

LORD HOWE ISLAND BOARD POLICY

TITLE	Complaints and Allegations Policy		
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1 Introduction

Like all other public authorities, the Lord Howe Island Board (the Board) from time to time receives complaints and allegations about the actions of members of staff. The Board is committed to ensuring that these complaints and allegations are promptly and properly dealt with.

Accordingly, the Board has established systems for assessing and responding to complaints and allegations. These systems are designed to provide for an objective assessment of the issues raised, be fair to all the parties involved, and be appropriate for different situations.

The Board's approach to managing complaints and allegations stresses that is that good complaint handling is not only good for client and customer service but is also an important source of management information.

2 Policy

People who make complaints or allegations are entitled to a review of the issues they raise and a considered response.

Each complaint or allegation will be assessed or investigated and resolved as quickly and as reasonably possible.

When errors or systemic problems are identified, the Board will work to rectify them. When allegations of improper or corrupt behaviour are found to be true, appropriate action will be taken in accordance with the established Premier's Department guidelines.

3 Distinguishing Complaints and Allegations

The Board makes a distinction between complaints and allegations and has established different processes for dealing with each category. The Board recognises, however, that in practice the distinction may not always be clear-cut and has therefore taken steps to ensure managers have advice and assistance to help them in making this distinction.

3.1 Complaints

The Board defines complaints as expressions of dissatisfaction with its service delivery. Any complaints associated with administrative matters, such as decisions, procedures and fees and charges, where the complainant requests or demands that the Board reconsider a decision or take some form of remedial action, are dealt with under the *Lord Howe Island Board Decisions Appeal Policy*. Where people express dissatisfaction with the Board but do not expect further action to be taken, their views are noted but are not treated as 'complaints' under the agency's complaints handling system.

Complaints may concern fairly straightforward issues. They include claims of incorrect advice and expressions of dissatisfaction with delays or with the adequacy of the Board's actions.

They do not include complaints about Government policy nor claims that staff have acted improperly, abused their powers, or acted corruptly. These latter claims fall into the 'allegations' category.

Some complaints are capable of being resolved fairly quickly without the need for in-depth consideration and assessment or detailed reporting. Others will require more detailed work to be done. In either case the Board takes seriously the process for looking into and resolving them.

Complaints can be about:

- a) Decisions
 - The merits of a decision – whether it is correct or not (but not questioning Government policy);
 - The exercise of discretion – whether unfair, unreasonable, inequitable or inappropriate matters were taken into account;
 - The appropriateness of the Board's response in dealing with an issue – whether it was inadequate or incorrect.
- b) Failure to act
 - Unreasonable delays in processing licences and other approval applications;
 - Failure to provide information when requested to do so.
- c) Service delivery systems
 - The administrative systems or compliance/enforcement procedures are too onerous, officious or otherwise inappropriate.
- d) Communication problems

- Correspondence was officious, ambiguous, bureaucratic, incomprehensible or otherwise unhelpful;
 - Failure or unreasonable delays in responding to correspondence, emails, phone messages or other approaches.
- e) Incorrect or misleading advice
- Incorrect, misleading or incomplete information was provided in response to a request;
 - Incorrect, misleading or incomplete information was contained in the Board's publications.
- f) Behaviour
- An officer was abrupt, rude, unsympathetic or aggressive, in person, on the phone, or in an email or other written correspondence to a member of the public. (However, if the alleged behaviour was significantly inappropriate, the matter may be investigated as an allegation).

3.2 Allegations

Allegations concern probity issues or other matters that have the potential to seriously compromise the Board's public reputation. In general, allegations are more serious than complaints: they allege some form of misconduct, including allegations of corrupt conduct. Sections 8 and 9 of the Independent Commission Against Corruption Act 1988 provide a detailed definition of what constitutes 'corrupt conduct'.

Examples of allegations include:

- Abuse of power, e.g. an officer has shown bias, behaved improperly or misused their authority when dealing with an external issue or with external client;
- Theft or other misuse of the Board's resources;
- Corrupt behaviour, e.g. taking or offering bribes, dishonestly using influence, blackmail, fraud;
- Decisions influenced by improper considerations;
- Undeclared conflicts of interests;
- Serious and substantial waste, resulting in significant loss or waste of public funds or resources;
- Public behaviour detrimental to the Board's reputation, e.g. public drunkenness while in uniform or reckless driving in a Board vehicle.

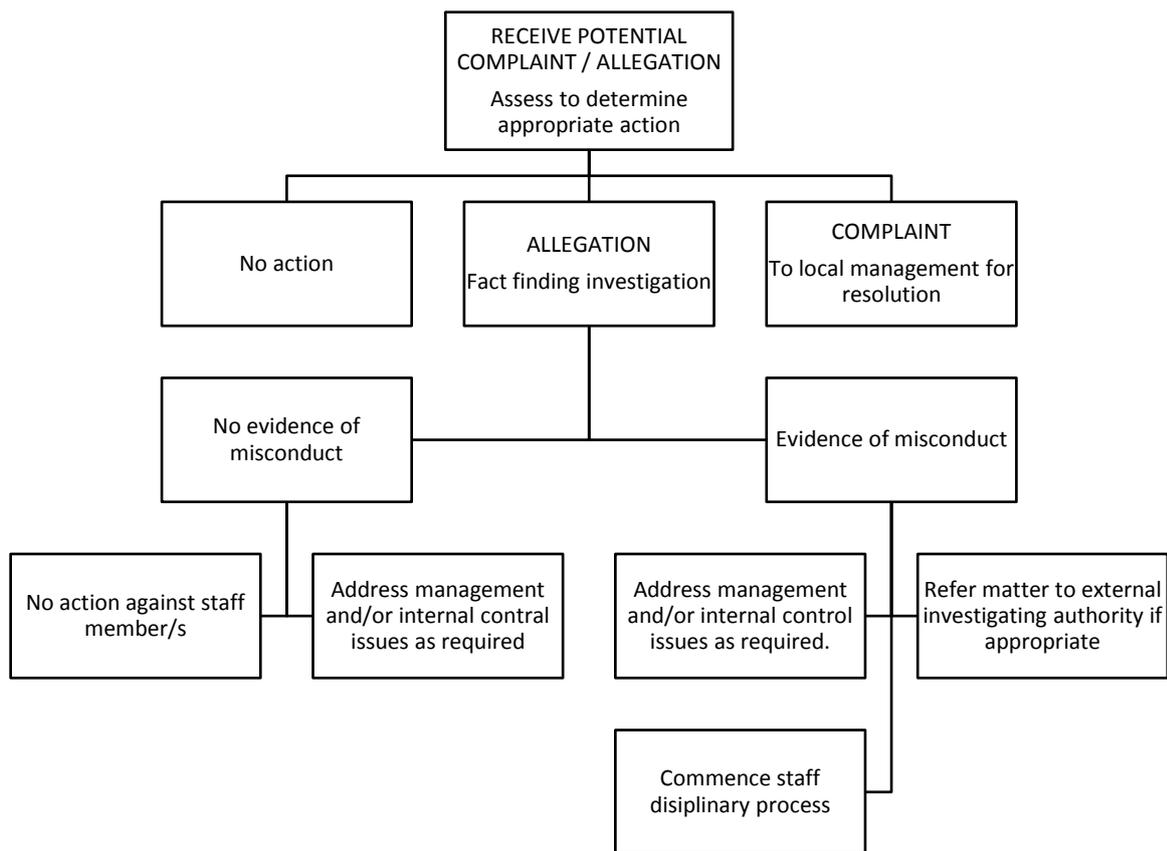
3.3 Exclusions

Complaints and allegations do not include:

- A request for services or information;
- Dissatisfaction and dispute about decisions for which there is an established or formal right of review or reconsideration;
- Dissatisfaction and dispute about the substance of Government policy or about the Board's policies and legislative powers.

4 Managing Complaints and Allegations

The objective of complaint handling is to resolve issues and problems that are raised by the public, clients or stakeholders. By contrast, when responding to allegations the Board is seeking to determine if any wrongdoing has occurred. If an impartial fact finding investigation reveals that it has not, the reputation of the agency and its staff is restored. If wrongdoing has occurred, the Board's policy is to take appropriate action against those responsible, to maintain and protect our reputation as an ethical organisation.



4.1 Managing Complaints

The purpose of complaints handling is to resolve the matter, rather than to apportion blame. The Board's approach is to establish the facts and put in place any measures necessary to resolve the problem, including dealing with any underlying causes of complaints.

This approach allows complaints to be handled speedily without the need for formal investigations. However, if in the course of handling a complaint, information is obtained that suggests that a Board staff member may have acted improperly or corruptly, the matter will be formally investigated.

4.2 Managing Allegations

As a general principle, the Board expects all allegations to be investigated, although there may be some circumstances where investigation is not appropriate or needs to be delayed to enable some other overlapping process to be finalised.

The Board does receive allegations which are based on misunderstandings, or made for improper or tactical purposes, such as to obtain a favourable decision or treatment from the Board or to delay or prevent regulatory action or prosecution. In particular, officers in regulatory roles can often be subject to complaints or allegations. Accordingly, the Board's policy is to ensure that matters are dealt with so as to ensure protection and natural justice for staff who are wrongly accused of improper or corrupt conduct.

However, if an investigation concludes that staff have acted contrary to the principles of the Code of Conduct and disciplinary action is recommended, then such recommendations will be implemented.

5 Anonymous Allegations

Anonymous complaints and allegations are more difficult to investigate, because the complainant cannot be contacted to provide more information about the allegations made. In addition, any consideration of the issues raised or investigation conclusions cannot be reported back to the complainant.

However, the Board does treat anonymous complaints and allegations seriously. The fact that they are anonymous does not make complaints or allegations untrue. The appropriate response to anonymous complaints and allegations has to be determined based on the nature and significance of the information provided. Where the matter raised is serious and sufficient information has been provided to make it feasible, the Board will undertake an investigation.

6 Vexatious Complainants

Occasionally complainants refuse to accept the Board's assessments and conclusions regarding their complaints or allegations and may pursue a strategy of frequently lodging complaints about the same issues. This behaviour may constitute harassment and has the potential to inappropriately distract the Board from its service delivery priorities. People who take this course of action may be considered to be vexatious complainants.

The decision to treat a complainant as 'vexatious' is not made lightly. It is taken only if the Board is confident that all the issues raised in the complaint or allegation have been properly addressed and full assessments and conclusions reported to the complainant. In such cases the Board may decide to no longer respond to issues that have already been dealt with. Where this is the case, a letter signed by the Chairperson will be sent to the complainant advising that the Board will no longer respond to matters already considered and responded to.

However, it is important to note that if a vexatious complainant raises new issues which have not previously been dealt with, then the Board will consider and respond to those new issues.

7 Making a Complaint or Allegation to the Board

7.1 How to Make a Complaint or Allegation

The Board will deal with any complaint or allegation in accord with our established procedures, regardless of how that complaint or allegation is received. However, we can most effectively deal with these matters if complaints or allegations are made:

- In writing where possible, as this helps ensure that everyone has the same understanding of the problem and that no aspect of the complaint is overlooked. We understand, however, that not everyone is able or comfortable to make their complaint in writing. Verbal complaints and allegations will still be taken seriously and properly dealt with,
- Directly to the Board (at least in the first instance) so that we know about and can deal with the problem quickly,
- By providing a name and contact details so that if we need to get further information to help resolve the problem, we can do so.

Please write to or telephone the Chief Executive Officer (CEO).

Lord Howe Island Board
PO Box 5

If the complaint or allegation relates to the CEO, you should refer the matter, marked as confidential, to the Chairperson, Lord Howe Island Board.

7.2 What to Expect from the Lord Howe Island Board

The Board will deal with any complaint or allegation as quickly as possible. Complaints will be managed by the supervisor or manager of the area about which the complaint has been made, with oversight by a more senior manager. Investigation of allegations will be managed by a senior manager who is not closely involved with the area/s to which the allegations apply, and where appropriate undertaken by an external investigator.

In the case of a complaint, the Board will try to resolve the matter within 21 days of receiving it. If this is not possible, the Board will contact you to advise of the reason for the delay and when we expect to be able to report back to you. Once a complaint has been dealt with, the Board will contact you to let you know what we have done, or are doing in relation to your complaint.

Investigation of an allegation may take longer, particularly if the matter is complex. The Board will acknowledge receipt of an allegation, and if possible advise of the anticipated time until the matter will be resolved. Once the investigation is complete, and the Board has decided how it will respond to the investigation findings and recommendations, you will be advised of the outcome.

In either case we may contact you for further information or to clarify some points to help us resolve the issue.

7.3 What to do if you are Unhappy with the Lord Howe Island Board's Response

Members of the public may complain about the performance or behaviour of the Board or of individual Board officers to the NSW Ombudsman or the Independent Commission Against Corruption (ICAC).

The Ombudsman or ICAC may determine that the complaint or allegation is of such importance or sensitivity as to warrant their independent investigation and public report, and they may conduct those investigations themselves. In most cases, however, complaints are forwarded to the Board for review and report back.

8 Approval

Penny Holloway

CHIEF EXECUTIVE OFFICER

8/09/2016

Date