

## 2. CLIENT SERVICE DELIVERY AND CORPORATE GOVERNANCE

OWS' role is to help employers and employees understand and exercise their rights, obligations and choices under the *Workplace Relations Act 1996* (the Act), agreements and awards, and in Victoria, Schedule 1A of Part XV of the Act.

### 2.1 Quality Assurance

It is important that processes be put in place to ensure that quality outcomes are achieved in service delivery. State/Territory OWS Managers are responsible for ensuring:

- that the policy guide is being followed
- that supplementary local guidelines are developed where required and followed

#### *Client Service Delivery and Corporate Governance*

- APS and corporate values are implemented
- local response guidelines on Client Aggression are available at each office
- DEWR Service Charter is observed
- duty of care is observed to act impartially towards employers and employees, including in the handling of claims from both employers and employees

#### *Providing Information Services*

- Wageline provides a quality advice and referral service which meets key performance indicators (see section 3.2)

#### *Providing Advisory and Educative Services – via the OWS workplace advisory service*

- WAS services are provided in accordance with WAS business plans – as approved by OWS-NO and State/Territory Managers

#### *Handling Claims*

- every effort is made to meet key performance indicators (see section 4.2)
- Advisers are appropriately trained to perform the requirements of their jobs (eg in investigation techniques, evidentiary requirements, written skills, duty of care, etc)
- a preliminary assessment process (for responsiveness, employee/employer relationship, factual accuracy) is in place to determine which claims should be investigated
- internal investigation procedures and policies allow claims to be appropriately investigated to determine whether they are sustained or otherwise
- every reasonable effort is made to achieve voluntary compliance before finalising a claim
- internal claim handling procedures ensure that Advisers are required to regularly update claimants on the status of their investigation, particularly where there are delays in finalising a claim
- after all claims are finalised, that they are properly signed off, noting any issues,

including errors which need to be corrected

### *Litigation*

- after a claim is found to be sustained and voluntary compliance has not occurred, identifying the options available to the claimant (including the level of assistance to be given by the Department) in order to commence recovery action
- any recommendation by an Adviser to initiate litigation action is consistent with the criteria in section 5 of this Guide (Litigation) and the Ministerial Directions

## **2.2 Official Conduct and APS Values**

Standards of official conduct and APS Values are currently set out in the [People and Leadership Guide on Official Conduct](#).

In summary these require all APS employees to carry out their duties with care, diligence, honesty, integrity and to deliver services to the public in a fair effective, impartial and courteous manner.

## **2.3 DEWR Service Charter**

The [DEWR Service Charter](#) sets out the quality of service clients can expect to receive from the organisation and outlines any avenues for making complaints and the means for commenting on the charter. When dealing with the public, OWS officers should:

- be open, ethical, honest, respectful and courteous
- respond promptly, acknowledge you and identify ourselves
- provide accurate, consistent, timely and clear information and give reasons for our decisions
- take your suggestions and complaints seriously and learn from them, and
- adhere to the laws and principles applying to information you provide to us.

State and Territory OWS Managers are responsible for ensuring that staff are aware of the DEWR Service Charter.

## **2.4 Client Feedback - Reviewing Matters for Dissatisfied Clients**

The Service Charter outlines the department's commitments to clients. Client feedback should be provided in accordance with the [client feedback handling guidelines](#).

When handling client dissatisfaction, officers should work on the premise that a client has a right to express their concerns and to have the matter investigated thoroughly and fairly.

In the first instance, officers should try to deal with client dissatisfaction at the front line and should, when receiving an oral complaint, clearly identify themselves. It may not be appropriate for an officer to handle an allegation where the officer is the subject of the dissatisfaction (for example, where a client is alleging that an officer was rude, abrupt or discriminatory in their behaviour). These claims should be referred to a manager who should determine the appropriate officer to resolve the matter.

The following general principles should be applied in handling client dissatisfaction over the telephone:

- stay objective and do not provide personal views
- listen, record details and determine what the client wants
- confirm the details received
- be courteous, empathise and do not offer excuses or argue with the client
- explain the courses of action available
- do not lay blame or be defensive
- do not create false expectations
- if the matter cannot be resolved immediately, commit to doing something within a time frame and check whether the client is satisfied with the proposed action, and, if not, advise of any alternative courses of action
- provide an acknowledgement, eg by writing and thanking the client for the feedback, making a follow-up phone call etc

Officers may decide to offer the following remedies in order to resolve a matter:

- give the client the opportunity to provide additional information or undertake to conduct a review of the matter in order to check that the decision made was correct and appropriate
- provide a written explanation of the way in which a decision was made or provide a written chronology of events and the material examined in order to clarify the time frame within which a matter was handled
- provide a written apology (eg for an error, a delay or a misunderstanding)

Where a written complaint is received a written response should be provided following these principles, remedies and time frame.

A clear time frame, not exceeding 20 days, should be established for dealing with the matter. However a staged approach should be taken when managing more difficult claims. This may involve, in the first instance, front line handling with the recognition that the matter may need to be referred to a manager to deal with or to determine whether an internal investigation is required.

Where a claim involves serious allegations, the manager should, in consultation with the State/Territory OWS Manager, consider [Departmental guidelines](#) to decide whether the matter can be resolved by an internal review or whether it requires an external independent review.

### *Recording Client Feedback*

Client feedback should be recorded on the Client Service Feedback System.

## **2.5 The Commonwealth Ombudsman**

While it is OWS policy to deal with client dissatisfaction as close to the front line as possible, there will be circumstances where a client lodges a complaint with the Commonwealth Ombudsman.

It should be noted that the Commonwealth Ombudsman operates under the principle that a client should attempt to resolve a complaint with the appropriate agency in the first instance and the Ombudsman may decline to investigate a matter where this has not already been done.

It is therefore always appropriate to encourage a client to have their matter dealt with by the OWS in an attempt to resolve it internally. Officers should not recommend the Commonwealth Ombudsman as an avenue of complaint until every reasonable attempt has been made to resolve the matter.

Where staff are aware that a matter is likely to go to the Ombudsman, they should inform the relevant OWS Manager who will inform OWS National Office.

OWS Managers should also ensure that all inquiries or requests involving the Ombudsman's Office are handled in a cooperative and prompt manner.

The [DEWR Service Charter](#) provides contact details for the Commonwealth Ombudsman.

## **2.6 Handling Client Aggression**

Client aggression means unacceptable, hostile behaviour directed against an officer such as behaviour which creates an intimidating, frightening or offensive situation and/or adversely affects the officer's ability to perform their work effectively and efficiently.

Managers should provide support to staff in handling difficult or aggressive clients. However, officers do have responsibilities to provide a professional service at all times. The following principles will assist in handling these situations:

- stay objective and do not provide personal views
- the factors taken into account in making a decision must be explicitly stated to the

affected person and should wherever possible be conveyed to that person by the decision maker

- where a decision is made in writing the name of a contact officer should be provided so that the person can phone or make an appointment to see them if they wish to discuss the reasons for the decision further
- officers should make every effort to put the person at ease and discussions should only be terminated after all such attempts have failed
- where a person's behaviour is unacceptable and affecting an officer's ability to provide services to other clients, the officer should, where appropriate, seek the assistance of a more senior officer; alternatively the person could be asked to leave the premises
- where a person is aggressive on the telephone and will not accept a decision or referral of a matter to a manager and their behaviour is preventing an officer from providing services to other clients, the person should be advised that the conversation will be ended and the officer can then hang up the telephone
- where an officer is planning a workplace investigation, the officer should review information on the file prior to the visit to check for any history of violence, aggressive dogs on the premises etc. - if this is the case the officer should inform a manager before the visit and it may be appropriate for the officer to be accompanied by either the manager or another officer.

State/Territory OWS Managers are responsible for ensuring that local response guidelines are developed for each office.

Further information is available in the [Client Aggression Guidelines](#).

## 2.7 Gifts and Other Benefits

- Officers must not use their official position to obtain a benefit for themselves or for anyone else.

In circumstances where it may be ill-mannered or embarrassing to refuse or where the gift is part of a formal exchange, the officer concerned may accept the gift provided the acceptance is promptly notified to the Secretary [through their State/Territory Manager] (for gifts over \$100) or to the State Manager (for gifts under \$100) with a proposal recommending its acceptance, retention or disposal. A copy of all proposals which go to the Secretary should be sent to the Assistant Secretary, OWS for information.

As a general rule, offers of substantial gifts or hospitality (eg those valued at greater than \$100, airline tickets and accommodation) should be refused. Under no circumstances should officers accept cash.

Officers who are unsure about whether or not to accept a gift or benefit, should seek the advice of their supervisor. In cases where prior approval cannot be sought officers should exercise their judgement and commonsense in determining whether the gift or benefit should be accepted at all.

Further information is outlined in the [Practical Guide on Giving and Receiving Gifts](#)

## 2.8 Privacy and Freedom of Information

The two main pieces of legislation which deal with the handling of personal information are the *Privacy Act 1988* (the Privacy Act) and the *Freedom of Information Act 1982* (the FOI Act).

### *Privacy Act 1988*

Where personal information is collected for a particular purpose, the provisions of the Privacy Act generally restrict the use of that information to that particular purpose. The Privacy Act also prohibits the disclosure of personal information, subject to a limited number of exemptions.

For the purposes of the Privacy Act ‘personal information’ means information or an opinion whether true or not, about an individual who can be identified from the details or context presented. The definition of personal information can include information such as photographs. It should be noted however that a business is not a person. Therefore, information like the name of a person on the signature block of a company document is not personal information.

Individuals may complain to the Privacy Commissioner where they believe there has been an interference with their privacy by virtue of the actions of a Commonwealth agency.

While a fundamental principle of the Privacy Act is that personal information may only be used for the purposes for which it was collected, there are some exceptions to this principle. These are where:

- the individual concerned consents to the information being used for another purpose
- the record keeper believes, on reasonable grounds, that the use of the information for another purpose is necessary to lessen or prevent a serious and imminent threat to the life or health of the individual concerned or another person
- the use for another purpose is required or authorised by law (as is the case under freedom of association legislation, information summonsed by a court, etc)
- the other purpose for which the information is used is directly related to the purpose for which the information was obtained
- the use for another purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of public revenue.

While disclosure is permissible in the last exception, this does not mean that disclosure has to occur. In determining whether officers should actively seek out and provide information to another agency (eg the Australian Taxation Office), it is necessary, on a case by case basis to weigh up a number of factors in order to determine whether there is a reasonable necessity for the officer to do so, including the value of the information in the enforcement of the criminal law or a law imposing a pecuniary penalty, or in the protection of the public revenue; and the nature of the offence or abuse.

If there are any doubts held about giving information to another agency, advice should be sought from your manager.

Where an officer decides to disclose information to another agency, they must keep a record giving the details of the disclosure (eg date, information disclosed, name of the agency to which the information was disclosed etc) in the record where the information which was disclosed is kept.

### *Freedom of Information Act 1982*

The FOI Act creates a general right of access to documents in the possession of an agency with some rights by the agency to withhold information which discloses the identity of the person affected.

Clients should not be required to lodge FOI requests for access to documents provided by them. Where an FOI application or a Privacy Act matter is received it should be referred to your manager immediately as strict time frames must be adhered to.

Further information is available from the [Privacy and Information Management Manual](#).