



Independent
Review Office

**COMPLAINTS AND
COMPLIMENTS
POLICY**

1 March 2021

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Part 1 - Introduction¹

1. Policy Statement

The Independent Review Officer and the Office of the Independent Review Officer (IRO) are committed to maintaining, and where possible improving, the quality of the services they provide to the people who use their services. The best source of information about the quality of those services is from the people who use them. This can be in the form of complaints, feedback or compliments. The aim of this Policy is to assist the IRO to act on such information to improve the quality of its services.

2. Definitions

Complaint: A concern raised to or about the IRO about the quality of its procedures, services or decisions, or the conduct of staff members². A complaint about the IRO or its staff includes:

- any allegation of misconduct, including a clear allegation that this alleged improper conduct led to the IRO making a decision that is wrong or inappropriate, and/or
- any clearly articulated grievance about the handling of a matter, the quality of the services provided, or the content or implementation of IRO policies and procedures, for example:
 - unreasonable delay or failure to act on a complaint or enquiry
 - unreasonable failure to comply with the procedure set out in a IRO Policy or Guidelines
 - failure to provide procedural fairness
 - a member of staff having a reasonably perceived conflict of interests
 - a reasonable apprehension of bias on the part of a staff member
 - rudeness or disrespect, and/or
 - inaccurate information provided by the IRO or a member of staff
- a 'complaint' also includes a request for a review of a decision made by the IRO that is made in accordance with **Part 2** of this Policy.

Matters that are not '*complaints*' for the purposes of this Policy include:

- requests for review of a funding decision made under the ILARS Funding Guidelines
- requests for information or assistance, for example about the rights of injured workers or about navigating the workers compensation system
- expressions of opinion about government policy or the workers compensation Acts
- complaints made to the IRO about other organisations or individuals

¹ Part 1 is based on the NSW Ombudsman's *Feedback, compliments and complaints policy*

² This definition of a 'complaint' includes feedback in the form of opinions or comment and in this regard differs from the definition of 'complaint' in the Australian and New Zealand Standard *Guidelines for complaint management in organisations* (AS/NZS 10002:2014) which limits the scope to situations where a response or resolution is explicitly or implicitly expected or legally required.

- grievances by members of staff about another staff member or a work-related problem are dealt with under the *Positive and Productive Workplace Policy* (Department of Customer Service)
- public interest disclosures made by members of staff under the *Public Interest Disclosures Act 1994* are dealt with under the *Fraud and Corruption Internal Reporting Policy* (Department of Customer Service)

Compliment: This word has its ordinary meaning being an expression of praise, commendation or admiration.

Staff: All ongoing and temporary staff of the Independent Review Officer, staff seconded from another organisation, contractors and consultants.

3. Levels of complaint handling

The Australian and New Zealand Standard on *Guidelines for complaint management in organisations* recommends that there should be three levels of complaint handling:

- **Level 1:** Complaints to staff members about actions or inaction in the performance of any of the Independent Review Officer's functions are dealt with at Level 1 by front line staff (see in particular **Section 6** in **Part 1** of this Policy).

The IRO aims to resolve complaints at this level wherever possible, however complaints about how such concerns were handled, review requests and serious allegations are dealt with under **Level 2** procedures.

- **Level 2:** Two types of matters are dealt with at Level 2 by Managers, Directors and/or the Independent Review Officer:

1) Complaints:

- a) about the way initial complaints were handled by front line staff, and
- b) making serious allegations about the actions or inaction of staff or the IRO (see in particular **Section 7** in **Part 1** of this Policy), and

2) Complaints requesting an internal review of a decision made by the IRO in finalising a matter (see **Part 2** of this Policy³).

- **Level 3:** Complaints about the actions or inaction of the IRO or staff in the performance of the Independent Review Officer's functions made externally to an appropriate oversight or integrity body, such as the NSW Ombudsman or ICAC (see **Part 3** of this Policy).

4. Compliments

People who have had interactions with the IRO are encouraged to give feedback on their experience and/or to compliment the IRO or individual staff where this is considered warranted. Compliments will help the IRO and its staff to understand what they are doing well.

The IRO will keep a record of compliments and report this data with complaints data. The IRO will also ensure staff are aware of compliments made about their work.

³ Part 2 is based on the NSW Ombudsman's *Request for a review of decision policy*

5. IRO internal complaint handling principles

5.1 Guiding principles

The three guiding principles for complaint handling are:

1. Facilitating the making of complaints.
2. Responding appropriately to complaints.
3. Managing the parties to a complaint.

5.2 Facilitating complaints

People focus

The IRO is committed to appropriately dealing with complaints about its work, services, systems, practices, procedures and how it handles complaints. The objective of the IRO is to deal with concerns raised in complaints in a timely manner.

People who wish to make a formal complaint (**Level 2**) about the IRO or staff will be:

- provided with information about how such complaints can be made (including being directed to this Policy)
- informed about how such complaints are likely to be handled under this Policy
- listened to, treated with courtesy and respect by staff and actively involved in the complaint process where this is possible and appropriate and
- provided with reasons for the decision on the complaint and any options for redress or review should they be dissatisfied with the outcome.

No detriment to people making complaints or giving feedback

All reasonable steps will be taken to ensure that people are not adversely affected because they made a complaint, or a complaint was made on their behalf.

Anonymous complaints

Anonymous complaints will be accepted, and the issues raised will be looked into where enough information has been provided to enable this to occur.

Accessibility

This Policy has been drafted to assist people to understand the IRO systems for managing complaints and a copy is prominently located on the IRO website.

Complaints can be made in writing or orally. If made orally they must be reduced to writing as soon as possible (other than where an expression of concern about a relatively minor issue is resolved as soon as, or soon after, it is made).

If a person wishes, the IRO will communicate with the person through their nominated representative. With their consent, anyone may represent persons wishing to make a complaint (e.g. advocate, family member, Union official, legal or community representative, member of Parliament, another organisation).

5.3 Responding appropriately to complaints and feedback

Responsiveness

Complaints about the IRO or staff members will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security, the response will be immediate and will be escalated appropriately.

The IRO is committed to managing people's expectations, and will inform people who have made a complaint as soon as possible about:

- the IRO complaints process
- the expected time frames for dealing with the issues raised
- their likely involvement in the process
- the progress of the complaint and reasons for any delay and
- the possible or likely outcomes of their complaint.

Receipt of formal complaints will be promptly acknowledged. People will be advised as soon as possible if the IRO is unable to deal with their complaint or any part of it and provided advice about where such issues and/or complaints may be directed for action (if known and appropriate). People will also be advised if it becomes clear that the IRO will be unable to meet the time frames they have been led to expect for responding to their complaints, including the reasons for the delay.

Objectivity and fairness

The IRO will deal with each complaint in an equitable, objective and unbiased manner. In this regard, the IRO will ensure that the Manager handling the complaint is not the staff member whose conduct or service is being complained about.

Conflicts of interests, whether actual or reasonably perceived, will be managed appropriately. As noted in **Part 2** of this Policy, where a decision made by the IRO is internally reviewed, the review will be conducted by a person other than the original decision maker.

Flexibility

Managers are empowered to resolve complaints promptly and with as little formality as possible, where this is possible and appropriate. The IRO is committed to adopting flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Confidentiality

The IRO takes confidentiality and privacy very seriously and will protect the identity of people making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used as authorised by statute.

5.4 Managing the parties to a complaint

Complaints involving multiple agencies

Where a complaint involves multiple organisations, the IRO will seek to work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint. Where a complaint involves multiple areas within the IRO, communication with the person making the complaint and/or their representative will be coordinated.

Where IRO services are contracted out, the IRO expects the service providers to have an accessible and comprehensive complaint management system. The IRO accepts complaints not only about the actions of its staff but also the actions of its contracted service providers.

Empowerment of staff

All staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of the IRO complaint management system.

Managing unreasonable conduct

The IRO is committed to being accessible and responsive to all people who make complaints or give feedback. At the same time the effective delivery of the services provided by the IRO depends on:

- the IRO's ability to perform its functions effectively and efficiently
- the health, safety and security of t staff members and
- the IRO's ability to allocate its resources equitably between all the people who have sought, or are likely to seek, its assistance.

When people behave unreasonably in their dealings with the staff of the Independent Review Officer, their conduct can significantly affect the progress and efficiency of the services the IRO provide to the people seeking the IRO's assistance. As a result, it is incumbent on the IRO to take proactive and decisive action to manage any conduct that unreasonably affects the performance of its functions or the health and safety of staff. In this regard, the IRO will support staff who manage such conduct in accordance with the *IRO Managing Unreasonable Conduct Policy*.

6. Level 1 complaint handling

6.1 Early resolution

Minor complaints will be resolved at first contact with the IRO⁴ wherever this is possible. Front line staff will be appropriately trained to respond to such complaints, including being given appropriate authority, support and supervision. This includes the authority to, e.g:

- offer apologies⁵ for procedural failings such as inordinate delays, procedural failings, inadvertent errors, misunderstandings and miscommunications
- manage abusive or threatening callers in accordance with the *IRO Managing Unreasonable Conduct Policy*.

6.2 Recording of complaints

Where complaints are about relatively minor matters and are resolved by front line staff as soon as, or soon after, they are made, such matters need not be recorded in the IRO internal complaint management system provided a note is added to the case file.

Should a matter be escalated to a Manager, Director or the Independent Review Officer, the recording requirements set out at **7.2 below** apply.

⁴ Not including complaints about more serious allegations and complaints about the conduct of frontline staff.

⁵ In NSW apologies that admit or imply fault are protected in most circumstances (s.69, *Civil Liability Act 2002*).

7. Level 2 complaint handling

7.1 The IRO's internal complaint management system

The IRO aims to maintain public satisfaction and support by doing things right the first time and effectively handling any complaints that are made about the IRO or staff members. This includes by making the internal complaint system simple and easy for people to make complaints or provide feedback. The key stages in the IRO internal complaint management system are:

1. Receipt of complaints
2. Acknowledgement of complaints
3. Initial assessment and addressing of complaints
4. Providing reasons for decisions
5. Closing the complaint, record keeping, redress and review.

The majority of complaints made about the IRO and staff members are specific and actionable.

7.2 Receipt of complaints

Other than where a concern is about a relatively minor matter and has been resolved as soon as, or soon after, it is made, IRO staff will record the complaint and its supporting information.

The record of the complaint will document:

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

7.3 Acknowledgement of complaints

The IRO will acknowledge receipt of each complaint promptly (preferably within two working days). Consideration will be given to the most appropriate way for communicating with the person making a complaint (e.g. telephone, email or letter).

7.4 Initial assessment and addressing of complaints

Initial assessment

After acknowledging receipt of the complaint, the IRO will confirm whether the issue/s raised in the complaint are within its jurisdiction and control. In doing so the IRO will consider the outcomes sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, the IRO will consider:

- the seriousness, complexity or urgency of the issues raised
- whether the complaint raises concerns about any individual's health and/or safety
- how the person making the complaint is being affected by the issue
- the risks involved if resolution of the complaint is delayed and
- whether a resolution requires the involvement of other organisations.

Serious allegations about the actions or inaction of the IRO or any staff members (including those that make allegations of corruption, serious maladministration or significant impact on a

person) must be discussed with the relevant Director and the Independent Review Officer in the first instance, to determine the appropriate course of management.

Addressing complaints

After assessing a complaint, a decision will be made as to how it will be managed, e.g:

- by providing information or an explanation, or where appropriate an apology
- obtaining information from the staff member or area that the complaint is about, or
- an investigation into the claims made in the complaint.

People making complaints will be kept up to date on progress, particularly if there are delays.

7.5 Providing reasons for decisions

Following consideration of the complaint and any investigation into the issues raised, the person who made the complaint will be advised about:

- the outcome of the complaint and any action taken (to the extent possible given the privacy obligations under the *Privacy and Personal Information Protection Act 1998*)
- the reason/s for the decision on the complaint
- any remedy or other action taken or proposed by the IRO and
- any options for review that may be available to the person, such as an internal review in accordance with **Part 2** of this Policy, a possible action in the Personal Injury Commission or a complaint to the NSW Ombudsman.

7.6 Closing the complaint, record keeping, redress and review

The IRO will record data about the nature of each complaint so that any systemic issues can be identified. The IRO will keep comprehensive records about:

- how complaints about the IRO and staff were managed
- the outcome/s of such complaints, any recommendations made to address problems identified and any decisions made on those recommendations and
- any outstanding actions that need to be followed up.

In reviewing complaint data, particular attention will be given to:

- the specific work practices and policies which seem to cause dissatisfaction
- whether expectations of service levels in certain areas exceed what the IRO is reasonably able to deliver, necessitating identification of ways to better ensure that peoples' expectations are more realistic.

The Independent Review Officer and Directors will ensure that outcomes are appropriately implemented.

7.7 Where a person is dissatisfied with the outcome of a complaint

Where a person expresses dissatisfaction with a complaint outcome, the request will be dealt with as a request for an internal review of a decision of the IRO (see **Part 2**).

8. Accountability and learning

8.1 Analysis and evaluation of complaints

The IRO will keep a record of complaints dealt with at **Level 2** so that information can be easily retrieved for reporting and analysis. This information will be regularly monitored to review:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified and
- the number of requests received for internal review of a decision.

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

8.2 Review of the internal complaint management system

After two years of operation, the IRO will review its complaint management system to:

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

9. Roles and responsibilities

Staff at all levels are expected to be committed to fair, effective and efficient complaint handling. The following table outlines the responsibilities of staff when handling complaints, feedback and compliments about the IRO or staff members.

Who	Responsibility	How
Independent Review Officer	Promote a culture that values complaints and their effective resolution	<ul style="list-style-type: none"> • Report publicly on the IRO's complaint handling including the number of complaints received about the IRO in the IRO Annual Report. • Provide adequate support and direction to staff responsible for handling complaints about the IRO or staff. • Regularly review reports about complaints and feedback trends and issues arising from complaints and feedback. • Encourage staff to be alert to complaints and feedback about the IRO or staff and encourage staff responsible for handling such complaints to resolve them promptly. • Encourage staff to make recommendations for system improvements. • Ensure that service improvements highlighted by complaint and feedback data are implemented where this is practical within the resources available to the IRO. • Implement changes arising from individual complaints and feedback, and from the analysis and evaluation of complaint and feedback data. • Ensure information about the IRO <i>Complaints and Compliments Policy</i> is available publicly.
Directors	Establish and manage the internal complaint management system.	<ul style="list-style-type: none"> • Responsible for keeping records of complaints, feedback and compliments for their respective areas of responsibility and for ensuring that complaints about their divisions are responded to appropriately. • Train and empower staff to deal with complaints promptly and in accordance with IRO policies and procedures. • Encourage Managers dealing with complaints to provide suggestions on ways to improve the services provided by the IRO. • Implement changes arising from individual complaints and feedback, from the analysis and evaluation of complaint and feedback data.

Who	Responsibility	How
<p>Staff handling complaints about the IRO or its staff (IRO Managers will handle Level 2 complaints)</p>	<p>Demonstrate exemplary complaint handling practices</p>	<ul style="list-style-type: none"> • Treat people with respect, including people who make complaints about the IRO or staff. • Assist people to make a complaint, if needed. • Provide feedback to management on issues arising from complaints and feedback. • Provide suggestions to management on ways to improve the services provided by the IRO. • Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.
<p>All staff</p>	<p>Understand and comply with the IRO's complaint handling practices.</p>	<ul style="list-style-type: none"> • Treat people with respect, including people who make complaints about the IRO or its staff. • Be aware of the IRO's complaint handling policies and procedures. • Assist people who wish to make complaints or provide feedback about the IRO. • Be alert to concerns expressed by people using the services of the IRO and where possible and appropriate resolve matters promptly. • Inform management about compliments and issues arising from complaints and feedback. • Implement changes arising from individual complaints and feedback, and from the analysis and evaluation of complaint and feedback data as directed by management.

Part 2 - Request for an internal review of a decision of the IRO⁶

1. The contents of this Part

This Part outlines:

- that in the circumstances set out below, the WIRO will undertake **ONE** internal review of a decision made by the IRO in finalising a matter
- how a request for an internal review of a decision should be made
- the circumstances in which the IRO will review a decision
- what such an internal review will consider
- how an internal review will be conducted
- possible outcomes of an internal review and
- how complaints can be made about an internal review undertaken by the IRO.

2. The circumstances in which the IRO will internally review a decision

Persons seeking an internal review of a decision of the IRO (other than a decision made personally by the Independent Review Officer) are expected to support this request by:

- providing new information that would have impacted on the original decision if available at the time
- raising credible doubts about reasoning used by the IRO to justify the decision and/or
- identifying procedural failings about the way the decision was made or casting doubt on whether the procedure used was fair and appropriate.

Where a request for an internal review is received that does not raise any such concerns, the person will be requested to comply with the circumstances set out above to assist a decision being made as to whether a review will be conducted.

3. How a request for an internal review should be made

A request for the review of a decision should:

- be made in writing (preferably sent electronically), however in some circumstances an oral request may be accepted, for example where it is considered that the person is experiencing vulnerability
- specifically state how or why the applicant for a review believes one or more of the circumstances set out in **2** above warrant such a review.

4. What an internal review will consider

An internal review will re-examine the matter and consider whether:

- the original decision:

⁶ Part 2 is based on the NSW Ombudsman's *Request for a review of decision policy*

- was fair and reasonable in the circumstances
- was based on the evidence available at the time
- needs to be reconsidered based on new information provided in support of the review request (i.e. a merits review)
- the process used to reach the decision was fair and appropriate and
- the basis for the decision was adequately explained to the person affected.

5. How an internal review will be conducted

If a request for an internal review is accepted, the review will be conducted under the supervision of the Independent Review Officer by a member of staff who:

- was not involved in making the original decision and
- preferably is more senior than the original decision-maker, but in other circumstances at least of a similar grade to the decision-maker.

6. Possible outcomes of an internal review

Once completed, the officer who conducted the review will make a recommendation to the Independent Review Officer. Once a decision is made on the recommendation, the applicant for the internal review will be advised of the outcome in writing (normally by email). In some circumstances this decision may also be conveyed by telephone.

The outcome of an internal review will either be:

- to affirm the original decision, or
- to change that decision if an error in the original decision or decision-making process is identified, or new information warrants a different approach.

A decision of the IRO will only be internally reviewed once and the decision on an internal review is final.

7. Complaints about the IRO

Should a person be unhappy with the internal review decision by the IRO, the person can make a complaint to the NSW Ombudsman (see **Part 3** below).

Part 3 - External alternative avenues for dealing with complaints

Sometimes it will not be possible to resolve a complaint to the satisfaction of the person, or it will be appropriate to refer a matter to an external agency in the first instance. In such circumstances the person will be informed about any internal or external review options available to them. In certain circumstances it may be more appropriate to refer a person to:

- the **NSW Ombudsman** for allegations relating to maladministration
- the **Independent Commission Against Corruption** for allegations relating to corruption
- the **Auditor General** for allegations relating to waste of public funds
- the **Privacy Commissioner** for allegations relating to breaches of privacy, or
- the **Anti-Discrimination Board** for allegations relating to discrimination.

Document control

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Document approval

Name and Position	Date Approved
Simon Cohen	11 September 2020