

Policy: Managing Complaints and Feedback

Purpose

This policy outlines the principles for managing complaints and feedback about the services provided by the Department of Justice (the 'department'). This policy provides an overarching framework for complaints handling based on the six whole-of-government complaint handling commitments and three levels of complaints handling approach, outlined by the NSW Ombudsman.

Policy Statement

1. The department is committed to effective complaint handling by applying the [six whole-of-government commitments to effective complaint handling](#). The six commitments are respectful treatment, information and accessibility, good communication, taking ownership, timeliness and transparency.
2. This policy is based on the NSW Ombudsman's three levels of complaint handling contained in [Complaint management framework](#) and [Effective complaints handling guidelines](#). These are level one – resolution by frontline staff, level two – internal review, and level three – external review.
3. The department's standard service level agreement (SLA) for acknowledging complaints is three (3) business days from receipt and resolution within 21 business days, if the complainant has requested a response and provided accurate contact details.
4. Business units may approve exemptions to SLA timeframes in certain circumstances. Exemptions must be supported by valid and appropriate reasons, and a written record kept of the exemption. Notifications of exemptions must be provided to the Office of the Secretary when reporting for the Annual Report.
5. The department should also attempt to resolve complaints earlier where possible or where outcomes are time sensitive.
6. The department will inform complainants in writing if their feedback has been escalated and/or is unable to be resolved within 21 business days.
7. General procedures to manage complaints have been developed and approved by the department for use, where there are no business unit specific procedures available.
8. The department has developed a detailed procedure to support employees in consistently and effectively managing feedback. Business unit specific complaints handling procedures are applicable where developed and implemented, to manage divisional operations accordingly.
9. The *Privacy and Personal Information Protection Act 1998 (PPIP Act)* sets out principles for the protection of personal information held by public sector agencies. Complaints may be resolved with the assistance of the Office of General Counsel prior to formal review. If a complaint is not resolved successfully, the complainant has a right to have the complaint treated as an internal review under the PPIP Act.
10. The *Health Records and Information Privacy Act 2002 (HRIP Act)* establishes principles for the protection of health information held by public sector agencies. Where a complaint alleges a breach of health privacy principles, the HRIP Act provides for resolution for these complaints.
11. Where a complaint involves misconduct by an employee, it should be referred to the appropriate HR Business Partner or Professional Standards area for management.

Scope

This policy applies to all Department of Justice divisions managing complaints by external complainants, excluding the statutory complaint management function of a business unit. Also excluded are complaints about judicial or quasi-judicial decisions, offender management and grievance or HR related decisions, which are covered by other policies.

The principles in this policy should be embedded in local complaints handling arrangements.

Separate agencies within the Justice Cluster may wish to adopt the Department of Justice policy for managing complaints and feedback where there is no agency specific complaints management policy.

Communication

This policy will be communicated to all employees via an email broadcast and Secretary's Direction. This policy will be published on the Justice public-facing webpage and Intranet and integrated into the departments' Policy Portal (*currently under development*).

Implementation

Division heads are responsible for ensuring this policy is implemented throughout their divisions and embedded into practise.

Legislative Context

- [Community Services \(Complaints Reviews and Monitoring\) Act 1993](#)
- [Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#)
- [Government Sector Employment Act 2013](#)
- [Health Records and Information Privacy Act 2002 \(HRIP Act\)](#)
- [Privacy and Personal Information Protection Act 1998 \(PPIP Act\)](#)
- [Records Management Standards made under Part 2 of the State Records Act 1998](#)
- [Schedule 1 of the Annual Report \(Departments\) Regulation 2015](#)
- [State Records Act 1998](#)

Related Policies

- Procedure: Managing Complaints and Feedback (Doc ID: D18/066057/DJ)
- [Department of Justice, May 2016, Code of Ethics and Conduct, HR0002](#)
- [NSW Ombudsman, Applying the commitments to effective complaint handling - guidance for agencies, ISBN: 978-1-925569-28-5](#)
- [NSW Ombudsman, February 2017, Effective complaints handling guidelines, ISBN. 978-1-925569-20-9](#)
- [NSW Ombudsman, June 2015, Complaint management framework, ISBN. 978-1-925061-55-0](#)

Definitions

Complaint: an expression of dissatisfaction, however made, about the standard of service, policies, procedures, costs, or employees.

Business unit: a business unit within a division of the Department of Justice

Department: the Department of Justice

Division: a division of the Department of Justice

Feedback: can be in the form of complaint, a compliment or a suggestion.

GIPA: *Government Information (Public Access) Act 2009 (GIPA Act)*

PPIP: *Privacy and Personal Information Protection Act 1998 (PPIP Act)*

HRIP: *Health Records and Information Privacy Act 2002 (HRIP Act)*

Consultation and Organisational Impact

The Justice Executive Team, Justice Cluster Premier's Priority 12 Steering Committee and Complaint Handling Improvement Program Working Group have been consulted on this policy. Input was also provided by Office of General Counsel, Strategic Human Resources, Diversity Services, Victims Services and the Corporate Performance Unit. Implementation of the policy will improve governance and accountability with minimal impact on the organisation.

Document Information

Title: Policy: Managing complaints and feedback

Document Number: D18/066055/DJ

Policy Owner: Kathrina Lo, Deputy Secretary Justice Services

Classification: UNCLASSIFIED

Key Words: Feedback, complaints, compliments, suggestions, management, handling, complainant, external, complaint

Applicability: **Whole of Department application**

Document History

Version	Date	Reason for Amendment
1.0	6 March 2018	Content drafted in new template format
2.0	5 June 2018	Update to NSW Ombudsman links

Replaced by: N/A

Replaces: Managing complaints and other feedback Justice and Attorney General

Contact Email	Contact Phone	Date Issued	Review date
Kelly.Wills@justice.nsw.gov.au	8688 7019	6 March 2018	2021