

Policy: Complaints

Purpose

This policy sets out the approach for complaint handling for NSW Trustee & Guardian. NSW Trustee & Guardian recognises that a person making a complaint wants to be heard, understood, respected, provided with an explanation and if appropriate an apology. NSW Trustee & Guardian recognises the need to treat complainants with courtesy and respect and for a user-friendly complaints system, which provides clear procedures for making a complaint, and internal procedures for the handling of the complaint.

Policy statement

The NSW Trustee & Guardian provides financial management, trustee and guardianship services for people of NSW. A complaint is an expression of dissatisfaction, protest or grievance about the service provided by NSW Trustee & Guardian. A person may wish to complain about the quality of service, the conduct of a staff member or a policy or procedure of NSW Trustee & Guardian.

If the complaint is about a decision made by NSW Trustee & Guardian on behalf of a person subject to a Financial Management or Guardianship Order, it may be more appropriate to use the [Internal Review of Decision Policy](#).

NSW Trustee & Guardian cannot review or overturn a decision made by a court or tribunal. Courts and tribunals are separate from Government.

NSW Trustee & Guardian does not investigate the quality of service, decisions, policies and procedures of other agencies.

If a person has a complaint about NSW Trustee & Guardian, they have a right to have their complaint responded to in an impartial and timely manner.

NSW Trustee & Guardian sees an effective complaint handling system as being key to providing quality service. A complaint is a measurement of customer satisfaction, which provides information on the quality of service. NSW Trustee & Guardian uses information from complaints to improve the quality of its services.

Definitions

The Australian and New Zealand Standard Guidelines for complaint management in organisations - AS/NZS 10002:2014 (AS/NZS Complaint Management Standard) defines complaints as an “expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.

Based on this standard, a complaint includes:

- a complaint about conduct, service or product – such expressions of dissatisfaction may relate to customer service, quality of service/product, failure to provide information, competence or conduct of staff, errors of judgement or misinterpretation of information, decisions being unfair, unreasonable or lacking in merit, poor administrative processes etc.
- a review of a complaint – a request for a review of the merits of a decision on an earlier complaint
- a review about how a complaint was handled.
- an external review of a complaint or how the complaint was handled – for example, a complaint to the Ombudsman or another oversight agency.

Sometimes, when a person makes a complaint, they will not explicitly use terminology such as ‘complaint’ or ‘dissatisfaction’. They may instead use language such as:

<ul style="list-style-type: none">➤ I am unhappy about ...➤ I don't like ...➤ I disagree with your decision about ...➤ I don't understand why ...➤ I don't think it's fair that ...	<ul style="list-style-type: none">➤ I am furious about ...➤ That's unfair!➤ Why didn't ... happen?➤ Why doesn't the service ...?
---	---

Six whole-of-government commitments to effective complaint handling

NSW Ombudsman has mandated six whole-of-government commitments to apply for effective complaint handling. The six commitments are:

Respectful Treatment

We treat you with courtesy and respect. We are responsive and will ensure you receive no detriment for having complained.

- we have a complaint policy that requires staff to treat you with courtesy and respect.
- our public contact staff are trained in customer service, complaint handling and managing unreasonable behaviour.
- we review the type and number of complaints we receive about our staff and take appropriate action to respond, as necessary.

Information and Accessibility

We make it easy and accessible for you to make a complaint and if you need help to lodge a complaint, we will help you. You can readily access information about our complaint processes in a variety of formats and across a range of media. This information includes:

- available avenues to make a complaint – e.g. post, email, fax, in person, over the phone and online
- what you can expect about the process, – e.g. next steps and time frames
- a contact point to enable you to get more information about the complaint process
- examples of how complaints have helped improve our services.

Good Communication

We keep you informed about the status of your complaint by:

- acknowledging receipt of your complaint and providing you with information about the process which includes:
 - a contact point for inquiries
 - the likely next steps in the complaint process
 - the expected timeframe to finalise your complaint.
- providing you with updates on your complaint at regular intervals as specified in our procedures
- communicating the outcome of your complaint and the reasons for the outcome through the most appropriate channel
- providing you with information about internal and external avenues of review where available.

Taking Ownership

The staff who manage your complaint are appropriately trained and skilled. One person and/or a team are responsible for managing your complaint, and their contact details are made available to you. We will inform you if your complaint is transferred to another person or team.

Timeliness

We do our best to deal with your complaint as soon as possible. We have set and made public expected timeframes and key performance indicators for finalising complaints, which recognise the differing levels of seriousness, urgency and complexity of complaints received. If there are unavoidable delays in dealing with your complaint, we will inform you and explain the reasons.

Transparency

We record and analyse information on our complaint handling processes, including:

- the number of complaints received
- the number of complaints finalised
- the percentage of complaints finalised within our key performance indicators
- the issues raised by complaints
- the actions taken in response to complaints
- the systemic issues identified
- the number of requests received for internal and/or external review.

Actions of staff in handling complaints are guided by our Complaints Procedures. Complainants also have rights and responsibilities when making a complaint. Refer to [Appendix A - Rights and Responsibilities of Parties to a Complaint](#).

Ways of lodging Complaints

Writing (email, fax, and letter or via the website):

In most instances, complaints will be in writing. This allows for greater clarity of issues raised to be addressed where possible.

Telephone or in person:

Complaints can be made by phone or in person. Where the complainant wishes to pursue a formal complaint, to ensure the issues are clear, they will be asked to put their concerns in writing. This allows clarity of the issues.

Complainants from non-English speaking backgrounds, or with literacy barriers, are able to register their complaint orally if they prefer to do so.

Telephone complaints in languages other than English can be lodged using telephone translating services (**TIS – Phone No. 131 450**).

Complaints made by a person with disability:

NSW Trustee & Guardian will assist people with disability communicate the complaint effectively.

If the complainant is unable to submit a written complaint, staff will:

- take down in writing the details of the complaint in the complainant's own words
- confirm with the complainant the accuracy of the written summary of the complaint.

Where the customer's complaint is about trust or financial management services, the Client Service Officer or Ministerial and External Relations Team will document the complaint. Where the complaint relates to guardianship services, the Senior Client Information Officer will document the complaint.

In some cases, it may be necessary to enlist the help of a Support Person to facilitate communication between NSW Trustee & Guardian and the complainant. A key role of the Support Person is to ensure that the person with the disability has fully communicated their concerns and feels supported in doing so. In these cases, the Support Person will receive a copy of any complaint response and help to explain the outcomes to the complainant.

Complaints made by a third party:

Complaints can be made by a third party (a person acting on behalf of another person), for example, an advocate or family member of a customer or represented person. However, the information released in response to such complaints may be limited due to privacy obligations. It is usually necessary to contact the customer to confirm they consent to someone acting on their behalf. At no time will information be released to a third party if NSW Trustee & Guardian is unable to verify the person is authorised to act on a customer's behalf.

Complaints made by third parties who are not entitled to receive a response due to privacy laws include complaints from:

- media, or
- community members with no relationship with the customer or represented person.

Complaints made by anonymous complainants:

Anonymous complaints are accepted provided the matter is supported by sufficient information to enable further inquiries to be conducted. However, anonymous complaints do limit our ability to look into the issues raised and respond appropriately.

Scope

All staff

Related resources

[Internal Review of Decision Policy](#)

Appendix A – Rights and Responsibilities of Parties to a Complaint



Rights and Responsibilities of people who make complaints

Rights

Right to make a complaint and express their opinions in ways that are reasonable, lawful and appropriate & to be treated with courtesy and respect

Right to a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case

Right to receive a timely response and be informed in at least general terms about the actions taken and outcome of their complaint

Right to an internal and independent review of the complaint.

Responsibilities

Responsible for treating other parties with courtesy and respect

Responsible for being honest and cooperative in all communications during the course of a complaint investigation

Responsible for clearly identifying to the best of their ability what their complaint is about and providing all relevant information available to them or asking for help from NSW Trustee & Guardian staff to do so.

Document information

Title:	Complaints Policy
Owner:	Manager, Ministerial and External Relations
Approver:	Chief Executive Officer
Date of Effect:	22 October 2019