

# **GREENFIELD CERTIFIERS COMPLAINT HANDLING POLICY**

**Reviewed 1 Jan 2009**

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## **POLICY OBJECTIVE**

This policy is aimed at providing a systematic and controlled procedure to address and investigate complaints in an appropriate manner. Complaint handling management must be conducted in an independent and impartial manner to safeguard the interests of the public.

All stakeholders associated with the complaint shall be kept informed in a timely manner but taking into account privacy and confidentiality considerations.

The policy attempts to incorporate a “transparency” of complaint handling processes to clearly demonstrate the PCA’s independence.

The policy is made up of 2 parts.

- Part 1 – Complaint Handling Principles
- Part 2 – Communications

## **ABBREVIATIONS**

“AC” Accredited Certifier

“AS” Australian Standard

“BCA” Building Code of Australia

“EP&A Act” Environmental Planning and Assessment Act 1979

“Notice” Notice of Intention to Serve an Order pursuant to s109L of EP&A Act

“PCA” Principal Certifying Authority

## **PART 1 – COMPLAINT HANDLING PRINCIPLES**

The principles adopted in this policy are based on a 3 point process:

- (a) Establish validity/facts of the complaint.
  - (b) Establish builder and owner obligations/responsibilities.
  - (c) Take appropriate action including appropriate communications.
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### **(a) Establish validity/facts of the complaint**

- AC not to assume that all allegations presented are true and accurate on face-value alone. AC must form own opinion as to the correctness and accuracy of the allegations through procedures of investigation.
  - Can the allegations be proven ? Is it measurable or quantifiable ?
  - Is there evidence to show that the alleged offender was actually the person/s responsible for the alleged offence ?
  - During the investigation AC must collect primary evidence (ie site visit, photographic evidence, survey reports) and/or supplemented with secondary evidence (ie information provided by 3<sup>rd</sup> parties, other documentation, Council advice).
  - Appropriate action shall be reflected by the strength of evidence collected.
  - If evidence is insufficient the complaint should still be communicated to the alleged offender but formal action (such as Notices) will generally be unavailable. AC may request further evidence from the complainant if sufficient evidence cannot be collected from a site visit or any other enquiry in the capacity of an AC.
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### **(b) Establish builder and owner obligations/responsibilities**

- It is important that all parties understand where builder and owner obligations begin and end. Equally, it is important to identify which party is responsible for those obligations.
  - Development consent conditions generally provide the majority of the each party's responsibilities and the procedures/processes required to uphold those responsibilities.
  - BCA considerations
  - "Not inconsistent with" principles
  - EP&A Act considerations
  - Referenced Australian Standards and other referenced legislative requirements
  - Possible Exempt Development remedy ought to be considered. Utilise Planning if you require assistance in this area.
  - Seek advice from Council for ambiguous conditions – phone call but followed up in writing. Seek a written response.
  - Seek advice from BPB for ambiguous certification issues – phone call but followed up in writing. Seek a written response.
  - If there is a complaint which is outside the alleged offender's responsibilities it is important to communicate that finding back to the complainant – do not ignore the complainant. It is often advantageous to provide a recommendation to the complainant if you are aware of an available remedy. This can diffuse many escalating situations.
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### **(c) Take appropriate action including appropriate communications**

- ❑ Where the allegation is proven (sufficient evidence) AND a breach of someone's responsibilities/obligations is apparent – AC should consider the issue of a Notice of Intention to Serve an Order as soon as that fact has been established. The person receiving the Notice has various options to deal with that Notice including Representations or carry out rectifying action.
- ❑ If the allegation cannot be proven (insufficient evidence) and/or the allegation is outside the alleged offender's responsibilities then Notice should not be issued on the alleged offender.
- ❑ Communications are dealt with in detail in the following Part but AC needs to respond to the complainant, communicate information to the alleged offender, communicate AC decisions and proposed course of action to the complainant and alleged offender, and any other statutory body as required.
- ❑ AC to take into consideration privacy and confidentiality considerations of all parties. For example, AC may communicate to the complainant that a Notice will be issued on a certain date but may not necessarily provide complainant with a copy of that Notice. Council may make such documentation available to the complainant if they are obliged.
- ❑ It is VITAL in situations where AC believes an alleged offender has a responsibility which is shown to be in breach AND appropriate ACTION is taken. This is an AC/PCA responsibility to make that determination. Do not fall in the trap of taking no action where the builder or owner disagrees with taking on that responsibility. A Notice deals with such a dispute as the alleged offender can make representations to Council if they disagree with AC findings.
- ❑ Avoid situations where there is reliance on the builder or owner to rectify something within a certain time (especially where there is EVIDENCE + BREACH). A Notice will deal with this situation. Failure on the owner or builder's part will generally result in a second or subsequent complaint on the same issue.

## **PART 2 – COMMUNICATIONS**

Communications generally follow the chronological order per below:

1. Complaint is received by our office from various sources.
2. AC to acknowledge complaint and briefly explain process with time guidelines – use pro forma template.
3. AC to communicate complaint to alleged offender noting any confidentiality requests by the complainant (some complainants prefer to remain anonymous).
4. AC to collect evidence to substantiate complaint and make decision as to appropriate action.
5. AC may be required to communicate with Council or BPB prior to making decisions.
6. Action to be communicated to alleged offender as soon as possible and Council, where required.
7. Action/decision to be communicated to the complainant with alternative recommendations if known.

Good and clear communication is often the key to resolving disputes. Complainants who are ignored or “left hanging” may escalate the issue. Once escalation occurs or the complainant questions the AC independence and professionalism the complaint becomes exponentially more difficult to resolve and may result in further action taken by the complainant against the AC themselves.