

Bradfield Development Authority

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External Complaints Handling Procedures

July 2024


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<p>* The <u>Government Information (Public Access) Act 2009</u> (the GIPA Act) requires that all of the Department's current policy documents be made available on this website (unless there are overriding public interest <u>reasons</u> why that should not be done). BDA Legal Branch can provide advice.</p>			

Document approval

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1	A5546160	Final	October 2022	Virginia Tinson	New Procedure
2	A6673621	Updated	October 2023	Virginia Tinson	Updated to reference new PID Act 2022
3	A6673621	Updated	July 2024	Virginia Tinson	Updated to change WPCA to BDA

Review date

The Authority will review these Procedures every three years or more frequently if required. It may be reviewed earlier in response to a change in the NSW Government guidelines.

Contents

1. Purpose	4
2. Scope	4
3. Approach to external complaints handling	4
4. Steps for managing an external complaint	5
Step 1: Receipt of complaint.....	5
Step 2: Record the complaint.....	6
Step 3: Review the complaint.....	6
Step 4: Acknowledge and Register the complaint.....	6
Step 5: Complaint handling	7
Step 6: Review findings.....	7
Step 7: Advise complainant of outcomes	8
Step 8: Implement actions and recommendations	8
Step 9: Review and evaluate actions	8

1. Purpose

These procedures underpin the Bradfield Development Authority's (BDA) commitment to acknowledge, investigate and respond to external complaints fairly, efficiently and effectively.

Our external complaint management procedures are designed to:

- strengthen accountability
- enhance public confidence in our administrative systems
- provide information for BDA to continuously improve our services.

These procedures provide details on the processes, timeframes, and expectations to guide staff on how to manage an external complaint.

2. Scope

These procedures apply to all BDA staff receiving or managing external complaints from the public.

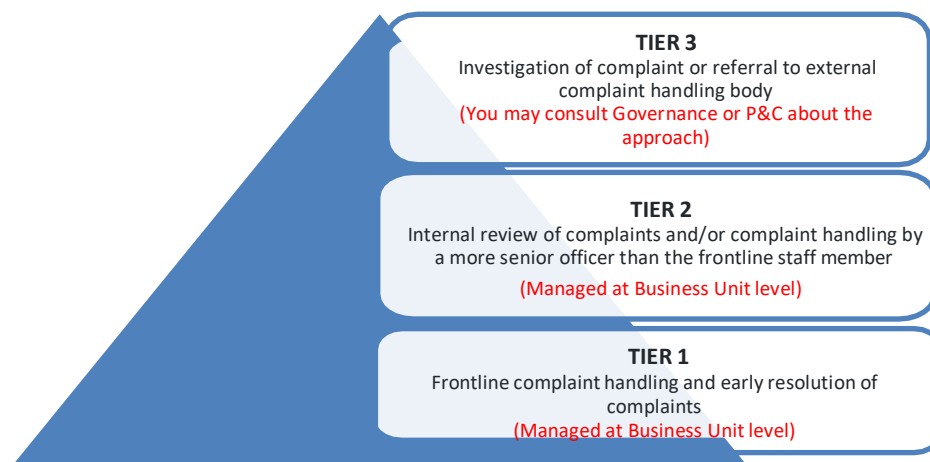
Complaints **not covered** by this policy include:

- internal complaints from BDA staff or their representatives, which are dealt with under the BDA Grievance Handling Policy
- public interest disclosures: 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*. These are dealt with under the Department of Planning, Housing and Infrastructure's Public Interest Disclosures Policy
- responses to requests for feedback about the standard of our service provision

3. Approach to external complaints handling

BDA's approach to external complaint handling is modelled on the NSW Ombudsman's three-tier approach Figure 1 below.

Figure 1: Adapted from NSW Ombudsman three levels of complaint handling



4. Steps for managing an external complaint

BDA manages its external complaints handling process in accordance with the NSW Ombudsman’s three-tier approach and Effective Complaint Handling Guidelines.

The key steps to external complaint handling at BDA are set out in Figure 2 below.

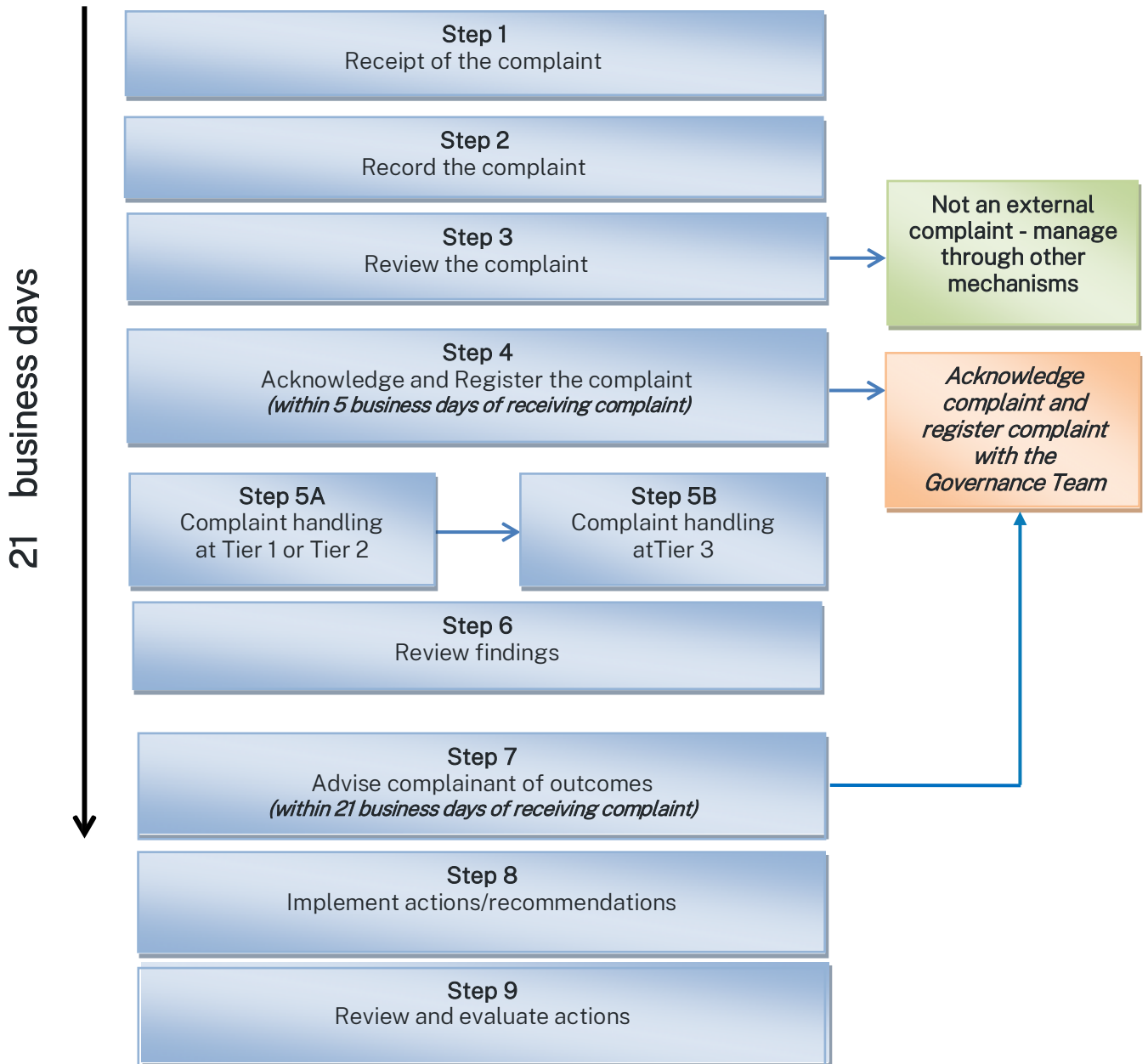


Figure 2: Steps for managing an external complaint

Step 1: Receipt of complaint

1.1 Ways to receive a complaint

Complaints from members of the public may be received in several ways: by phone, in person, by email, letter or verbally. Once received, the Communications and Engagement team will determine which Business Unit to provide the response and will allocate accordingly.

Where it is apparent the complainant has a disability that makes it difficult or impossible for them to make a complaint in writing or is otherwise unable to make a complaint in writing BDA staff will accept a complaint verbally. For verbal complaints, use the External Complaint Record Form.

Step 2: Record the complaint

2.1 Keeping a record of the complaint

BDA is required to make and keep full and accurate records of its activities in accordance with the *State Records Act 1998 (NSW)*. Business units/teams must maintain an official record of all incoming complaints. Such records should be registered in Objective. Relevant documents about the handling of a complaint must be held on an official file in business unit folders.

A record of a complaint should include the name and contact details of the complainant, the date of the complaint and the nature and type of the complaint.

Step 3: Review the complaint

3.1 Once assigned to the relevant Business unit, the staff member checks the complaint meets the criteria

- ✓ The person making the complaint is external to BDA
- ✓ The complaint is about one of the following:
 - conduct of a BDA staff member
 - a decision made by a BDA staff member
 - the quality of service received from BDA
 - BDA practices, policies and procedures.

If the complaint meets the criteria, the staff member will now notify their Director. The Director determines the Tier at which the complaint should be handled. (*refer to Figure 1*).

Wherever possible, complaints are best resolved informally by staff at **Tier 1**. A complaint should be handled at Tier 1 by the most appropriate staff member in the business who is adequately equipped to respond to complaints with support and supervision.

In certain circumstances, it will be necessary to immediately escalate a complaint to **Tier 2**. These instances include where the complainant is not satisfied with the outcome of their Tier 1 complaint, or where the complainant:

- is a representative of the media
- has contacted the media
- is aggressive or threatening.

Complaints should be escalated to **Tier 3** where the allegation is about:

- fraud, corruption or maladministration
- misconduct on the part of a staff member (this includes a potential or actual conflict of interest)
- a breach of an individual's privacy
- a demand for compensation.

Step 4: Acknowledge and Register the complaint

4.1 Acknowledging the complaint

BDA will promptly acknowledge receipt of complaints. BDA 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.

4.2 Timeframes

When a complaint is received, staff must acknowledge the complaint to the complainant **within five business days of receipt**. The preferred method of acknowledgement is in writing. Staff should use the template Acknowledgement Letter for this purpose.

4.3 Registering the complaint

When a complaint is received and acknowledged, BDA staff should register the complaint with the Governance, Audit & Risk Team by emailing the Objective link of the complaint record.

Step 5: Complaint handling

5.1 Tier 1 complaint handling

The majority of complaints are likely to be resolved without progressing beyond the first Tier of the process, however, where the complainant is not satisfied with the process or outcome, it will be necessary to escalate to a Tier 2 internal review of the complaint.

5.2 Tier 2 complaint handling

Where a complainant is not satisfied with the outcome of a complaint following Tier 1 complaint handling, the Executive Director of the relevant unit responsible for handling the specific complaint must be contacted and advised of the escalation of the complaint to Tier 2. The Executive Director then needs to review and make the same decision as the original decision-maker at Tier 1 or arrive at a different decision or decide that the complaint should be escalated to Tier 3.

5.3 Tier 3 complaint handling

Where an internal review identified at Tier 2 involves complex or sensitive issues, it may be appropriate to undertake a formal investigation. A formal investigation may also be required in instances where complaints appear to relate to:

- fraud, corruption or maladministration
- misconduct on the part of a BDA staff member (this includes a potential or actual conflict of interest)
- a breach of an individual's privacy
- a demand for compensation.

Where it appears that a criminal offence has been committed by member of staff, the Executive Director should report the matter to the NSW Police Force with the authority of the Chief Executive Officer (unless it is an emergency). It should also be reported to the Executive Director, Governance; Chief Operating Officer; and/ or the Secretary. The NSW Ombudsman Effective Complaint Handling provides useful guidance on undertaking investigations.

Step 6: Review findings

6.1 Review findings, recommendations and determine management actions

The relevant Director or Executive Director will conduct a review of the findings, further assessment or investigation and determine any necessary management actions that need to be taken and how these will be implemented.

Tier 2 and Tier 3 review of findings will be conducted by the Executive Director in consultation with People and Culture, Legal and/or the Governance Team, as required. The Chief Executive Officer

should also be briefed where the matter is of a serious nature.

Step 7: Advise complainant of outcomes

A written response must be sent to the complainant **within 21 business days of receipt of the complaint.**

All Tier 3 written responses must be approved by the Chief Executive Office. This should be submitted for consideration and approval by the Chief Operating Officer.

Step 8: Implement actions and recommendations

The relevant Director or Executive Director are responsible for ensuring that:

- Where possible, actions and recommendations are implemented within 1 month from the date the complaint was finalised.
 - The timeframes for implementation of actions and recommendations should be recorded in Objective in the complaint file.
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Step 9: Review and evaluate actions

The relevant Director or Executive Director should monitor the effectiveness of actions taken in response to the complaint to ensure there is no continuation or repeat of the behaviour, systems or circumstances which led to the complaint.

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