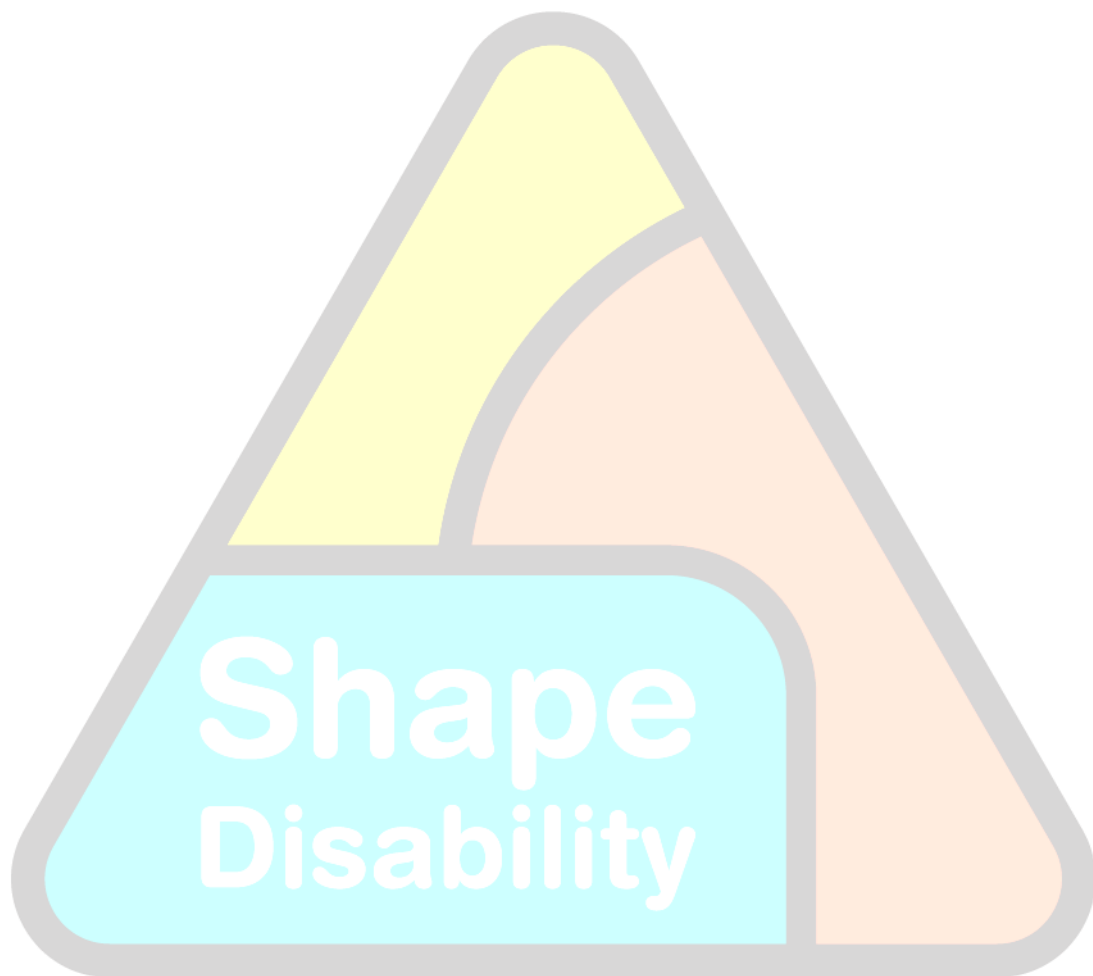
- Shape Disability shall support and give guidance to staff on providing remedies when complaints are upheld.
- Responsibilities for providing remedies are clearly defined and at the appropriate level in the organisation, for example, front-line staff are empowered to provide appropriate remedies.
- Shape Disability shall provide guidance to staff on the appropriate use of remedies.
- The reasons for decisions relating to remedies provided shall be made available to the complainant.

e. Review

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

- Complainants shall have access to an independent internal review of the handling of their complaint by someone who was not involved in dealing with the complaint.
- The complainant shall be provided with information about external review or appeal

options, such as the Ombudsman, at the conclusion of the complaint process.



20.3 Accountability and Learning

Accountabilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.

a. Accountability

- Staff shall be made aware of their responsibilities for handling complaints and the responsibilities of specific nominated complaint handling staff, if applicable.
- Reasons for complaint decisions and any remedies are recorded and remedial actions and proposed improvements to practices shall be followed up, acted on and reported to management.
- Shape Disability uses CIR's for recording and tracking complaints and it can provide information about the demographic make-up of complainants.
- Shape Disability shall ensure that all correspondence relating to feedback and complaints is managed in accordance with the organisation's record keeping plan, policies and procedures.
- The effectiveness of complaint handling is monitored through appropriate quality assurance or internal audit processes and reported to Director and Board of Directors.

b. Continuous Improvement

Complaints are a source of improvement for organisations.

- Shape Disability shall analyse feedback and complaints data to identify:
 - Recurring themes that may highlight systemic issues;
 - Service, process and information inadequacies; and
 - Opportunities for improvements?
- The analysis of feedback and complaints shall be reported to the Director and the Board and used to identify and implement improvements to practices.
- Where appropriate, analysis of feedback and complaint information shall be used to identify and implement improved practices for particular customer groups including Indigenous Australians, children and young people, people living in regional and remote areas, people with disabilities and people from culturally and linguistically diverse backgrounds.

21. Guidance for Complaint Handling Managers

21.4 Delivering an effective complaint management system

Complaint Handling Managers play a key role in ensuring that an organisation's complaint management system meets the key features required to make the system effective.

Complaint Handling Managers should apply the ten key principles for effective complaint handling when managing complaints. Effective complaint handlers should:

- Take a customer focused approach to handling complaints;
- Ensure that information about how and where to complain is kept up to date and available at all service delivery points;
- Ensure that the process for making complaints is easy to access and understand;
- Acknowledge complaints in a timely manner, address complaints promptly and according to the order of urgency and keep the complainant informed throughout the process;
- Manage the complainant's expectations by explaining the complaint handling process, what the

organisation can and cannot do, the timeframes for dealing with the complaint and when they might expect a response;

- Deal with complaints in an equitable, objective and fair manner;
 - Declare any actual or potential conflicts of interest;
 - Clarify the key issues of the complaint with the complainant;
 - Act with courtesy, showing empathy and understanding but do not take sides;
 - Consult people within the organisation who have expertise relevant to the issue;
 - Ensure the principles of procedural fairness are maintained by providing the affected parties with an opportunity to give their side of the story and to comment on any adverse views;
 - Act without bias, reach conclusions and form views on the facts of the case, taking into account matters that are relevant and not those that are irrelevant;
 - Give reasons for any decisions made, any changes that have resulted from the complaint and details of any remedy;
 - Keep personal information relating to complaints confidential;
 - Ensure remedies are provided where appropriate;
 - Where possible, consider the use of alternative dispute resolution methods to resolve complaints at the earliest opportunity;
 - Ensure complainants are informed of independent internal and external review or appeal processes;
 - Ensure responses and outcomes of complaints are recorded, filed and reported to management and monitor implementation of remedies and actions to improve practices; and
 - Analyse complaints to identify recurring themes and trends and report these to management to assist with organisational continuous improvement programs.

21.5 Dealing with unreasonable complainant conduct

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

1. unreasonable persistence;
2. unreasonable demands;
3. unreasonable lack of cooperation;
4. unreasonable arguments; or
5. unreasonable behaviour.

In these circumstances, special measures to deal with this conduct may be required. It is important to remember that, even where a person's conduct may be unreasonable, they may have a valid complaint and their complaint should be handled appropriately.

Fair consideration must be given to the complaint while ensuring that there is not undue use of resources to investigate and resolve the complaint.

22. Understanding complainant behaviour

As a general rule, when a person approaches an association with a request, application, concern or complaint they first need to be heard, understood and respected. They need to:

- have the matter dealt with quickly, fairly and properly

- be given information or an explanation
- be given an apology, if required
- have action taken to address their concern or fix their problem.

For the small percentage of individuals who are genuinely unreasonable to deal with, special measures outside the association's standard complaint handling policies and procedures are required.

Unreasonable complainants tend to fall into three broad groupings, as follows:

- Habitual or obsessive complainants. This includes people who:
 - cannot 'let go' of their complaint
 - cannot be satisfied despite the best efforts of the association
 - make unreasonable demands on the association where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other customers)
- Rude, angry and harassing complainants
- Aggressive complainants

22.2 Options for responding to unreasonable complainants

- Let staff and customers know about expected standards of courtesy and behaviour.
- Adopt and publicise a policy stating that correspondence to the association containing personal abuse, inflammatory statements or material clearly intended to intimidate will be returned to the sender and not acted upon.
- Where such comments or statements are made in telephone conversations or interviews, these may be terminated at the discretion of association staff after warning callers of that intention.
- Consider limiting access to association staff and resources.

22.3 Hints for staff

- Don't be rude or abusive to customers, even when provoked
- Avoid making or recording inappropriate statements or comments about complainants. Stick to objective, descriptive comments such as "he spoke rapidly, with increased volume, and shook his finger at me" rather than "he was crazy and threatening".

22.4 Administrative controls

Deciding to restrict, withhold or withdraw the provision of service to unreasonable complainants is a serious step to take. Before doing so, these threshold tests should be met:

- the association's complaint procedure must have been correctly implemented and no material element of the complaint overlooked or inadequately addressed
- the behaviour of the complainant must have become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on the association's resources

- all internal review or appeal procedures have been exhausted.

Balance empathy with objectivity

Empathy for an individual whose complaint is motivated by tragic events or significant incidents must not compromise an association's responsibility to uphold the public interest, which requires matters to be considered objectively.

If the association decides to restrict the unreasonable complainant's access to its services, this decision should only be made by the CEO (or a senior delegate in large agencies). This senior officer should also approve and sign any letters to that effect. This step should only be taken in extreme situations, where a failure to do so would

compromise the association's obligations as an employer or divert resources from other complaints deserving attention.

Types of administrative controls

When the complainant makes constant calls or visits:

- only take calls at specific times on specific days
- require an appointment to meet with staff.
- Where all internal appeals have been exhausted but the complainant will not accept the association's decision:
 - notify them of their right to take the matter to the Ombudsman
 - consider limiting all future dealings to writing
 - advise that you will only respond to future correspondence which provides significant new information about the
 - complaint or raises new issues which the association believes warrant fresh action.
- At all times maintain adequate documentary records.

22.5 Angry complainants

Manage the anger first. It is only possible to deal with key issues once the complainant's emotion has been

diffused. Staff members confronted with an angry complainant must keep in mind that the anger is not about them

personally, but about the complainant's circumstances. Their task will be to solve the problem, not get involved in

responding to a highly emotive situation.

In these circumstances, it is useful to:

- obtain details about the complaint and then about the complainant
- seek to understand what the person is looking for
- be direct and clear about what can be done, how long it will take and what it will involve
- give clear and valid reasons why requests cannot be met, if this is the case.

At all times, take detailed file notes.

23. Good record keeping

Records tell us what, where and when something was done and why a decision was made. They also tell us who was involved and under what authority. They provide evidence of government and individual activity and promote accountability and transparency.

Good record keeping:

- help you work more efficiently
- enable you to meet legal obligations applicable to your work
- protect the interests of the government and of your association
- protect your rights as an employee and citizen
- demonstrate the cost and impact of your business
- enable review of processes and decisions
- retain the corporate memory of your association and its narrative history
- help research and development activities
- enable consistency and continuity in your business.

24. Review

These guidelines will be reviewed every two years or earlier as required.

