

COMPLAINTS MANAGEMENT POLICY

NSW Planning Assessment Commission

September 2017



Planning
Assessment
Commission

The Planning Assessment Commission

The NSW Planning Assessment Commission was established in November 2008 as a statutory body to exercise independent decision-making functions in relation to major development and land use planning in NSW.

The key functions of the Commission include:

- determining applications for major developments;
- conducting public hearings in relation to planning and development matters; and
- providing independent expert advice on planning and development matters.

The Commission is supported by staff of the Commission Secretariat.

Policy overview

This policy aims to ensure that the Commission manages complaints fairly, efficiently and transparently.

The objectives of this policy are to:

- provide guidance to complainants on how to make a complaint, and their obligations in doing so;
- encourage timely and efficient responses that recognise the legitimate expectations of the complainant;
- enhance public confidence in the Commission's administrative processes by creating an environment that encourages transparency and responsiveness;
- outline processes for managing complaints in an accessible, fair and equitable manner and for dealing with unreasonable conduct by complainants;
- support staff members in responding to complaints; and
- provide a mechanism using information received through complaints to improve the Commission's operations.

Policy principles

Complaints are a valued and legitimate part of the relationship between the Commission and the public. They can also provide opportunities to identify improvements that may be made to the Commission's operations.

The complaints management process is to be open, friendly, flexible and accessible to everyone. Information on how and where complaints can be made is being made readily available.

Complaints are to be addressed promptly and in a sensitive, objective, consistent, professional, and unbiased manner.

Where appropriate, complainants are to be involved in the resolution process. Issues identified during complaint management are to be considered in relation to potential improvements to the Commission's services.

What is a complaint?

Complaints are expressions of dissatisfaction made to or about the Commission and may relate to:

- the quality or carrying out of its operations;
- the conduct of Commission members and staff of the Commission Secretariat;
- suspected breaches of the Commission's Code of Conduct or operational procedures; or
- the handling of a complaint.

Complaints may be made in accordance with this policy or made directly to the NSW Ombudsman.

Allegations of corrupt conduct should be made directly to the Independent Commission Against Corruption. Allegations of a serious waste of public money should be made to the NSW Auditor General.

It is not necessary to first lodge a complaint with the Commission if you wish to lodge a complaint with an external body.

What is not a complaint under this policy?

This policy does not extend to dissatisfaction with:

- determinations, recommendations or advice made or given by the Commission;
- government policy and legislated powers or procedures; or
- decisions of government.

Making and managing complaints

Obligations of complainants

To assist the Commission to properly manage complaints, complainants are asked to:

- refrain from making complaints that are frivolous, vexatious, in bad faith or concern a trivial matter;
- provide adequate and accurate details in the complaint;
- allow sufficient time for the person managing the complaint to address it;
- follow the procedural steps in this policy in relation to making a complaint; and
- co-operate with the person managing the complaint.

In return, complainants are to be treated with respect, courtesy and sensitivity at all times.

How to make a complaint

Step 1:

You may phone to initially outline your complaint. You are requested to provide your name and contact details and set out the nature of your complaint and any prior action taken.

Some matters might be able to be clarified or resolved over the phone with the Secretariat staff.

If your complaint is of a more serious or complex nature you will be required to email or write to the Commission Secretariat (using the contact details at the end of this policy) to formalise details of the complaint and provide any supporting information before the Commission takes any further action.

The Commission may accept an anonymous complaint and will follow the procedure in this policy in relation to such complaints, but only where sufficient information is provided to do so.

Upon receipt of your formal complaint, the Commission will:

- promptly acknowledge receipt (if your complaint is in writing);
- keep your personal details in accordance with the Commission's obligations in relation to privacy;
- ensure the nature of your complaint is understood and seek clarification from you in relation to any aspect of the complaint if necessary; and
- inform you of the next steps, the name of the staff member who will be dealing with your complaint and their contact details.

Step 2:

The staff member responsible for managing the complaint will then:

- determine whether the complaint can be dealt with under this policy and, if not, will endeavour to provide relevant information and potential alternative options;
- consider the seriousness, complexity, or urgency of the complaint and whether it raises any health, safety or environmental concerns that require immediate action;
- consider the impact of the issue on the complainant, the risks involved if resolution of the complaint is delayed and whether other organisations should be consulted in relation to the complaint;
- gather information relevant to resolving the complaint;
- refer the complaint to the Director of the Secretariat or Commission Chairperson, depending on the nature of the complaint; and
- keep the complainant informed of the progress of their complaint, including anticipated timeframes.

When considering a complaint made against an individual, the Commission will:

- inform that person of the complaint made against them;
- give the person subject of the complaint a right to be heard;
- take steps to ensure any person considering the complaint does not have a personal interest in the outcome;
- act only on the basis of rational evidence; and
- inform the person or people complained about the nature of the complaint and the proposed resolution of the complaint.

Step 3:

Following consideration of the complaint and any investigation into the issues raised, the complainant will be contacted and advised of:

- the outcome of the Commission's consideration of the complaint and any action taken;
- the reasons for any decisions made in seeking to resolve the complaint;
- the Commission's proposed remedies or resolutions; and
- potential options for review.

Resolution of a complaint may include:

- an apology;
- a review of the matter generally or of a particular decision;

- the provision of further information to the complainant;
- consideration of a change to policy or procedure to improve services;
- no further action if appropriate in the circumstances; or
- referral to either a relevant agency or integrity body for appropriate action.

If adverse findings are made about an individual in the course of investigating a complaint, obligations in respect of privacy under the *Privacy and Personal Information Protection Act 1998* and any applicable exemptions in or made pursuant to that Act will be considered before such findings are shared with the complainant.

Dissatisfaction with outcome

If you are dissatisfied with the outcome of the Commission's management of your complaint, you may request your complaint be referred to the Director of the Secretariat or the Commission Chairperson. Alternatively, you may refer your complaint directly to the NSW Ombudsman.

Recording complaints

All complaints are to be recorded in the Commission's Complaints Register setting out the following information:

- date of the complaint and how it was made;
- details of the complaint, including the issues raised;
- any remedy requested by the complainant;
- the services, practices, or products identified in the complaint;
- the name and role of the staff member/s responsible for managing the complaint;
- the action taken in response to the complaint and the response time;
- the outcome advised to the complainant; and
- any outstanding issues to be followed up.

In recording complaints, the Commission will comply with its obligations under the *State Records Act 1998* and the *Privacy and Personal Information Protection Act 1998*. Personal information will only be disclosed or used as permitted under the *Privacy and Personal Information Protection Act 1998*, the Commission's Privacy Statement and any other confidentiality obligations.

Reporting on complaints

The Commission will report on complaints received, detailing the number and scope of the complaints, key issues and any policy or operational response taken in the Commission's annual report.

Review of this policy

The Commission will periodically review the performance of the complaints management process in this policy and implement any improvements it considers necessary to enhance and optimise the process.

Unreasonable conduct

Unreasonable conduct by complainants can significantly affect the progress and efficiency of the Commission's functions and undermine its ability to respond appropriately. The Commission is committed to proactively and decisively managing unreasonable conduct and supporting staff who may be exposed to it.

Conduct is deemed to be unreasonable where its nature or frequency raises substantial health, safety, resource, or equity issues for the Commission, Secretariat staff, other service users and customers, or the complainant themselves. Unreasonable conduct can include conduct that:

- is harmful, humiliating, abusive or threatening, discriminatory or comprises bullying; or
- is excessively persistent, demanding or unco-operative and results in a disproportionate and unreasonable impact on the services, time, or resources of the Commission or Secretariat.

Secretariat staff are encouraged to notify their immediate supervisor of any conduct they consider to be unreasonable or is otherwise causing them concern or distress.

General enquiries and suggestions

The procedures in this policy do not apply in relation to general enquiries, feedback or suggestions. However, the Commission welcomes:

- constructive comments and suggestions for improvement;
- requests for information on the Commission's functions or procedures; and
- general enquiries.

For enquiries please contact the Commission Secretariat:

Postal/street address: Level 3, 201 Elizabeth Street Sydney NSW 2000

Phone: 02 9383 2100, Fax: 02 9383 2133

Email: pac@pac.nsw.gov.au