
EPA Complaints Management Policy

Introduction

This policy sets out the purpose, principles and process for how customer feedback, including complaints, will be managed in the EPA to improve our responsiveness to concerns, our overall services and to support the Government's Charter of Public Service Guarantee. The EPA Complaints Management Policy is consistent with the principles of the Australian Standard - Guidelines for complaint management in organisations AS/NZS 10002:2014.

Policy Statement

The EPA welcomes feedback, including complaints, about our operations or services. Feedback helps us identify opportunities for continuous improvement to ensure that we are providing high quality services and maintaining effective relationships with our stakeholders. The EPA is committed to managing complaints in an accountable, transparent and responsive way.

Purpose of this policy

The purpose of this policy is to:

- Set out a professional, fair and consistent process for the management of complaints about the EPA's operations or services;
- Foster an organisational culture that accepts complaints as an opportunity to improve our relationships with stakeholders and services to industry, other organisations and the community;
- Provide a framework to support the Government's Charter of Public Service Guarantee;
- Provide information to the public on how to lodge a complaint and how the complaint will be managed;
- Identify the roles and responsibilities of staff at each stage of the complaint handling process; and
- Provide a system for identifying opportunities for continuous improvement through the complaint management process.

Scope

This policy applies to feedback about services or operations provided by the EPA and covers all directorate and branches that are involved in any way in the provision of customer services.

This policy does not include the management of environmental reports or complaints that the EPA receives in its role as an environmental regulator (e.g. complaints about noise from a licensed site) or the lodgement of any appeal available under law in relation to a regulatory or planning decision made by the EPA under the Environment Protection Act 1993, Radiation Protection and Control Act 1982, Development Act 1993 or any related legislation.

Definitions

Complainant: person, organisation or their representative (including clients, consumers, service users, customers, etc.) making a complaint

Complaint: 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

Customer: organisation or person that receives a product or service

Customer satisfaction: customer's perception of the degree to which the customer's requirements have been fulfilled

Customer service: interaction of the organisation with the customer throughout the life cycle of a product or service

Feedback: opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly to or about the organisation, its products, services, staff or its handling of a complaint.

Formal complaint: is any complaint lodged verbally or in writing, including email or online, where the complainant expects a formal investigation or response.

Serious complaint: is any complaint that:

- may result in legal action – civil, criminal or administrative (not including appeals available under law in relation to any regulatory or planning decision made by the EPA), or
- alleges that a staff member has contravened the Code of Ethics for the South Australian Public Sector or EPA Code of Conduct Policy, or
- relates to a matter of high significance (e.g. serious public concern, serious environmental impact, or serious impact on the well-being of an individual or the conduct of a business's operations).

Vexatious complainant: is a complainant who is unreasonably persistent or, because of the frequency or nature of their contacts with the EPA, hinder our consideration of their or other people's complaints.

Guiding Principles of effective complaint handling

The key features of an effective complaint handling system can be organised according to the following principles for good practice¹.

1. Enabling complaints

1.1 **People Focus:** a people-focused and proactive approach to seeking and receiving feedback and complaints

1.2 **Ensuring no detriment to complainant:** ensure that complainants are not adversely affected because of a complaint made by them or on their behalf

1.3 **Visibility and transparency:** ensure information about how and where to complain is well publicised

1.4 **Accessibility:** ensure that everyone has access to make a complaint, particularly people who may require additional assistance or further approaches, such as people with disabilities, people living in regional or remote areas, children, young people, the aged, and people from culturally and linguistically diverse backgrounds.

¹ Consistent with Australian Standard - Guidelines for complaint management in organisations AS/NZS 10002:2014

1.5 No charges: a complainant should not be charged a fee to complain

2. Managing Complaints

2.1 Responsiveness: complaints should be acknowledged promptly and addressed according to urgency. The complainant should be kept informed throughout the process.

2.2 Objectivity and fairness: complaints should be managed in an objective and unbiased manner.

2.3 Equity: complaints should be addressed in an equitable manner and in accordance to this policy.

2.4 Privacy and disclosure: personally identifiable information about any individual should only be disclosed or used in compliance with all relevant privacy laws and ethical obligations when managing a complaint.

2.5 Communication: the organisation should provide explanations for policies, procedures and decisions in its communication with complainants and its staff, particularly frontline staff and staff handling complaints.

3. Managing the parties

3.1 Conduct of parties: the organisation should implement policies or guidelines, or both, that make clear the behaviour expected of both its staff and complainants.

3.2 Work health and safety: the organisation should develop, adopt and implement appropriate policies, procedures and practices to ensure the health and safety of its staff involved in complaint management, including identity protection if required.

3.3 Complaint involving multiple parties: consideration should be given to options for coordinating communication and information exchange with the complainant and between the parties.

3.4 Empowerment of staff: staff should be empowered to implement the complaints management policy as relevant to their role.

4. Accountability, learning and prevention

4.1 Accountability: responsibilities for complaint handling are clearly established, and complaints and responses to them are monitored and reported to management and other stakeholders.

4.2 Continuous Improvement: responding to and learning from complaints should be an essential part of an organisation's commitment to continuous improvement.

4.3 Prevention of ongoing disputes: the organisation should develop and implement systems that minimise the possibility of complaints escalating into ongoing disputes.

Responsibilities

EPA Chief Executive

The Chief Executive is responsible for:

- encouraging an environment where customer feedback is handled seriously and thoroughly
- ensuring an effective feedback management process, including complaints, is developed and in place for the EPA
- ensuring appropriate actions are implemented to eliminate or minimise similar problems from occurring
- promoting the rights of customers to provide feedback, including complaints

Executive

The Executive is responsible for:

- approving, reviewing and evaluating the implementation and effectiveness of customer feedback and complaints management policy
- reviewing reports on customer feedback data and trend analysis
- identifying opportunities and need for service improvements

- appointing a complaints coordinator

Directors

The Directors are responsible for:

- ensuring their Directorate manages customer feedback in line with the EPA Complaints Management Policy, informing the Chief Executive of any serious complaints
- ensuring Directorate staff understands the policy and promote the customer feedback process to customers
- using complaints information for the improvement of service delivery.

Managers

Managers are responsible for:

- ensuring that the principles of complaints management are observed and for informing staff of this policy
- providing training on complaints handling to all staff in contact with customers and complainants
- helping customers to gain access to the complaints process
- responding to systemic issues that arise as a result of individual complaints.

Complaints Coordinator

The Complaints Coordinator is a person assigned by Executive to oversee the process for the management of formal complaints and to provide annual reports to Executive.

The position currently assigned to this role is the Manager, Strategy & Executive Office.

The Complaints Coordinator is responsible for tasks as outlined in this Policy and for:

- establishing a process for the management, record keeping and reporting of complaints
- reporting to executive on the complaints management process and recommendations for improvement

Senior Officer

The Senior Officer is a person, at Manager or Director level, designated to consider, investigate and respond to the complainant. Depending on the nature of the complaint, the Senior Officer may be an officer not directly involved in the provision of the service for which the complaint has been lodged.

The Senior Officer is responsible for tasks as outlined in this Policy and for:

- complying with the complaints management policy
- treating complainants in a respectful and courteous manner
- investigating and responding to complaints
- identifying opportunities for improvement as a result of complaints

Complaints Management Framework

Level	Response	Definition
1	Frontline Complaints Management	Minor complaints received informally and dealt directly with the public and stakeholders by a frontline officer or their team leader/manager.
2	Formal Complaints Management	Complaints received formally and dealt with through the formal complaints management process. Includes serious complaints.
3	Formal Complaints to External Agency	Formal Complaints to External Agency relates to a complaint lodged with an external agency such as the State Ombudsman.

Level 1 Frontline Complaints Management

The EPA encourages all officers dealing directly with the public and stakeholders to actively resolve any concerns they encounter in the first instance. In many cases, staff can deal with straightforward or minor complaints promptly and successfully, either on their own or through discussions with their team leader or Manager.

Complaints resolved informally and directly may not be recorded unless the nature of the complaint is considered significant in which case the staff, team leader or manager will provide relevant information to the Complaints Coordinator for the complaint to be recorded.

Any formal complaints received by frontline staff should be escalated and managed in accordance with the Formal Complaint Management process.

Level 2 Formal Complaints Management

Formal Complaints relate to a complaint lodged verbally or in writing, including email or online, where the complainant expects a formal investigation or response. Formal Complaints are managed through the formal complaints management process.

All formal complaints will be recorded and tracked to ensure compliance with this policy.

Level 3 Formal Complaints to External Agency

Formal External Complaints relates to a complaint lodged with an external agency such as the State Ombudsman. To ensure that complaints referred by an external agency are effectively managed, the Chief Executive will nominate a Senior Officer to engage with the external agency, review the matter and provide a response. The complaint response will be signed by the Chief Executive or a person nominated as a delegate.

Formal Complaints Management Process

Information on the complaints management policy and process will be readily available to customers on the EPA website and through other communication material such as brochures. Information should be easy to read and understand and should be accessible to all customers.

The following process will apply to ensure that formal complaints are managed fairly, consistently and promptly.

Step 1: Receipt and Acknowledgement

- Formal Complaints will be referred to the Complaints Coordinator for receipt and initial assessment
- Complainants will be sent an acknowledge through a letter, email or by phone within 5 working days of receipt and will be provided with the details of the Complaint Coordinator as a contact officer
- The Complaints Coordinator will create a file for each complaint through the HUB for tracking and records management purposes
- In some instances, where a complaint resolution is straightforward and can be responded to quickly, the acknowledgement and the resolution of the complaint can be provided in the same letter.

Step 2: Initial Assessment

- Each complaint should be initially assessed in terms of criteria such as severity, safety implication, complexity, impact, and the need and possibility of immediate action
- The complaints coordinators may contact the complainant directly by phone to clarify the scope of the complaint or the expectations from the complainant
- The Complaints Coordinator will refer the complaint to an appropriate Senior Officer (at Manager or Director level based on the nature of the complaint) for investigation and response to the complainant
- When managing serious complaints, the Complaints Coordinators will:
 - Bring the complaint to the attention of either the Director Strategy and Business, Executive Director Operations or Chief Executive to determine the most appropriate senior officer to review the matter and provide a response
 - If the complaint involves an alleged contravention of the EPA Code of Conduct Policy, refer the complaint to the People and Capability Branch for determination of the appropriate process for the investigation of alleged misconduct
 - Ensure that the EPA's response to the complaint is signed by a relevant Director or the Chief Executive
 - If the complaint relates to the actions of the Chief Executive, refer the complaint to the presiding member of the EPA Board.
- The Complaints Coordinator will have oversight of the complaints management process and will monitor responses to ensure compliance with this policy

Step 3: Consideration and Investigation

- The Senior Officer will consider how to address the issues raised in the complaint. This could include working with the complainant to see if the issues can be appropriately addressed, informal enquiries or a formal investigation into the complaint
- Every reasonable effort should be made to investigate all the relevant circumstances and information surrounding a complaint. The level of investigation should be commensurate with the seriousness, frequency of occurrence and severity of the complaint
- The EPA will apply procedural fairness by enabling affected persons to put their case forward and will consider all relevant information when preparing a response

- The Senior Officer will establish ongoing communication with the complainant and other interested parties to keep them informed of actions, progress, reasons for decisions, potential resolutions and to manage expectations

Step 4: Resolution and Response

- Following an appropriate consideration and investigation step, the Senior Officer will prepare a suitable response, for example, correct the problem and prevent it happening in the future. If the complaint cannot be immediately resolved, then it should be dealt with in a manner intended to lead to its effective resolution as soon as possible.
- The Senior Officer will provide a written response to the complainant within 10 working days or up to 21 working days for complex ones
- The Senior Officer will provide a written notification to the complainant within 10 working days if their complaint is considered complex and will require additional time for a response
- Complainants will be provided with details of any review mechanisms in place to address their complaint if they are unsatisfied with the EPA's response
- The Senior Officer should continue to monitor the progress of the complaint until all reasonable internal and external options of recourse are exhausted or the complainant is satisfied.
- At the time of closing the complaint, the Senior Officer will ensure appropriate records are kept including steps taken, the outcome and any follow-up action required.

Step 5: Service Improvement

- Any opportunity for improvement identified during the management of the complaint should be notified to the relevant Director or Manager for implementation and included in the report to Executive.
- All complaints should be analysed to identify systematic, recurring and single incident problems and trends, and to help eliminate the underlying causes of complaints.

Management of habitual or vexatious complainants

The EPA will make every effort to investigate and respond to complaints. At times though, the EPA will receive complaints from vexatious or habitual complainants, and dealing with these complaints would be unnecessary diversion of the EPA's resources.

The following process provides guidance to staff regarding the classification and management of habitual or vexatious complainants:

- After receiving a complaint for investigation and response, the Senior Officer may recommend that the complainant be treated as vexatious or habitual. In making this recommendation, the officer must take the following matters into regard:
 - Whether there has previously been due process in dealing with the complaint;
 - Whether the complaints process has been exhausted, with no new and meaningful being provided by the complainant;
 - Whether the complainant continually changes the substance of a complaint or raises new issues to prolong the complaints resolution process;
 - Whether the complaint lacks substance or focuses on trivial matters to the extent that it is out of proportion to its significance;
 - Whether the complainant repeatedly does not clearly identify the issues of the complaint despite reasonable efforts to identify them, and
 - Whether the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- The Senior Officer must seek endorsement from a Director to treat a complainant as vexatious or habitual.

- The complainant must be provided with a written response within 10 working days of receipt of the complaint advising that:
 - the EPA is declining to review the complaint (or investigate the complaint any further) together with the reasons for that decision, and
 - the complainant may lodge either an internal review of that decision within 14 days to the Chief Executive, setting out why their complaint has merit and should be investigated (or re-investigated) or an external review directly with the Ombudsman.

Reporting and Evaluation

The Complaints Coordinator will provide a summary report to Executive each year (at the end of June) setting out:

- number of complaints received (internal and formal external)
- short description of the nature of each complaint
- action taken (including where a complainant was treated as vexatious or habitual or where the matter was referred to the People and Capability branch for review), and
- any service improvements made, or proposed, as a result of the complaint received.

The summary report will be published in the EPA's annual report.

Appendix A - Formal Complaints Management Process – Summary

Steps	Summary	Timeframe	Responsibility
Step 1: Receipt and Acknowledgement	<ul style="list-style-type: none"> acknowledge receipt of the complaint through a letter, email or by phone create a file for each complaint through the HUB 	5 working days	Complaints Coordinator
Step 2: Initial Assessment	<ul style="list-style-type: none"> assess the complaint in terms of severity, safety implication, complexity, impact, and the need and possibility of immediate action refer the complaint to an appropriate Senior Officer 		Complaints Coordinator
Step 3: Consideration and Investigation	<ul style="list-style-type: none"> consider how to address the issues raised in the complaint investigate all the relevant circumstances and information surrounding a complaint enable affected persons to put their case forward and consider all relevant information ongoing communication with the complainant and other interested parties 	within 10 working days or up to 21 working days for complex complaints	Senior Officer
Step 4: Resolution and Response	<ul style="list-style-type: none"> provide a written response to the complainant provide a written notification to the complainant within 10 working days if their complaint is considered complex and will require additional time for a response continue to monitor the progress of the complaint until all reasonable internal and external options of recourse are exhausted or the complainant is satisfied close the complaint and ensure appropriate records are kept including steps taken, the outcome and any follow up action required 		Senior Officer
Step 5: Service Improvement	<ul style="list-style-type: none"> any opportunity for improvement identified during the management of the complaint should be notified to the relevant Director or Manager analyse complaint to identify systematic, recurring and single incident problems and trends, and to help eliminate the underlying causes of complaints 		As required
Reporting and Evaluation	<ul style="list-style-type: none"> provide a summary report to Executive each year (at the end of June) publish summary report in the EPA's annual report. 	End of June each year	Complaints Coordinator