



ACT
Government

**PLANNING
DELIVERY
DIVISION**
COMPLAINTS POLICY

DECEMBER 2020

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POLICY STATEMENT

The Planning Delivery Division (the Division) within the Environment, Planning and Sustainable Development Directorate (EPSDD) performs statutory decision-making functions on behalf of the planning and land authority and other planning and land administration functions.

The Planning Delivery Division (the Division) is committed to creating and maintaining a culture of openness to feedback from clients, stakeholders, the community and staff by providing transparent and accessible feedback and complaints processes.

Feedback, including complaints, provides EPSDD with valuable information about its business operations and service delivery. Good administration involves continuous improvement through regular reviews incorporating positive and negative feedback.

PURPOSE

This policy aims to ensure that the Division has an open and transparent approach to how it deals with complaints or feedback.

By following the processes outlined in this policy, the Division will use complaints and feedback as an opportunity to learn and improve processes and engagement with stakeholders and the community.

This policy forms part of the Integrity Package for the Division and complements the Division's Integrity Plan 2020-22. The purpose of these documents is to provide a framework to build the capacity of staff and to promote public trust and confidence in decision-making and responses that are fit-for purpose.

SCOPE

The policy applies to all complaints made to the Division about the conduct, processes or actions of the Division and its staff. This includes the Division's administration of statutory processes, as well as non-statutory land administration functions.

The policy does not apply to complaints about statutory planning decisions. The [*Planning and Development Act 2007*](#) provides processes for making comments on planning applications and for review of decisions by the ACT Civil and Administrative Tribunal (ACAT). Not all planning decisions are reviewable. More information on review of ACT Government decisions by the ACAT is available at <https://www.acat.act.gov.au/case-types/review-of-act-government-decisions>.

This policy does not apply to complaints alleging actions or conduct that may demonstrate a public interest disclosure (serious matters of wrongdoing within Government), which must be assessed and investigated in accordance with the [*Public Interest Disclosure Act 2012*](#) (PID Act) and the Public Interest Disclosure Guidelines 2019. More information on EPSDD's processes for making a public interest disclosure is available at <https://www.planning.act.gov.au/about-us/public-interest-disclosures>.

This policy does not apply to compliance with planning decisions or building regulations. Access Canberra is the ACT Government agency responsible for assessing and investigating complaints about breaches of the:

- [Planning and Development Act 2007](#)
- [Construction Occupations \(Licensing\) Act 2004](#)
- associated operational acts including the [Building Act 2004](#).

More information on how to make a complaint about a breach of legislation is available at <https://www.planning.act.gov.au/build-buy-renovate/disputes-and-complaints/making-a-complaint>.

DEFINITIONS

Complaint – an expression of dissatisfaction with the action, quality or delivery of the business of the Division or the conduct of an employee. Complaints may be about the process of decision making, rather than the decision itself.

Feedback – information received by the Division about the Division’s conduct, processes or actions which allows the Division to evaluate the effectiveness of the conduct, processes or actions. This includes complaints.

POLICY REQUIREMENTS

This policy is based on three guiding principles:

1. **Commitment to accountability and continuous improvement**

The Division recognises that receiving and responding to feedback and complaints is an important accountability process and provides an opportunity to learn and improve processes so that they are effective and fit-for-purpose.

The Division recognises an individual's right to complain about our conduct, processes and actions and that complaints handling is an important part of our approach to improving service delivery.

2. **Accessible and transparent**

The Division is committed to making its processes as accessible as possible and recognises that people have a range of needs. The Division recognises processes for providing complaints and feedback should be easily understood, accessible and provide options. Staff should be available to actively assist people to navigate the complaints process. All complaints will be dealt with in a transparent manner and the Division will make it clear how people can complain, where to complain and how the complaint will be handled.

3. **Objective and fair**

The Division is committed to reviewing complaints in an objective manner and providing proper scrutiny of our conduct, processes and actions. We will approach complaints in an impartial manner and assess complaints on their merit. We will treat people fairly in the assessment of their complaints. We will provide explanations, reasons and details for our decisions and engage in external in review processes

HOW TO LODGE A COMPLAINT

Feedback/Potential Complaint

A member of the public, a stakeholder, or staff member, who wishes to provide feedback, or is dissatisfied with any aspect of the Division's work, should initially raise their concerns as a Potential Complaint with the relevant officer responsible for the matter.

Formal Complaint

If the issue is not resolved satisfactorily, or the complainant chooses to, a Formal Complaint can be made, preferably in writing. A Formal Complaint can be lodged in several ways:

Mail: Integrity Manager
Planning Delivery Division, EPSDD
GPO Box 158
Canberra ACT 2601

Email: PlanningComplaints@act.gov.au

Phone: (02) 6205 2888

Complaints should include an adequate description of the issues that are the subject of the complaint and an indication of the desired outcome.

Accessibility

The ACT Government is committed to making its information, services, events and venues as accessible as possible.

If you have difficulty reading a standard printed document and would like to receive this publication in an alternative format, such as large print, please phone Access Canberra on 13 22 81 or email the Environment, Planning and Sustainable Development Directorate at EPSDDComms@act.gov.au

If English is not your first language and you require a translating and interpreting service, please phone 13 14 50.

If you are deaf, or have a speech or hearing impairment, and need the teletypewriter service, please phone 13 36 77 and ask for Access Canberra on 13 22 81.

For speak and listen users, please phone 1300 555 727 and ask for Canberra Connect on 13 22 81.

For more information on these services visit <http://www.relayservice.com.au>

COMPLAINTS HANDLING PROCESS

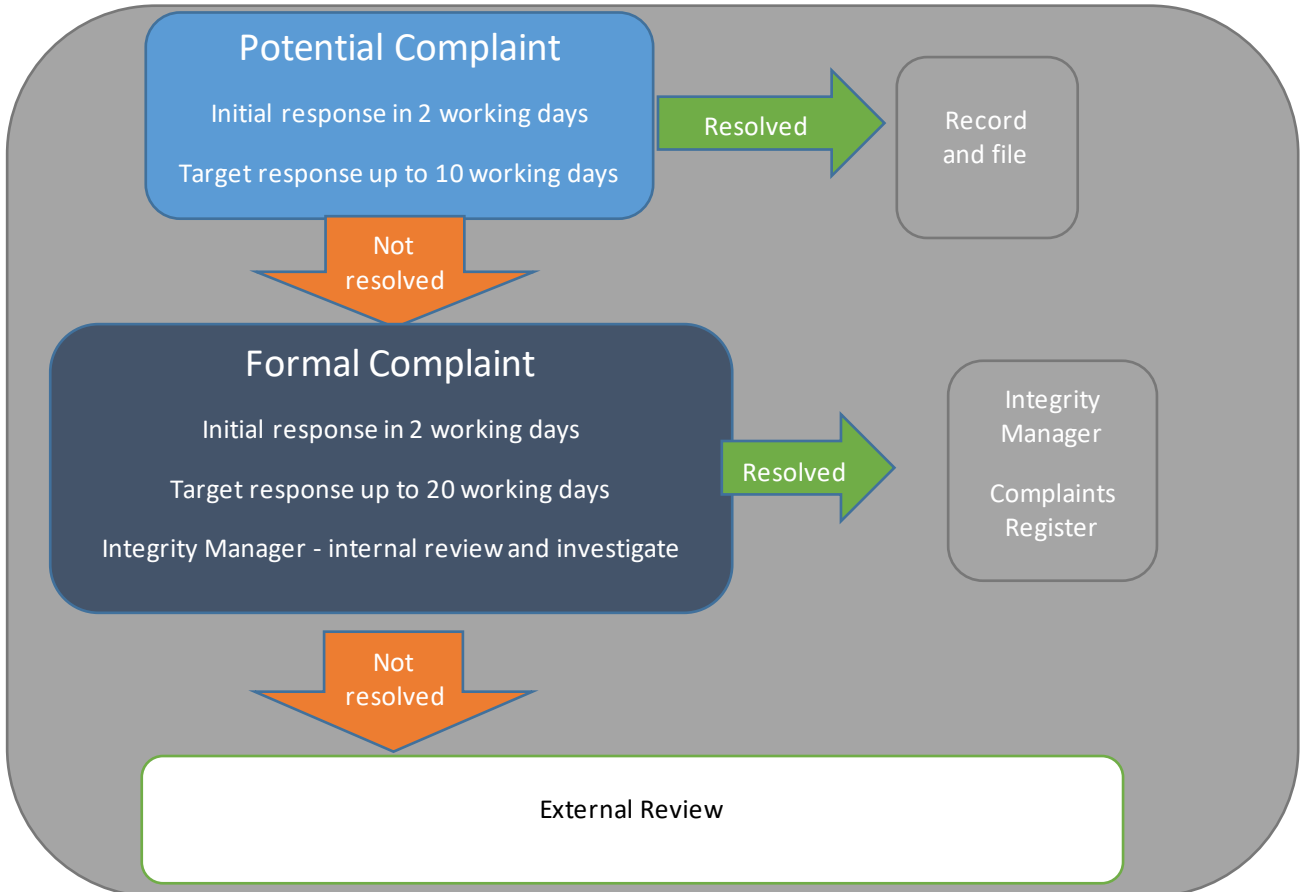
The Division takes a tiered approach to complaint handling, as detailed below:

1. Potential Complaint (and feedback) – review and response by the officer and their supervisor directly concerned with the matter (initial response within 2 working days, target response up to 10 working days)
2. Formal Complaint – internal review and investigation by Integrity Manager with Executive response (initial response within 2 working days, target response up to 20 working days)
3. External Review – complainants are informed of any relevant external review options. The Division will participate in external review processes in a timely manner.

Note: if further information is required from the complainant or other parties, this may impact the Division’s ability to meet these timeframes.

This process is described below. The Integrity Manager provides support and guidance in implementing this policy consistent with the Integrity Plan. A confidential Complaints Register is maintained by the Integrity Manager for oversight of Formal Complaints and External Review.

Target timeframes have been identified and where possible will be achieved. These timeframes allow time for the Division to investigate the matter, consider appropriate action and provide a response. If timeframes are not met, this will be communicated to the complainant with reasons provided for the delay.



1. POTENTIAL COMPLAINT

A Potential Complaint is feedback from a member of the public received by the Division that is a complaint in nature, usually negative but could be constructive, that does not specifically state that they wish to formally complain or seek escalation (i.e. to the Integrity Manager).

Potential Complaints, and feedback, are generally received by an officer via phone or email. If via phone, a written record of the conversation should be made by the receiving officer. Written records should be maintained throughout the process.

1. **Initial Contact:** In the initial contact it is important for the receiving officer to gain a clear understanding of:
 - the nature of the issue, to ascertain if it is complaint natured
 - the issues they are raising
 - the outcome they desire, and
 - that they are aware of this policy.

This may involve several emails or phone calls before a Potential Complaint is identified. The issues may also be resolved without reaching a Potential Complaint if it is a simple query or clarification.

2. **Positive feedback provided:** If established as positive feedback – Acknowledge the person for their valuable input and that this information will be shared appropriately.
3. **Potential Complaint:** If and when established as a Potential Complaint – this commences a target of 10 working days for the officer to respond. The officer should follow the following process steps.
4. **Acknowledge Immediately:** Within 2 working days of becoming aware of the Potential Complaint, the officer should acknowledge the feedback and outline that they intend to investigate the matter and provide a formal response.
5. **Review and assess:** The officer should review and assess the Potential Complaint in detail and resolve issues as much as possible. This includes developing a detailed response explaining the Division's decision, actions and processes. The officer should respond to the complaint in line with the principles outlined earlier in this policy. In investigating and responding, the officer should:
 - Respect the person's viewpoint and acknowledges any errors or shortcomings by the Division
 - Deal with the matters raised objectively and impartially
 - Focus on the substantive issues raised
 - Consider other parties or factors that may be involved in the matter, and
 - Respond consistently with ACT planning policy and legislation.
6. **Respond:** The officer should respond to the Potential Complainant within 10 working days. Where the matter cannot be resolved in the manner that the person is seeking, the reasons

must be fully explained to them. Further comments or queries may be presented by the complainant based on the response that can be addressed by the officer involved until the matter is resolved or otherwise, see below.

7. **Resolved and close:** If the complainant is satisfied with the responses, the officer can make a written record on the relevant file and take no further action.
8. **Unresolved, option to escalate and remains open:** If the complainant is still not satisfied after reasonable responses have been provided, the officer can advise the complainant that the Potential Complaint can be escalated to a Formal Complaint by directing it to the Integrity Manager and providing the complainant with a copy of this policy.

2. FORMAL COMPLAINT

If the issue has not been satisfactorily resolved as a Potential Complaint, the complainant may choose to lodge a Formal Complaint in accordance with this policy.

All Formal Complaints include a process of internal review and sign off by an Executive.

If and when established as a Formal Complaint, this commences a target of 20 working days to investigate and respond, following the process below.

1. **Open Formal Complaint:** When a Formal Complaint is lodged, it is assigned to the Integrity Manager (unless the complaint relates to them, in which case an alternate Senior Director should be assigned to be responsible for the complaint). The Integrity Manager should open the Formal Complaint in the Complaints Register and assign resources to investigate.
2. **Acknowledge immediately:** The Integrity Manager, or alternate, should acknowledge the Formal Complaint being received and opened in the Complaints Register within 48 hours, referring to this policy and providing a reference code. If any aspect of the Formal Complaint is unclear, the Integrity Manager, or alternate, should contact the complainant to clarify at this time.
3. **Internal review and investigation:** The Integrity Manager, or alternate, should plan and lead the investigation of the Formal Complaint, producing an investigation report on the findings. A further internal review role may be established and delivered with due consideration for independence and/or expertise as required. There may be more than one internal review role, and these should be recorded in the investigation report.
4. **Brief Executive:** The Integrity Manager, or alternate, should brief the relevant Executive on the Formal Complaint and the investigation report, explaining the nature and outcome of the investigation and the reasons for a recommended decision. Any further considerations or actions should be identified and addressed at this time. An outcome response should be agreed.

5. **Outcome response and close:** At the completion of the investigation and Executive briefing, the Integrity Manager, or alternate, should provide an outcome letter from the Executive to the complainant as a response. The letter should include reference to any external review processes available and have the investigation report attached. The Integrity Manager, or alternate, may meet with the complainant prior to this to discuss the outcome of the complaint. The Complaints Register should be updated to reflect the Formal Complaint is now closed. Any remedial actions should be assigned to relevant officers for appropriate follow up.

3. EXTERNAL REVIEW

Once the Formal Complaint process has been completed, the Division will not conduct any further investigation of the complaint.

The complainant may, however, be able to seek an external review of their complaint by external agencies, including the Ombudsman. More information about the Ombudsman's role in planning complaints is available online at <https://www.ombudsman.act.gov.au/making-a-complaint/common-complaints/building.-planning-and-development>.

In some cases, there may be other specialist complaint bodies that may be able to conduct an external review, such as the:

- Information Privacy Commissioner. Refer to: <https://www.oaic.gov.au/privacy/privacy-in-your-state/privacy-in-the-act/>
- ACT Public Service Standards Commissioner. Refer to: <https://www.cmtedd.act.gov.au/industrial-relations-and-public-sector-management/commissioner>
- ACT Integrity Commission. Refer to: <https://www.integrity.act.gov.au/home>

4. OUTCOMES

The Division is committed to resolving complaints in a timely manner. To be transparent, we also consider that it is helpful to provide possible outcomes from the complaints process so complainants can know what to expect. Possible outcomes from this complaints process include:

- A detailed explanation of our decision-making policy and confirmation that our conduct, processes and actions is in accordance with our policy and procedures.
- Changing, amending or reconsidering a decision that we have made (note that this does not apply to statutory planning decisions as this is governed by legislation).
- Changing, amending or reconsidering our policies and procedures to ensure they are fit for purpose.
- A genuine apology.
- Referral to external agencies for further investigation if serious misconduct is identified (such as the Australian Federal Police, the Integrity Commission, or the Public Sector Standards Commissioner).

PRIVACY

Personal information will be collected, used, and disclosed in accordance with the *Information Privacy Act 2014* and the Directorate's policy available at <https://www.planning.act.gov.au/about-us/privacy/information-privacy-policy>.

Data and statistics, with personal information removed, may be generated to assist with reporting on complaints and to review this policy.

RELATED DOCUMENTS

This policy forms part of the Integrity Package for the Division and complements the Division's Integrity Plan 2020-22.

Other relevant EPSDD corporate documents are available online at <https://www.planning.act.gov.au/about-us>.

ACT Government workforce capability and governance documents are available online at <https://www.cmtedd.act.gov.au/industrial-relations-and-public-sector-management>.