

Complaints management policy

Contents

1. Definitions	2
2. Introduction	3
3. Purpose	3
4. Scope	3
Out of scope	3
5. Policy details	4
Complaints handling by the NSW Electoral Commission	4
The NSW Electoral Commission approach to complaints management	5
Complaint management system	8
6. Roles and responsibilities	11
7. Monitoring, evaluation and review	12
Analysis and evaluation of complaints	12
Monitoring of the complaint management system	12
Continuous improvement	12
8. Associated documents	13
9. References	13
10. Document control	14
Document management	14
Publication details	14
Revision record	14
Appendix 1 – Consent to lodge complaint with NSW Electoral Commission	15

1. Definitions

- 1.1. **Staff –** All ongoing, temporary and casual employees and contractors who access to NSWEC information assets, IT systems and physical premises.
- 1.2. In this policy, a **complaint** is an expression of dissatisfaction about the NSW Electoral Commission's service delivery.
- 1.3. **Complaint about the NSW Electoral Commission** includes an expression of dissatisfaction made by an external individual or organisation to or about us, our services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.
- 1.4. **Complaint management system** means all policies, procedures, practices, staff, hardware and software used by the NSW Electoral Commission in the management of complaints.
- 1.5. A **dispute** means an unresolved complaint escalated either within or outside the NSW Electoral Commission.
- 1.6. Feedback means opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the NSW Electoral Commission, our services or complaint handling where a response is not explicitly or implicitly expected or legally required.
- 1.7. A **grievance** is a clear, formal written statement by an individual staff member about another staff member or a work-related problem.
- 1.8. A **policy** is a high level and principled statement or plan to guide decision making towards the attainment of NSW Electoral Commission goals.
- 1.9. A **procedure** explains how to perform tasks and duties. It is a sequence of actions, processes and responsibilities required to achieve a particular result or goal.
- 1.10. A **Public Interest Disclosure** is a report about wrong doing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 2022*.
- 1.11. A report or allegation of a failure to comply with laws regulated by the NSW Electoral Commission, refers to:
 - Electoral Act 2017
 - Electoral Funding Act 2018
 - Lobbying of Government Officials Act 2011
 - Local Government Act 1993 (election offences only)

1.12. A **Service request** includes:

- Requests for action
- Requests for approval
- Requests for explanation of policies, procedures and decisions
- Requests for the provision of services and assistance
- Routine inquiries about the business of the NSW Electoral Commission.

2. Introduction

- 2.1. An effective complaints system is an essential part of quality service provision in the public sector. It is one method of measuring customer and client satisfaction to provide a useful source of information for improving our service.
- 2.2. This policy sets out the NSW Electoral Commission's approach to complaint handling and sets out the essential features of our complaint system.

3. Purpose

- 3.1. This policy is intended to ensure that the NSW Electoral Commission handles complaints fairly, efficiently and effectively.
- 3.2. Our complaint management system is intended to:
 - Enable us to respond in a timely and cost-effective way to issues raised by people making complaints
 - Boost public confidence in our administrative and regulatory processes
 - Provide information that can be used by us to deliver quality improvements in our services and in the exercise of our functions.
- 3.3. This policy provides guidance to complainants and our staff on the key principles.

4. Scope

- 4.1. For the purposes of this policy, a **complaint** consists of an expression of dissatisfaction about the NSW Electoral Commission's service delivery.
- 4.2. This policy applies to all staff receiving or managing complaints.

Out of scope

- 4.3. A complaint covered by this policy **does not** include:
 - Code of Conduct complaints (see our Code of Ethics and Conduct)
 - Public Interest Disclosures made by our staff (see our <u>Public Interest Disclosures Policy</u>)
 - Reports intended to bring a problem to our notice with no expectation of a response (see definition of <u>'Feedback'</u> in paragraph 1.6 above)
 - Responses to requests for feedback about the standard of our service provision (see the definition of 'Feedback' in paragraph 1.6 above)
 - Requests for information (see our <u>Government Information (Public Access) Act policy</u> and procedures)
 - Staff grievances (see our <u>Grievance and dispute handling policy and procedures</u>)

- A report or allegation of a failure to comply with laws regulated by the NSW Electoral Commission (see paragraph 1.11 above). Such allegations are referred to the NSW Electoral Commission's FDC&GC and managed in accordance with the <u>Compliance and Enforcement Policy</u>.
- Service requests (see definition of <u>'Service request'</u> in paragraph 1.12 above)
- Disagreements relating to regulatory functions (see below).

Disagreements relating to regulatory functions

This policy does not apply where a complainant merely disagrees with a decision made by the NSW Electoral Commission as part of its regulatory functions.

For example, NSW Electoral Commission decisions regarding:

- automatic enrolment
- · registration of parties
- non-voter penalties
- enforcement of other electoral or lobbying offences.

are made within prescribed legislative frameworks and are only subject to the complaints management process where the complainant believes the NSW Electoral Commission has not fulfilled its obligations under law in arriving at its decision.

5. Policy details

Complaints handling by the NSW Electoral Commission

The three levels of complaint handling



Frontline complaint handling and early resolution of complaints 2

Internal review of complaints and/or complaint handling (may include further investigation of issues raised and use of Alternative Dispute Resolution 3

External review of complaints and/or complaint handling by organisations

- 5.1. The NSW Electoral Commission aims to resolve complaints at the first level, the frontline. Wherever possible, staff will be adequately equipped to respond to complaints, including being given appropriate authority, training, and supervision.
- 5.2. Where this is not possible, we may decide to escalate the complaint to a more senior officer within the NSW Electoral Commission. This second level of complaint handling will provide for the following internal mechanisms:
 - Assessment and possible investigation of the complaint and decision(s) already made; and/or
 - Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

5.3. Where a person making a complaint is dissatisfied with the outcome of the NSW Electoral Commission's review of their complaint, they may seek an external review of our decision, e.g., by the NSW Ombudsman.

The NSW Electoral Commission approach to complaints management

5.4. This part of the Policy sets out the principles under which the NSW Electoral Commission will deal with complaints.



Facilitate complaints

People focus

- 5.5. The NSW Electoral Commission is committed to seeking and receiving feedback and complaints about our services, systems, practices, procedures and complaint handling. We aim to foster a culture of compliance.
- 5.6. Any concerns raised in a complaint will be dealt with within a reasonable time frame.
- 5.7. People making complaints will be:
 - Provided with information about the NSW Electoral Commission's complaint handling process
 - Provided with accessible ways to make complaints
 - Listened to, treated with respect by staff, and actively involved in the complaint process where possible and appropriate
 - Provided with any options for redress or review of the NSW Electoral Commission response if they are not satisfied with that response, or with the process undertaken.
- 5.8. Directions on how to make a complaint are on the NSW Electoral Commission website.

No detriment to people making complaints

5.9. The NSW Electoral Commission will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Anonymous complaints

- 5.10. The NSW Electoral Commission will accept anonymous complaints and will carry out an investigation of the issues raised where there is sufficient information provided.
- 5.11. However, the effectiveness of the investigation could be limited, as we will not able to contact anonymous complainants to verify facts or obtain further detail.

Accessibility

5.12. The NSW Electoral Commission will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

Complaining on behalf of someone else

- 5.13. If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, we will communicate with them through their representative if they choose. Anyone may represent a person wishing to make a complaint with that person's consent, e.g., advocate, family member, legal or community representative, member of Parliament, another organisation.
- 5.14. A written consent signed by the person concerned will be required unless they are incapable of providing this due to illness or disability (please see template in <u>Appendix 1</u>). Should the consent to disclose information not be received within 21 working days of the request, we will close this matter. The timeframe for response to the complaint will restart from the first working day on which the consent is received by the NSW Electoral Commission.

No charge

5.15. Complaining to the NSW Electoral Commission is free.

Respond to complaints

Early resolution

 Where possible, complaints will be resolved at first contact with the NSW Electoral Commission.

Responsiveness

- 5.17. The NSW Electoral Commission will acknowledge receipt of all written complaints within five working days.
- 5.18. We will assess and prioritise complaints 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. Specific response time will depend upon the complexity of the issues raised, but we aim to respond in detail to complaints within 21 working days of receipt.
- 5.19. The NSW Electoral Commission is committed to managing people's expectations, and will inform them as soon as possible, of the following:
 - The complaints process
 - The expected time frames for our actions
 - The progress of the complaint and reasons for any delay
 - Their likely involvement in the process
- 5.20. The possible or likely outcome of their complaint.
- 5.21. The NSW Electoral Commission will advise people as soon as possible when we are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).
- 5.22. We will also advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for the delay.

Objectivity and fairness

- 5.23. The NSW Electoral Commission will address each complaint with integrity and in an equitable, objective and unbiased manner.
- 5.24. We will ensure that the person handling a complaint is different from any staff member to whose conduct or service the complaint relates.

5.25. Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of the management of a complaint will be conducted by a person other than the original decision maker.

Flexibility

- 5.26. NSW Electoral Commission staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.
- 5.27. We will assess each complaint on its merits and involve the people making complaints and/or their representative in the process as far as possible.

Confidentiality

- 5.28. The NSW Electoral Commission will protect the identity of people making complaints where this is practical and appropriate.
- 5.29. In some instances, it may be necessary to disclose the identity of the complainant to provide the subject of a complaint with the full grounds to which they must respond.
- 5.30. Personal information that identifies individuals will only be disclosed or used by the NSW Electoral Commission as permitted under the relevant electoral law, privacy laws, secrecy provisions and any relevant confidentiality obligations.

Manage the parties to a complaint

Complaints involving multiple agencies

- 5.31. Where a complaint involves multiple organisations, the NSW Electoral Commission will 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.
- 5.32. 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.
- 5.33. Where a complaint involves multiple areas within the NSW Electoral Commission, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.
- 5.34. Where our services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. We take complaints not only about the actions of our staff but also the actions of service providers.

Complaints involving multiple parties

5.35. When similar complaints are made by related parties, the NSW Electoral Commission will try to arrange communication with a single representative of the group.

Empowerment of staff

- 5.36. All NSW Electoral Commission staff managing complaints are empowered to implement our complaint management system as relevant to their role and responsibilities. This will be effected by inclusion of complaints managing training in the induction program for relevant frontline staff members, e.g. call centre staff.
- 5.37. Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of our complaint management system.

Managing unreasonable conduct by people making complaints

- 5.38. The NSW Electoral Commission is committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time, our success depends on:
 - Our ability to do our work and perform our functions in the most effective and efficient way possible
 - The health, safety and security of our staff
 - Our ability to allocate our resources fairly across all the complaints we receive.
- 5.39. When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. As a result, we will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy.
- 5.40. For further information on managing unreasonable conduct by people making complaints please see the NSW Ombudsman's Unreasonable Complainant Conduct Model Policy 2021.

Complaint management system

- 5.41. This part of the policy sets out the processes by which the NSW Electoral Commission will deal with complaints.
- 5.42. When responding to complaints, NSW Electoral Commission staff should act in accordance with our complaint handling procedures, as well as any other internal documents providing guidance on the management of complaints.
- 5.43. Staff should also consider any relevant legislation and/or regulations when responding to complaints.
- 5.44. The five key stages in our complaint management system are set out below.

NB: This complaint management system does not apply to review of regulatory decisions by the NSW Electoral Commission – see paragraph 4.3 above.



Receipt of complaints

- 5.45. Complaints can be received through multiple channels such as by email, by phone, verbal communication to staff, on NSWEC social media or by post.
- 5.46. If the complaint has not been resolved at the outset, the NSW Electoral Commission will record the complaint and its supporting information by assigning a unique identifier to the complaint file.
- 5.47. 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
 - Any additional support the person making a complaint requires.

Acknowledgement of complaints

- 5.48. We will acknowledge receipt of each complaint promptly, and preferably within five working days.
- 5.49. Consideration will be given to the most appropriate medium (e.g., email, letter) for communicating with the person making a complaint.
- 5.50. Complaints received through social media posts may be responded to directly through social media channels.

Initial assessment and addressing of complaints

Initial assessment

- 5.51. After acknowledging receipt of the complaint, the NSW Electoral Commission will confirm whether the issue(s) raised in the complaint is/are within our control. We will also consider the outcome(s) 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.
- 5.52. In determining how a complaint will be managed, the NSW Electoral Commission will consider:
 - The seriousness, complication or urgency of the complaint
 - Whether the complaint raises concerns about people's health and safety
 - How the person making the complaint is being affected
 - The risks involved if resolution of the complaint is delayed
 - Whether the NSW Electoral Commission is the most appropriate agency to manage the complaint
 - Whether a resolution requires the involvement of other organisations.

Addressing complaints

- 5.53. After assessing the complaint, the NSW Electoral Commission will consider how it can best be managed. To manage a complaint, we may:
 - Give the person making a complaint information or an explanation;
 - Gather information from the person or area that the complaint is about; or
 - Investigate the claims made in the complaint.
- 5.54. The NSW Electoral Commission will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Actions taken will be tailored to each case and take into account any statutory requirements.
- 5.55. Where the matter raised concerns an alleged breach of electoral or lobbying laws, the NSW Electoral Commission does not generally comment on any related investigation of that allegation. See the NSW Electoral Commission Compliance and Enforcement Policies and Procedures for more information.

Providing reasons for decisions

- 5.56. Following consideration of the complaint and any investigation into the issues raised, the NSW Electoral Commission will contact the person making the complaint to advise:
 - The outcome of the complaint and any action we took
 - The reason(s) for our decision
 - The remedy or resolution(s) that we have proposed or put in place
 - Any options for review that may be available to the complainant, such as an internal review, external review or appeal.
- 5.57. If in the course of investigation, the NSW Electoral Commission makes any adverse findings about a particular individual, we will consider any applicable privacy obligations under the Privacy and Personal Information Protection Act 1998 and any applicable exemptions in or made pursuant to that Act, before sharing our findings with the person making the complaint.

Closing the complaint, record keeping, redress and review

- 5.58. The NSW Electoral Commission will keep records about:
 - How the complaint was managed
 - The outcome(s) of the complaint, including;
 - Whether it or any aspect of it was substantiated
 - Any recommendations made to address problems identified
 - Any decisions made on those recommendations
 - Any outstanding actions that need to be followed up.
- 5.59. The NSW Electoral Commission will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

Alternative avenues for dealing with complaints

5.60. The NSW Electoral Commission will inform people who make complaints to or about us about any internal or external review options available to them (including agencies such as the NSW Ombudsman or the NSW Procurement Board).

6. Roles and responsibilities

Who	How
NSW Electoral	Report publicly on NSW Electoral Commission's complaint handling
Commissioner	Provide adequate support and direction to key staff responsible for handling complaints
	Support recommendations for service, staff and complaint handling improvements arising from the analysis of complaint data
Director or Executive Director	Regularly review reports about complaint trends and issues arising from complaints
	Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly
	Provide feedback to management on issues arising from complaints.
	Encourage staff to make recommendations for system improvements.
	Recognise good complaint handling by staff
Manager, Governance	Provide periodic reports to the Senior Executive Committee
	Ensure recommendations arising out of complaint data analysis are canvassed and implemented where appropriate
	Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system
	Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly
	Recognise good complaint handling by staff
All staff	Treat all people with respect, including people who make complaints
	Understand and comply with the NSW Electoral Commission's policy and its associated procedures
	Help people who want to make complaints access the NSW Electoral Commission's complaints process.
	Be alert to complaints and assist staff handling complaints to resolve matters promptly.
	Provide feedback to management on issues arising from complaints.
	Implement changes arising from individual complaints and from the analysis of complaint data as directed by management
	Provide suggestions to management on ways to improve the organisation's complaints management system

7. Monitoring, evaluation and review

Analysis and evaluation of complaints

- 7.1. The NSW Electoral Commission will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis. Periodic reports will be run on:
 - The number of complaints received about the NSW Electoral Commission
 - The types of complaints received
 - A summary of complaint resolution timeframes
 - Any systemic issues identified from complaints
 - The number of requests received for internal and/or external review of our complaint handling.
- 7.2. Analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.
- 7.3. Both reports and their analysis will be provided to the Senior Executive Committee for review.
- 7.4. Statistics on complaints received will be included in the NSW Electoral Commission's Annual Report to Parliament.

Monitoring of the complaint management system

- 7.5. The NSW Electoral Commission will monitor the complaint management system to:
 - Ensure its effectiveness in responding to and resolving complaints
 - Identify and correct deficiencies in the operation of the system.

Continuous improvement

- 7.6. The NSW Electoral Commission is committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:
 - Support the making and appropriate resolution of complaints
 - Implement best practices in complaint handling as provided by NSW Ombudsman
 - Recognise good complaint handling by staff
 - Regularly review the complaints management system and complaint data
 - Implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

8. Associated documents

- Code of Ethics and Conduct
- Compliance and Enforcement Policy
- Compliance and Enforcement Procedures
- Government Information (Public Access) Act Policy and Procedures
- Grievance and Dispute Handling Policy and Procedures
- Public Interest Disclosures Policy

9. References

- NSW Ombudsman Effective complaint handling guidelines 3rd edition February 2017
 https://www.ombo.nsw.gov.au/ data/assets/pdf file/0020/131096/Effective-complaint-handling-guidelines-Third-edition.pdf
- NSW Ombudsman Complaint management framework and model policy June 2015 https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0008/129761/Complaint-management-framework-June-2015.pdf
- NSW Ombudsman Managing unreasonable conduct by a complainant A manual for frontline staff, supervisors and senior managers September 2021 https://www.ombo.nsw.gov.au/ data/assets/pdf_file/0008/125756/Managing-unreasonable-conduct-by-a-complainant-manual.pdf
- NSW Ombudsman Apologies A practical guide 2nd Edition March 2009
 https://www.ombo.nsw.gov.au/ data/assets/pdf_file/0004/124591/Apologies_A-practical-guide.pdf
- NSW Ombudsman Good conduct and administrative practice Guidelines for state and local government Third Edition | March 2017 https://www.ombo.nsw.gov.au/ data/assets/pdf file/0009/125784/Good-conduct-and-administrative-practice-guidelines-for-state-and-local-government.pdf

10. Document control

Document management

Approved by the Electoral Commissioner	John Schmidt, NSW Electoral Commissioner
Date approved	08 August 2023
Executive Director review	Matt Phillips, Executive Director, Corporate
Date approved	08 August 2023
Director review	Riaan Husselmann, Director, EPMO & Corporate Governance
Date approved	08 August 2023

Publication details

Publication type	⊠ Policy	☐ Standard	☐ Procedure	☐ Guidelines
Responsible business unit	EPMO & Co	orporate Govern	ance	
Author	Governance	e Manager		
Publication	□ Not for p	ublication	☐ Internal catalo	gue
	□ Intranet	only		ebsite

Revision record

Date	Version	Revision description
29 June 2016	1.0	First version of policy
19 December 2018	1.1 (v0.2)	Draft of revised policy to remove allegations of breaches of electoral law from the scope of complaints management
8 August 2023	1.2	Minor change to include to include recording consent, other minor text edits and formatting.

Appendix 1 – Consent to lodge complaint with NSW Electoral Commission

Form can be downloaded from NSWEC intranet, under <u>Forms</u>/Policy document forms.

NSW Electoral Commission.					
			making a compli	aint on my b	ehalf to the
Permission for NSW Electoral C Please mark one of the boxes below. named above. I would like the NSW Electoral Comm Contact the above named about	. If no box is marked, the N mission to: (tick one box) t this complaint and the N	ISW Electoral Commission w	ill contact you dire	ectly and not	
Contact me and send copies to t	he above named about th	is complaint and the NSW Ele	ectoral Commissio	n's respons	2.
COMPLAINANT NAME		-32			
ADDRESS		SUBURB		STATE	POSTCOBE
- Construction					
PHONE	EMAJL				
0		DD / MHR / YYYY			
SIGNATURE		DATE			
member you have dealing with regar	rding this matter).				