

A LEGITIMATE, CREDIBLE COMPLAINTS OFFICE

**Complaints processing
in governmental organizations**



**LE PROTECTEUR DU CITOYEN
QUÉBEC OMBUDSMAN**

Assemblée nationale
Québec

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Message from the Québec Ombudsman

Processing citizens' complaints is at the core of quality service, and the latter must be central to the concerns of public administrations. Moreover, the Public Administration Act (R.S.Q. 2000, c. 8) specifically states:



“This Act affirms the priority given by the Administration, in developing and implementing the rules of public administration, to the quality of services provided to the public ...”

Why should a public agency or a department implement a complaints-handling mechanism when the Québec Ombudsman's specific mission is to process citizens' complaints about the Administration?

“We count on your comments, objections and complaints as a means of making our services better and improving the programs we administer.”

RÉGIE DES RENTES DU QUÉBEC, Service Statement 2001, Government of Québec, p. 14.

The responsibility for responding to complaints about one's own services is first and foremost incumbent upon the agency or the department itself.

"The Bureau des renseignements et plaintes has a number of specific responsibilities, namely to:

- Promote quality services under the Act."

MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE, Bureau des renseignements et plaintes: a personal response to your questions, Brochure.

Except in special circumstances, the Québec Ombudsman considers that citizens must first address the department or the agency in question to attempt to solve their problems.

In this way, the department or the agency involved is given the opportunity to become aware of the complaints addressed to it and to seek a solution. It is a second chance to provide quality service and to obtain, at little cost, precious information about the implementation of its programs and

users' level of satisfaction. Experience shows that few dissatisfied people complain. By virtue of this fact, any complaint is likely to reveal a source of dissatisfaction or harm that is much more significant than may appear at first glance. For every person who voices his or her dissatisfaction, there must sometimes be dozens more who, having encountered a similar problem, will never undertake any steps with the Administration. What organization can afford to deprive itself of such information?

« Le système de gestion des plaintes devient une source importante de renseignements pour l'atteinte des objectifs de mobilité et de sécurité des usagers du réseau routier. »

["The complaints management system is becoming an important source of information in attaining the objectives of mobility and safety of road network users."]

MINISTÈRE DES TRANSPORTS DU QUÉBEC, Politique sur la gestion des plaintes, Bilan 1998-1999, Government of Québec, 1999, p. 5.

I believe it to be appropriate to reassert the importance of internal complaints-processing mechanisms, even if some steps to this effect have been taken since the Québec Ombudsman first intervened to call on the Government to act with more transparency and to be attentive to citizens by implementing such mechanisms.

This guide is also intended to respond to the requests for support that I have received from agencies and ministries wishing to implement such a mechanism in their environment.

It is in a spirit of co-operation that I present this discussion paper on the creation and the development of internal complaints-processing mechanisms.

Obviously, the diversity of the Government's activities calls for different forms of complaint offices. Nevertheless, whatever the size or the type of operation, to ensure their legitimacy and their credibility, all complaints-processing mechanisms must share a number of common characteristics.

It is my hope that this guide will be most useful. As well, I, along with my staff, will remain available to provide more personalized support to any agency or department that so requests, as necessary.

Québec Ombudsman



Pauline Champoux-Lesage

The reason for a complaints-processing mechanism

Several questions arise for the manager who is considering the possibility of implementing a complaints-processing mechanism in his or her organization:

Why implement a complaints-processing mechanism?

Specifically, why has this type of recourse become justified and necessary?

What is the difference between a complaints-processing mechanism and a review or appeal mechanism?

What is a complaint?

The first part addresses each of these questions.

A NECESSARY FORM OF RECOURSE

1.1

Today, much more so than in the past, government programs and standard have multiplied, and are far more present in the daily lives of everyone. In many broad facets of day-to-day life, citizens are now confronted with the complexity of Government services, and are subjected to formalities that, for many, are not easily accessible. Moreover, the increased intervention of the Administration has been accompanied by a change in status of the citizens who address ministries and agencies: formerly beneficiaries, applicants or claimants, they are now “users” and “consumers” of various government services. And this change has created new expectations about quality. In a context in which the rules have become more complex, the Administration must therefore deal with more demanding citizens who voice their needs and their expectations more clearly.

In the opinion of the Québec Ombudsman, these two trends argue for the implementation within ministries and agencies of well-established resources to which a person may report his or her dissatisfaction concerning decisions, behaviour or practices. The complaints office specifically provides this form of assistance to citizens by preventing them from having to contact one civil servant after another or travel from one address to the next in search of the person responsible to whom they can

address their criticism. In this way, they are given the opportunity to be heard. For its part, any administration that listens to the expression of dissatisfaction which, rightly or wrongly, it provokes, draws closer to its users, and is in a better position to implement solutions and restore trust. Complaints management provides the occasion to consolidate public support for the agency by establishing egalitarian Government-citizen relations based on mutual respect and co-operation.

RECOURSE DISTINCT FROM REVIEW AND APPEAL

Is the idea of setting up complaints-processing mechanisms a new one? For some time now, the various governmental review and appeal bodies attest to the Government's will to allow a second or even a third analysis of cases submitted. Generally, however, these types of recourse exist to control the compliance of a decision with established practice in terms of legal standards. In this respect, the complaints office, in the Québec Ombudsman's view, has another role, because beyond legality, it can provide the occasion to initiate discussion on the appropriateness of the standard and the quality of the process as well as taking the interest of citizens into consideration.

We are therefore talking about a structure that conveys an administration's concern:

■ For serving users in a responsible manner;

■ For questioning the relevance of its practices and positions with respect to the interpretation of laws, regulations and administrative standards;

■ For solving problems at their source, by taking into consideration the opinion of users.

The complaints office is a pivotal tool of democracy, offering citizens a forum for expressing their dissatisfaction and for initiating a dialogue with public authorities.

If it is to take valid action, however, the complaints-handling mechanism must fulfill certain conditions that will promote its effectiveness and its credibility.

THE DEFINITION OF A COMPLAINT

In order for the complaints-processing mechanism to fully play its role, the definition of a complaint must be as broad as possible, while respecting the fields of competence attributed to the various review and appeal bodies.

A complaint is the expression of dissatisfaction with respect to services received. The citizen, grappling with a problem that he feels unable to solve alone or for which he has not obtained the expected responses (lack of communication, dysfunction, poor co-ordination of services, nit-picking application of standards, unfairness, inappropriate behaviours) then turns to an administrative authority to make a report. A complaint is also a request made to the administrative authority to act in compliance with the public service mission that it must ensure.

A legitimate

complaints-processing mechanism

What are the characteristics of a truly legitimate complaints-processing mechanism that immediately create confidence in this recourse?

A PRIORITY FOR THE AUTHORITIES

Decision-makers must grant real importance to the complaints-processing mechanism.

From the very outset, at the time of implementation, the complaints-processing mechanism takes on real importance in an administration if higher officials consider it to be the defining mechanism for improving the quality of services. Indeed, such a just perception of its role will give rise to consistent decisions with respect to the choice of persons assigned to processing complaints, the definition of their duties, their relations with the other employees and the weight given to their opinions and advice. On the other hand, if the complaints office is seen as an intrusion in a work setting or as necessary window dressing, it will usually serve merely as a relay between the citizen who feels wronged and the people with whom he has had dealings, with no further analysis of the case. The will of decision-makers to welcome and understand the reactions of citizens therefore has considerable influence on the scope of the complaints office's mandate, and contributes to making it a genuine agent of assessment and change.

CLOSE TO UPPER MANAGEMENT

The complaints-processing mechanism must be close to the decision-making level.

The complaints office is called upon to recommend substantial changes in attitudes, systems, practices, and even legislation. For this reason, it must occupy a position within the bureaucratic hierarchy that neighbours that of higher department or agency authorities. In this way, the recommendations addressed to those in charge of higher levels will take the most direct path and avoid being diluted or postponed by passing through different levels.

The effectiveness of the complaints office is also related to the distance between this mechanism and front-line activities. It should be remembered that these are the activities most often targeted by citizens' complaints. Admittedly, it is difficult to imagine that a body called upon to review the behaviours and the decisions of an administrative sector of which it is a part could act with the required autonomy and the desired objectivity. Moreover, in this case, the internal recourse addresses a dissatisfied user whose trust we are trying to regain. At this point, the appearance of independence of the mechanism that receives the user's version and comments has as much importance as the real latitude it has. The

citizen who has the feeling of being sent from one public servant to another when he is lodging his complaint may in all good faith have the impression that “the family is closing ranks.” The distance must therefore be formal and visible to ensure the independence of the complaints-processing mechanism and to enhance the trust of citizens.

COMPETENT, EXPERIENCED PEOPLE

The people assigned to complaints processing must possess in-depth knowledge of their field of action and of their organization.

The people assigned to complaints processing must be able to respond to citizens quickly and in a comprehensive manner. As well, given the great diversity of the cases submitted to the complaints office, the professional competence of the people who ensure its operations, and the scope of their knowledge in their field of action are major advantages. Their work requires them to be familiar with the various components of the department or the agency in order to be able to locate the people who are most likely to inform them or provide them with solutions. Finally, the staff assigned to complaints processing must regularly question the best attitude to adopt to act with tact, discernment and resolve, as much with users as with front-line employees or the responsible authorities involved. Overall, fulfilling such functions calls for people with experience in a given activity sector and competence within the entire organization. They must also be invested with moral authority.

GENUINE FREEDOM OF ACTION

The effective and credible processing of a complaint requires that the staff members assigned to this work dispose of all necessary latitude for action and freedom of thinking.

The staff assigned to complaints processing must have a free hand and unhindered access to all relevant information. Their action must not be hindered by weighty procedure. There are no taboo subjects for the complaints office: anything may be called into question, including both the interpretation and the reasonableness of a legislative provision. As such, staff can propose to modify an interpretation and the resulting directives or instructions as well as suggest a legislative or regulatory amendment to the agency's director.

The general mission of the complaints office is to improve services. This encompasses the organization of work, administrative practices and the conduct of staff.

Moreover, the complaints office can base its action on the agency's or the department's service statement, and propose correctives or improvements based on this statement. The latter consists of a commitment that surpasses legal stipulations.

For example, if a law or a regulation does not stipulate any time of preclusion, but a service statement asserts that action will be accomplished within a specific period of time, this constitutes a firm commitment to citizens. One cannot renege on one's commitments without losing the other's trust.

In their actions, the complaints office staff may join other decision-makers and obtain their support in a process for the purpose of persuading a third party or implementing their recommendations. Co-operation must be one of the complaints office's preferred modes of action.

A RECOGNIZED AND ACCEPTED FUNCTION WITHIN THE ORGANIZATION

The mission and the mandate of the complaints-processing mechanism must be clearly explained and discussed within the organization.

What will be the specific role of the complaints-processing mechanism? How will it perform its work? During the investigation of a case, what kind of co-operation will be expected on the part of the staff of the department or of the agency involved? What would be the impact of an opinion issued by the complaints-processing official for an employee? Following an investigation by the complaints office, who will have access to the final report? Such questions must be subjected to internal discussion.

Upon the announcement of the implementation of a complaints-processing mechanism, the employees of an organization often wonder about the mechanism's true nature: threat or ally? Will the newcomer act as an infallible controller whose verdict will result in discrediting the "guilty party"? To soothe concerns and to initiate a spirit of openness to this new tool for improving services, it is essential to explain in detail the objectives and the rules to all staff and to call on them to make suggestions. Notably, the information must stress the fact that

the complaints office's purpose is not to single out the person responsible for flawed action. What is sought instead is to respond to the citizen who feels he has been wronged, to determine whether his complaint is founded, to propose, if need be, measures of redress, and to take the needed action to prevent others from experiencing the same difficulties. Seen from this perspective, the complaints-processing mechanism is an agent of change and improvement, not a method of issuing condemnations. The clarity of communications concerning its mission can make it a welcome entity.

Later, in order to foster better co-operative work, it will be important to set up a network of respondents within the department or the agency who will act as spokespersons for their directorate or division to the complaints office official. To consolidate the bases of a blame-free culture founded on concern for improvement, regular meetings with the various directorates and divisions and their staff must not be neglected. Co-operation in attaining a common objective also requires that the complaints-processing mechanism be fair and respectful of staff, by establishing clear and rigorous operating procedures.

A credible

complaints-processing mechanism

Here are eight principles inherent in fostering the effective processing of complaints and the improvement of services:

- 1** accessibility;
- 2** simplicity;
- 3** speed;
- 4** confidentiality;
- 5** procedural equity: attentiveness, rigour and transparency;
- 6** clear and complete motivation;
- 7** follow-up of recommendations;
- 8** systemic concern.

3.1

ACCESSIBILITY: BEING RECOGNIZABLE AND WELCOMING

Every administration must strive to make its complaints-processing mechanism known.

However well equipped, structured and attentive it may be, the complaints office that remains unknown to the public cannot effectively contribute to improving the quality of services. If the people it is supposed to serve do not know that it exists, its officials will not be in a position to become aware of their possible motives for dissatisfaction and propose solutions. Without access to the complaints that should normally be directed to them, they cannot inform the Administration of the dissatisfaction that citizens voice. The department or the agency must therefore use all the means at its disposal to make its complaints-processing mechanism known: public interventions on the part of the authorities in charge, publication of brochures, mention of recourse in any notification of decision addressed to a citizen by the department or the agency, an easily located listing in the blue pages of the telephone directory or the use of voice mail are some available methods. As well, every employee of the organization must inform the dissatisfied user of the existence of this recourse.

Thus, to be accessible, a service must be known. Better yet, we must plan and provide the means for users to obtain information about the service in question. That requires an effort to understand the habits of these users and the means they have at their disposal to access government information.

Every official who is responsible for a complaints-processing mechanism that is called upon to serve users in disadvantaged environments should be careful to implement means that are appropriate to inform these people. In fact, it has been observed that some segments of the public are particularly difficult to reach. The complaints-processing mechanism can represent, in the eyes of these people, a valid and accessible representative on the condition that they are aware of its existence.

Accessibility also includes the reception of users. On the first contact, the citizen must feel there is a relationship of trust, and feel welcome.

As well, the characteristics of a number of users, with regard to language, age or disability, must also be taken into consideration.

3.2**SIMPLICITY:****STRAIGHTFORWARD, TROUBLE-FREE**

Citizens must be spared the weight of complicated formalities.

The citizen who wishes to resort to the complaints office must be spared the complex formalities to which he is often subjected when dealing with the Administration. Citizens should be able, as far as possible, to formulate their complaints verbally, most often by telephone, and without long-distance charges (an 888-type line). The agent who answers the citizen must be able to help him clearly explain the reasons for his dissatisfaction. Moreover, if the complaint must be sent in writing, the user must be supplied with all necessary assistance to enable him to pursue his undertaking.

3.3**SPEED: ACTING WITHIN
A REASONABLE TIMEFRAME
AND KEEPING ONE'S PROMISES**

Of course, the “reasonable timeframe” for processing a complaint varies depending on the situation. Yet it is closely linked to the quality of services offered and can usually be established, in a given case, in a way so as to inform the complainant of the foreseeable waiting period. In addition to seeking to reduce these timeframes as much as possible, we must strive, on the one hand, to provide the citizen with an accurate estimate of the time required to investigate his problem and, on the other hand, to ensure the timeframe is respected. Should, however, additional steps or unforeseen factors delay the results, the citizen must always be notified. He must be informed of the foreseeable additional time period required and the reasons for such an additional delay.

3.4**CONFIDENTIALITY:
FOR EVERYONE'S BENEFIT**

We must ensure that only those persons affected by the direct processing of the complaint will have access to the related personal data. Both the complainant and the staff involved must feel that they are treated with respect and discretion.

Confidentiality does not, however, prevent the transmission of adequate information on the subject of the complaint to allow the concerned persons to freely express their point of view and to provide their version of the facts.

PROCEDURAL EQUITY: ATTENTIVENESS, RIGOUR AND TRANSPARENCY

Dissatisfaction often originates in misunderstanding. Those in charge of processing complaints must be particularly attentive to the expression of dissatisfaction. Attentiveness is an effective manner of taking emotions into account and often allows one to understand the reasons for the dissatisfaction to more clearly define the true problem. Far from being a waste of time, attentiveness is a principle of natural justice and a factor of efficiency.

Nevertheless, we will have to avoid creating false expectations: the outcome of an affair cannot be known until the investigation is complete! The complaints management procedure must guarantee the quality of the verification work, but not give the citizen the impression that the mere fact of lodging a complaint ensures him of winning his case. The rigour of the process is a source of equity for all concerned: rigour in gathering data, intellectual rigour in analyzing and interpreting standards, objectivity in assessing practices.

Finally, transparency, whether with respect to the role of the complaints-processing mechanism, its methods or its powers, constitutes the other essential aspect of a

equitable procedure. We must inform the person of the way in which his case will be investigated. The citizen is entitled to know that all the aspects of his complaint will be analyzed, that the investigation will not be limited to a mere case review on the part of the employees who made the initial decision and that the complaints office will act as neutral recourse that will have to produce its own conclusions.

CLEAR AND COMPLETE

We must ensure that the response to the citizen is formulated in clear terms, and that it encompasses all relevant elements.

The clarity of the response is essential, whatever the nature. It is all the more important to maintain such concern with the user who receives a negative response: this person initially experienced difficulties with an agency or a department; he complained, and he has not been vindicated. For the complaints office, the challenge to be met is to persuade the citizen that, despite what he has just learned, he has benefited from all due attention on the part of a decision-making body required to act with impartiality.

A clear response must first be expressed in accessible language. Thus, it is appropriate to avoid technical formulations, abbreviations, computerized short forms or the titles of laws as the sole references. If the use of a specialized term is required, the definition and the context for its use must be provided.

Next, as established by An Act respecting administrative justice, the response must be complete, that is, state and explain all the motives for the decisions, the results

obtained, and when necessary, the other recourse available, including the Québec Ombudsman. One should not hesitate to summarize the steps and the analyses that have been conducted, and to thereby show that the situation that caused the problem has really been evaluated. Simply stating that the complaint is not founded with respect to the analysis of the factors in the file does not constitute a motive. Justifying a decision means explaining why, based on what reasoning, what evaluation and what criteria applicable to which fact, the decision was taken. During the verbal communication of the response, one must sometimes listen to the person a final time.

3.7**FOLLOW-UP OF THE
RECOMMENDATION:
PERSEVERANCE AND PERSUASION**

The recommendation does not conclude the intervention of the person in charge of processing complaints. He must also ensure that the recommendation has been implemented. If this does not prove to be the case, he must inquire into the reasons.

This may mean resuming contacts with internal staff or initiating discussions at a higher level. This is where the support of the agency or department's directors, the value they place in complaints processing and the qualities of the person responsible for the process all come into play.

Knowing how to present a recommendation, and how to have it approved and implemented requires constant presence and monitoring.

SYSTEMIC CONCERN: FOR THE BENEFIT OF THE COMMUNITY

3.8

The action of the complaints processing mechanism must, as well, be extended to similar cases. When the investigation of a complaint reveals that several citizens may have been wronged in identical circumstances, it is important to extend corrective measures to all those who have been affected. Obviously, such an operation is only feasible if similar situations can be pinpointed. Yet technology is better able now to assist this type of research, and the complaints office also has a mandate to delimit, as far as possible, the real scope of an error or an injustice committed by the Administration.

The same attitude is essential with respect to the modification of practices or conduct: it is not enough to simply correct the faulty conduct of a staff member; it should also be seen whether a systemic problem is involved.

Strictly speaking, in our time, systemic concern is part of our operating modes, and it must be applied in the analysis of every case.

Concluding remarks

Complaint-processing mechanisms constitute a permanent source of information for managers. For this reason, above all, those responsible must not work in a vacuum: making collected information useful to managers is an important facet of their mission. The latter can then assess practices, programs and systems. Better understanding of expectations and conduct, following self-assessment, then determines the changes to be made.

In fact, all staff members within an organization contribute in their own way to processing complaints:

- by examining them quickly and effectively;
- by learning from the conclusions;
- by improving services.

The processing of complaints in governmental organizations is a question of commitment. It is also a question of conviction, for the public service must be a service focused on the people for whom it exists.

Quality in the processing of complaints is contingent on several factors. Human, structural and technical factors are all important, and they constitute, in the light of experience, a way of doing things that is respectful of people and that produces the results expected by the public.

Table of contents

Message from the Québec Ombudsman	3
PART 1	7
The reason for a complaints-processing mechanism	7
1.1 A necessary form of recourse	8
1.2 Recourse distinct from review and appeal	10
1.3 The definition of a complaint	12
PART 2	13
A legitimate complaints-processing mechanism	13
2.1 A priority for the authorities	14
2.2 Close to upper management	15
2.3 Competent, experienced people	17
2.4 Genuine freedom of action	18
2.5 A recognized and accepted function within the organization	20
PART 3	23
A credible complaints-processing mechanism	23
3.1 Accessibility: Being recognizable and welcoming	24
3.2 Simplicity: Straightforward, trouble-free	26
3.3 Speed: Acting within a reasonable timeframe and keeping one's promises	27
3.4 Confidentiality: For everyone's benefit	28
3.5 Procedural equity: Attentiveness, rigour and transparency	29
3.6 Motivation: Clear and complete	31
3.7 Follow-up of the recommendation: Perseverance and persuasion	33
3.8 Systemic concern: For the benefit of the community	34
Concluding remarks	37

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