

Effective Complaints Management

Communicating the Decision

The need to improve communication

In the experience of the Ombudsman's Office, many complaints against agencies arise from poor communication between agency staff and their clients. Unfortunately, this problem is often compounded if the agency investigates the complaint because it repeats the same mistakes when communicating the findings to the complainant.

When advising a complainant of the outcome of an investigation into their complaint, whether in writing or verbally, use the following tips to avoid these pitfalls.

Do...

- provide a full explanation of the reasons for your conclusions so that the complainant can understand how you reached those conclusions
- depersonalise explanations by avoiding focusing or commenting on the complainant's own behaviour, which may have contributed to the problem
- make it clear that the complainant is a valued customer
- acknowledge the validity of the complainant's viewpoint and make it clear that their views are valued – this is achieved by accurately reporting the essence of what you understand the complaint to be about
- express your disagreement with the complainant's perception in neutral language, such as, "Your conclusion is not supported by the facts...", or "Although your perception has good grounds, a further examination of all the issues reveals that..."
- acknowledge the complainant's feelings by an expression such as, "I understand you may be disappointed by this result"
- advise the complainant of any external review mechanism available (this will usually include the Ombudsman).

Do not...

- use words and phrases that "blame" the complainant or are likely to anger or annoy the complainant, such as, "Your own actions were the cause of the problem you have experienced", or "Your complaint is unjustified / trivial / vexatious"
- simply advise the complainant of the outcome of your investigation without giving any explanation
- ignore the complainant's argument or point of view when explaining how you reached your conclusions

Sample apology letter

Dear Mr Black

It is with sincere disappointment that we received information about an incident that occurred at our White side branch office on 30 July 2006.

We have been informed that you were given incorrect advice about your position on the public housing waiting list, which resulted in you unnecessarily renewing your private residential tenancy contract for a further six months, which you cannot now quit.

The staff members on duty on the counter that day have been questioned. A staff member recalled serving you and confirmed your account of events. She was not aware that the information she gave you was incorrect and is sincerely sorry for having made the mistake.

The staff member concerned is new to our agency, however her ignorance of the relevant policy is unacceptable. As branch manager, I accept full responsibility for this deficiency in staff training and have taken steps to ensure that the staff member undertakes the required training module before she is rostered on the reception counter again.

In addition to this action, you can be assured that steps have been put in place to ensure that reception counter staff are prompted to refer to the Procedure Manual before providing advice to clients regarding their position on the housing waiting list.

As our role is to provide an efficient and effective service to our clients, we apologise for the inconvenience and financial loss this incident has had on you and your family. I confirm the verbal advice given to you that if you vacate your present accommodation before expiry of the lease and you incur a liability to your landlord, we will pay the liability.

I would like to thank you for bringing this matter to our attention, to enable us to improve our processes. Please do not hesitate to contact me if you have any queries or if I can be of any assistance to you.

Yours sincerely

Linda Brown
Office Manager
White side Branch
Department of Housing

EFFECTIVE COMPLAINTS MANAGEMENT –COMMUNICATING THE DECISION

Sample letter communicating adverse findings

Dear Ms Clements

I write in response to your letter to the Shire President regarding the Local Rate levied on your property at Lot 1559 Sidedale Road for the purposes of sealing Weddell Road.

I understand from your letter and from our recent conversation at the Shire office that your primary objections to paying the levy were that:

- the length of your property's boundary which is adjacent to Weddell Road is very short
- you do not have an access route to Weddell Road as your driveway fronts onto Sidedale Road at the other end of your property.

Your letter seeking a waiver of the Local Rate was presented at the last Council meeting. I regret to advise that Council did not agree to your request, for the following reasons.

The Council policy to charge a Local Rate to landowners who have a common boundary to the road being sealed is not dependent on the length of the boundary adjacent to the road. This has been a long-standing policy which has been consistently applied to all landowners in the Shire. The power to use its discretion to apply a flat rate levy derives from the *Local Government Act*.

A Local Rate levy to defray the costs of sealing a road is applied to all ratepayers whose properties abut the road to be sealed. Under section 69 of the *Local Government Act*, Councils may levy a Local Rate to defray the expense of carrying out certain functions which are of special benefit to those ratepayers.

Council acknowledged your argument that you do not now personally benefit from the sealing of Weddell Road and in this respect your objection to the levy is understandable.

However, Council believes that sealing of Shire roads has a number of direct and indirect benefits to landowners adjacent to the road.

These benefits include:

- improved flowering of mango orchards due to the reduction of dust in the atmosphere
- improved land values of properties due to sealing of adjoining roads
- improved health of people subject to respiratory problems, again due to the reduction of dust in the atmosphere
- access to a road with improved accessibility and amenity.

In deciding whether to levy a Local Rate in order to carry out improvements in the Shire, Council carefully considers whether there will be general benefits to the ratepayers concerned. As part of this process it consults with local ratepayers, usually by conducting a poll of local ratepayers, as occurred in this instance. A majority of ratepayers on Weddell Road voted to seal the road and pay the levy accordingly.

Unfortunately it is not practicable to determine the extent to which each individual ratepayer benefits. A benefit may not be realised for many years; for example, an increase in the value of the property may only be realised on sale. As you can appreciate, charging each ratepayer a different amount could also give rise to disputes. Council considers that its policy of charging a flat rate to all ratepayers whose properties are adjacent to the road being sealed is a reasonable compromise in the circumstances. The relevant legislation recognises that.

While it is recognised that you may remain dissatisfied with this decision, I trust you can understand why Council was unable to accede to your request. I am happy to discuss this matter further if you believe that any significant issues have been overlooked.

If you wish to take this matter further, you have the option to lodge a complaint with the Northern Territory Ombudsman.

I would like to take this opportunity to thank you for bringing this matter to the attention of the Pleasant Shire Council, as it provided Council with an opportunity to review its policy.

Yours sincerely

Peter Tipworth
Shire Manager

What not to say!

Dear Ms Clements

I refer to your complaint about the Local Rate levied on your property at Lot 1559 Sidedale Road.

Notwithstanding your unacceptably aggressive behaviour when you attended the Shire office to complain about this matter, your complaint was put to Council at its last meeting for consideration.

I advise that Council's original decision to levy this rate stands. This decision was made pursuant to section 69 of the *Local Government Act*. Accordingly, you are required to pay the amount of \$2,000 forthwith, to avoid legal action being taken by Council.

Yours sincerely

Peter Tipworth
Shire Manager

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