

# TJ BUILDING CONSULTANTS

ACCESSIBLE ■ SUSTAINABLE ■ LIFESTYLE



Name of agency	TJ Building Consultants
Title and version number	Complaint Handling Policy V1
Effective date	January 2021
Responsible officer	Managing Director
Date of approval	January 2021
Review date	This policy should be reviewed as required but at least every four years.
Relevant legislation	<i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i> <i>Freedom of Information Act 1982 (Vic)</i> <i>Independent Broad-based Anti-corruption Commission Act 2011 (Vic)</i> <i>Privacy and Data Protection Act 2014 (Vic)</i> <i>Public Interest Disclosure Act 2012 (Vic)</i> Building Act 1993 Building Regulations 2018 Code of Conduct for Building Surveyors 2020 AS4269-1995 – Complaints Handling
Related policies	<i>TJBC Occupation Health &amp; Safety Policy</i> <i>TJBC Terms &amp; Conditions</i>

## Introduction

A building surveyor must take reasonable steps to minimise the potential for complaints and have a process in place to address problems or issues of non-compliance brought to their attention as soon as possible.

This policy includes guidelines for the complaint handling process.

## Objectives

*This policy aims to:*

- *put in place an open and transparent complaint handling system*
- *specify the key performance indicators to which we will hold ourselves accountable*
- *establish our timeframes for resolving complaints*
- *clarify the roles and responsibilities of organisation staff*
- *ensure staff handle complaints fairly and objectively*
- *set out how staff record and analyse complaint data to identify where we can improve our services.*

## Guiding principles

This policy is based on seven principles.

### 1. **Commitment**

We are committed to resolving complaints and have a culture that recognises an individual's right to complain. We value complaints and recognise them as being part of our business of serving our communities and improving service delivery.

### 2. **Accessibility**

People with a range of needs can easily complain and staff actively assist them to navigate the complaints process.

### 3. **Transparency**

We make it clear how to complain, where to complain and how the complaint will be handled. The steps taken to respond to a complaint are recorded and will stand up to scrutiny.

### 4. **Objectivity and fairness**

Complaints are dealt with courteously, impartially, within established timeframes and are assessed on merit.

### 5. **Privacy**

Complaint information is handled according to privacy laws and other relevant legislation. We provide clear information about how

we handle personal information. Complaint data is de-identified if reported on more widely.

#### 6. **Accountability**

We are accountable internally and externally for our decision making and complaint handling performance. We provide explanations and reasons for decisions, and ensure that our decisions are subject to appropriate review processes.

#### 7. **Continuous improvement**

Acting on, learning from and using complaint data helps us identify problems and improve services.

## **Scope**

This policy applies to all organisation staff. It also applies to third party contractors carrying out services on the organisation's behalf.

## **Definitions**

**Complaint:** an expression of dissatisfaction with the quality of an action taken, decision made, or service provided by an organisation or its contractor, or a delay or failure in providing a service, taking an action, or making a decision by an organisation or its contractor.

## **Roles and responsibilities of agency staff and contractors**

**Frontline staff** - All staff and their teams who have authority in their role to manage simple complaints. This is typically staff who have direct contact with customers but could be any staff member who initially receives a complaint, regardless of their position or role within the organisation.

**Managers and directors** - Provide training and support to staff so that they understand the complaint handling process and are empowered to manage complaints within the scope of their role. Receive, investigate and manage any referred complaints through to resolution at this stage. Where a complainant requests a review of the decision made, refer to an appropriate Manager or Director for internal investigation. Conduct any allocated internal reviews through to completion at this stage.

**Third party contractors** - Keep the contract manager informed of any trends in complaints and/or major issues regarding complaints in accordance with the contract.

## How to make a complaint

A person can make a complaint in a number of ways.

Mail: *P.O Box 128 Inverloch, Vic 3996*

Telephone: *0408 142 061*

Email: [info@tjbc.com.au](mailto:info@tjbc.com.au)

In person: *Refer to website for office locations*

Internet: [www.tjbc.com.au](http://www.tjbc.com.au)

## Accessibility

Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint.

All complaints must be made in writing and provided with sufficient information to enable a response.

We accept and respond to anonymous complaints, provided we have received enough information to do so at our discretion.

## Complaint handling procedure

### Overview

We take a four-tiered approach to complaint handling, as follows:

- 1. Frontline resolution:** frontline staff receive the complaint, assess it, and resolve it immediately, if possible
- 2. Investigation, if required:** if frontline staff cannot resolve the complaint, they will refer it to an officer for investigation
- 3. Internal review:** if the complainant is aggrieved with the process or outcome of the frontline resolution/investigation, they can request an internal review
- 4. Access to external review:** if the complainant is aggrieved with the process or outcome of then internal review, we inform them of any available external review options.

## **Procedures**

*Frontline Staff will:*

### ***Frontline resolution***

- *We will acknowledge all complaints within 10 business days of receipt.*
- *Frontline staff will receive the complaint.*
- *Frontline staff will clarify the complaint and the outcome the complainant is seeking.*
- *Frontline staff will assess the complaint to determine how it should be dealt with.*
- *If the organisation is not the right organisation to respond to the complaint, frontline staff will advise the complainant of an organisation that may be able to help.*

### ***Investigation***

- *If frontline staff cannot resolve the complaint, it will be assigned to an officer for investigation.*
- *The officer handling the complaint will advise the complainant who the contact person is and how long it will take to respond to the complaint.*
- *Complaint handling staff will aim to resolve all complaints within 28 business days.*
- *If it takes longer than 28 business days to resolve a complaint, the contact person will contact the complainant prior to or at this time and explain why.*
- *Complaints that are not resolved within 28 business days may be escalated if necessary to ensure that a resolution is expedited.*
- *The officer responsible for handling the complaint will write to the complainant to advise them of the outcome. The outcome letter/report will contain reasons for the decision made and the contact information for the responsible officer.*
- *The officer handling the complaint may contact the complainant to discuss the outcome of their complaint prior to sending the outcome letter.*

## **Internal review**

*The complainant may request an internal review of their complaint if they are not satisfied that the complaint has been resolved or was handled correctly.*

*The following principles will apply when allocating a matter for internal review:*

- *the reviewing officer must not have been involved in the original decision, action or investigation, where practicable, the reviewer should be from a different work area; and*
- *the allocated officer may be another Manager, a Director or the Chief Executive Officer. The allocation of the review will be guided by the nature and complexity of the complaint.*

Where an internal review is not completed, or expected to be completed within 10 business days, the complainant should be contacted and advised who is handling the complaint and when they can expect to receive a response.

An outcome letter signed by the senior officer responsible for the internal review will be provided to the complainant at the conclusion of every internal review.

The outcome letter will advise the complainant of any avenues of external review available in relation to the matter, such as the Victorian Ombudsman.

## **Complaints about contractors**

We recognise that we retain a level of responsibility for services carried out by contractors on our behalf.

*Contract managers will ensure that all contractors are made aware of their obligations under this policy and contract managers will review any complaint handling during any regular meetings.*

*Where TJ Building Consultants has made provision for a contractor to handle any complaints about their services, the complainant may be directed to contact the contractor in the first instance.*

If a complainant is not satisfied with the outcome of the complaint, he or she can ask the agency to review the decision.

All outcome letters written by contractors in relation to complaints will include the name and contact details of an agency staff member to whom the complainant may escalate their complaint if they are not satisfied with the outcome the contractor has provided.

## **Complaints about specific matters – alternative procedures**

*There are specific complaint procedures that will apply to certain types of complaints. If the complaint received would be better handled with another process outside this complaint handling policy, this will be explained to the complainant at the start.*

- **Complaints about allegations of corrupt conduct** *Where a complaint involves allegations of corrupt conduct, it will be handled in accordance with the Protected Disclosure Act, 2012.*

## **Remedies**

Where we have found that we have made an error, we will take steps to redress the situation.

Possible remedies include, but are not limited to:

- an explanation of why the error occurred and steps taken to prevent it from happening again.
- a reversal of a decision.
- a correction of our records.
- a change to policy, procedure or practice.
- disciplinary action taken against a staff member.
- providing the means of redress requested by the complainant.
- full or partial refund of monies paid or full or partial credit note.

Where we identify an error, we will consider offering a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this.

## **Privacy**

When gathering information to respond to a complaint, we will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with staff on a need to know basis.

## **Recording complaints**

All complaints are recorded in our building operating system (Permit Pro)

We record the following information for each complaint:

- *the complainant's details*
- *how the complaint was received*
- *a description of the complaint*
- *the complainant's desired outcome (if known)*
- *the agency officer responsible for handling the complaint*
- *any action taken, including contact with the complainant, response times and the outcome*
- *when the complaint was finalised*
- *any recommendations for improvement, and who is responsible for implementing them.*

Any queries regarding the recording of complaints should be directed to the Managing Director.

## **Reporting on performance**

Appropriate performance data will be captured to enable us to review the timeliness and efficacy of our complaint handling as well as identifying trends and patterns in complaints.



## **Unreasonable complainant conduct**

There may be a variety of reasons why a person is difficult to deal with. Whatever the reason, our staff should not necessarily assume that a 'difficult' person does not have a valid complaint. Wherever possible, our staff should apply the same standards of communication to anyone asking a question or expressing a concern calmly.

While the majority of customers have legitimate concerns and genuinely seek resolution, a small proportion of customers demonstrate unreasonable concerns and unreasonable and uncooperative behaviour.

When customers behave unreasonably in their dealings with staff, their conduct can have a negative impact on our service delivery to other customers. Because of this, TJ Building Consultants will take immediate action to manage customer conduct that negatively and unreasonably affects the organisation, and support staff to do the same.

Unreasonable Complainant Conduct (UCC) is any behaviour by a complainant which, because of its nature or frequency, raises substantial health, safety, resource or equity issues for TJ Building Consultants, staff, other service users and customers or the customer himself/herself.

UCC can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

### **Unreasonable persistence**

Unreasonable persistence is continued, incessant and unrelenting conduct by a complainant that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

### **Unreasonable demands**

Unreasonable demands are any demands (express or implied) that are made by a complainant that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources.

### **Unreasonable lack of cooperation**

Unreasonable lack of cooperation is an unwillingness and/or inability by a complainant to cooperate with our organisation, staff, or complaints system and processes that results in a disproportionate and unreasonable use of our services, time and/or resources.

### **Unreasonable arguments**

Unreasonable arguments include any arguments that are not based in reason or logic, that are incomprehensible, false or inflammatory, trivial or irrational and that disproportionately and unreasonably impact upon our organisation, staff, services, time, and/or resources.

### **Unreasonable behaviours**

Unreasonable behaviour is conduct that is unreasonable in all circumstances - regardless of how stressed, angry or frustrated that a complainant is - because it unreasonably compromises the health, safety and security of our staff, other service users or the complainant himself/herself.

All staff should note that TJ Building Consultants has a zero tolerance policy towards any harm, abuse or threats directed towards our staff. Any conduct of this kind will be dealt with in accordance with our duty of care and occupational health and safety responsibilities.

## **Strategies for managing unreasonable customers**

TJ Building Consultants may decide to deal with unreasonable customer conduct in one or more of the following ways:

### **Who they contact**

Where a customer demonstrates unreasonable persistence or demands, it may be appropriate to restrict their access to a single staff member (a sole contact point).

This staff member will exclusively case manage their complaint(s) and interactions with TJ Building Consultants. This will ensure they are dealt

with consistently and will minimise the chances for misunderstandings, contradictions and manipulation.

### **What they can raise with Council**

Where customers continue to engage in unreasonable conduct about issues that have already been comprehensively considered and/or reviewed (at least once) by TJ Building Consultants, restrictions may be applied to the issues/subject matter the customer can raise with TJ Building Consultants.

### **When, where and how they can have contact**

A customer's telephone, written or face-to-face contact with the TJ Building Consultants may place an unreasonable demand on time or resources because it affects the health, safety and security of staff and it may also be behaviour that is persistently rude, threatening, abusive or aggressive. As such, TJ Building Consultants may limit when, where and/or how the customer can interact with TJ Building Consultants.