



Government of **Western Australia**
Department of **Training**
and **Workforce Development**

COMPLAINTS MANAGEMENT POLICY

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All policy and procedural statements contained within this document are lawful orders for the purposes of section 80(a) of the Public Sector Management Act 1994 (WA) and are therefore to be observed by all Department of Training and Workforce employees.

POLICY STATEMENT

This policy establishes a general complaints management system to manage complaints about services and products provided to clients, stakeholders and the general public by the Department of Training and Workforce Development.

The aims of this policy are to:

- promote effective complaints management within the Department;
- comply with the *Public Sector Commissioner's Circular 2009-27 Complaints Management*, including the establishment of a complaints management system that conforms to the Australian Standard on Complaints Handling (AS ISO 10002);
- support the provision of high quality services to external clients;
- enhance the Department's relationship with its external clients; and
- enable monitoring and evaluation of complaints data to improve service delivery.

SCOPE

This policy covers complaints made by external clients, members of the public and other government agencies about:

- the Department's products or services;
- organisations that the Department funds;
- something the Department has not done which it may reasonably be expected to do; and
- the way a complaint is managed.

Consistent with the *Public Sector Commissioner's Circular 2009-27 Complaints Management*, this policy does not apply to complaint handling processes that constitute part of the Department's core functions. Currently these areas consist of:

- Apprenticeship Office appeal processes
- International Students complaints and appeals
- National Training Complaints Hotline
- Procurement complaints

This policy also does not apply to complaint handling processes covered by other procedures or complaints made by Departmental employees.

PRINCIPLES

- People have the right to make a complaint about services and products provided directly or indirectly by the Department and, if required, to have their concerns investigated and resolved fairly and quickly.
- People making complaints should be able to do so with the assurance that their concerns will be treated seriously.
- Complainants have the right to be informed about the Department's processes and how their concern will be addressed.
- Complainants will be kept informed of the progress of their complaint.
- The complaints process will be accessible, timely and efficient.
- Complainants will be advised about the resolution of their complaint.
- Complaints will be monitored and used, whenever possible, to improve services.

- Appropriate confidentiality will be applied to the complaints handling process to ensure natural justice to the parties but not in a way that impedes the Department managing and resolving the complaint.
- Complaints received may concern areas outside of the Department's portfolio, however the Department will work proactively to ensure the complainant is made aware of the correct avenue for their complaint and support them as appropriate.

BACKGROUND

The *Public Sector Commissioner's Circular 2009-27 Complaints Management* requires agencies to develop a complaints management system that is compliant with AS ISO 10002 and includes a direct link to complaints procedures on the agency's website enabling members of the public to lodge complaints online.

The Department receives complaints through day to day operational business at a Branch level which are managed in accordance with the local complaints handling process. Complaints may also be made through the Department's website complaints page or by telephone or email.

DEFINITIONS AND ACRONYMS

Complaint

A complaint is an expression of dissatisfaction with regard to a product or service of the Department or the complaints handling procedure that is not typical of regular communication or feedback. From the viewpoint of the complainant, the involvement of management staff is required to receive a satisfactory resolution to the concern raised.

Complainant

A person or organisation making a complaint.

Resolution

A complaint is resolved when it is settled or concluded and the parties are notified of the outcome. Resolved does not necessarily mean that the complaint is concluded in favour of any of the parties.

PROCEDURES

All complaints received from an external source through the Department's website will be received by the Office of the Director General who will:

- record the complaint on the complaints register; and
- refer the complaint to the responsible area for resolution.

Complaints may be made:

- in writing, either through the mail, facsimile, email or website form; or
- verbally, either in person or over the telephone.

A person making a verbal complaint will be asked if they want their complaint treated as a formal complaint and will be encouraged to put their complaint in writing.

Complainants unable to communicate effectively in spoken or written English or due to a disability will be managed in accordance with the Department's Language Services Policy and the Disability Access and Inclusion Plan within available resources.

Complaints about individuals will be handled by the relevant directorate or TAFE College. The responsible area will manage the complaint and resolve it. The complaint should be responded to within 2 working days after being received by the responsible area and resolved within 10 working days where feasible.

The Director General must approve the outcome of the complaints (except some relating to TAFE colleges which may be resolved directly by the college) prior to the complainant being notified. The complainant must be kept informed of the progress and resolution of their complaint. It may be useful for the responsible area to discuss potential outcomes with the complainant whilst it is being resolved.

The responsible area, including TAFE colleges, will advise the Office of the Director General when the complaint is resolved to enable the complaints register to be updated.

Complaints made to employees of the Department during day to day interactions with clients, customers and stakeholders at branch level will be dealt with by the relevant branch. The branch will advise the Office of the Director General when the complaint is received so it can be recorded on the complaints register. Once the complaint is resolved, the relevant area will advise the Office of the Director General so the complaints register can be updated.

A complainant may withdraw their complaint at any time however the Department reserves the right to continue to address matters which are raised in the complaint.

Reporting on the number of complaints received, complaint outcomes and timeliness of resolutions will be provided to Corporate Executive quarterly.

Complaints made through third parties

Where complaints about the Department are received via third party bodies, such as the Ombudsman, the Director General will be informed of any matter referred and will approve any response provided by the Department.

Anonymous complaints

Anonymous complaints are discouraged. People intending to make an anonymous complaint will be strongly encouraged to provide contact details so the Department can provide progress reports and details on how the complaint has been resolved. Anonymous complaints will be dealt with to the extent they can be, based on the level of information provided by the complainant. People making anonymous complaints will be encouraged to use the Public Interest Disclosure process where appropriate.

Complaints about TAFE colleges

Complaints about TAFE colleges will be referred to and managed by the appropriate college. Allegations of a serious nature involving an employee will be referred to the appropriate college Managing Director. Allegations of a serious nature involving matters of a corrupt or criminal nature will be referred to the appropriate college Managing Director, and the Director General will also be informed. The referral of the complaint will be recorded in the complaints register. TAFE colleges will report the outcome of the complaint to the Department which is recorded on the complaints register by the Office of the Director General.

Complaints from overseas students

For complaints from overseas vocational training and education students studying in Australia the provisions of the *Education Services for Overseas Students Act 2011* and related State or Territory legislation apply. Complaints will be referred to TAFE International Western Australia for management and resolution as outlined above.

Unresolved complaints

Where complaints are unable to be resolved to the satisfaction of the complainant, the complainant should be advised of other avenues to resolve their complaint, such as the Ombudsman.

Rights of complainants

Complainants have the right to:

- be heard;
- know whether the Department's relevant procedures have been followed;
- be provided with all relevant material to support the complaint, subject to the *Freedom of Information Act 1992*;
- be informed of the complaints handling processes;
- be informed of the Department's decision and the reasons for that decision; and
- know that a genuine, thorough and unbiased examination of the complaint has been undertaken.

Rights of employees

When a complaint from an external source is made about an employee, the employee has the right to:

- obtain sufficient detail about the complaint to enable a proper assessment;
- be given sufficient time to respond to the complaint or provide advice; and
- be informed of the Department's decision and the reasons for that decision.

Responsibilities of executive directors

Executive directors will:

- provide sufficient resources in their directorate to ensure the efficient and effective management of complaints;
- ensure appropriate confidentiality is maintained;
- refer any complaint regarding alleged employee misconduct to the Manager Labour Relations who will refer any complaint alleging illegal action to the appropriate authority; and
- ensure that details of all complaints are provided to the Office of the Director General for recording on the complaints register.

Responsibilities of managers

Managers will:

- ensure relevant employees have appropriate skills to manage complaints;
- ensure that complaints are dealt with in accordance with this policy;
- identify and manage repetitive complaints;
- evaluate data and determine the causes of complaints and whether remedial action is required; and
- develop and implement continuous improvements to services and products that are the cause of complaints within their area of responsibility.

Responsibilities of the Office of the Director General

The Office of the Director General will:

- maintain the Complaints Register for complaints received by the Department;
- receive all complaints lodged through the Department's website;
- provide advice and assistance to managers and employees as required;
- evaluate the data, identify repetitive complaints and recommend continuous improvements to services and products; and
- provide periodic reports on all complaints to the Director General and Corporate Executive.

RELATED POLICIES AND OTHER RELEVANT DOCUMENTS

- Code of Conduct
- Public Sector Code of Ethics
- DTWD Internal Complaints Policy
- DTWD Language Services Policy
- DTWD Disability Access and Inclusion Plan 2011-2016
- Apprenticeship Office Dispute Resolution Guidelines
- RTO Policy No 3 Complaints and Appeals by ETI Students
- National Guideline for Responding to Complaints about Vocational Education and Training Quality
- Public Sector Commissioner's Circular 2009-27 Complaints Management
- Australian Standard on Complaints Handling AS ISO 10002
- Western Australian Government Complaints Information Page
http://www.ombudsman.wa.gov.au/Complaints/Making_complaints.htm
- Ombudsman Western Australia www.ombudsman.wa.gov.au

RELEVANT LEGISLATION

- *Public Sector Management Act 1994*
- *National Vocational Education and Training Regulator Act 2011*
- *Vocational Education and Training Act 1996*
- *Education Services for Overseas Students Act 2011*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*

REVIEW DATE

31 October 2020

CONTACT INFORMATION

Office of the Director General

APPENDIX 1: COMPLAINTS MANAGEMENT PROCESS OVERVIEW

