



Policy for managing complaints about cemeteries and crematoria

October 2022

Cemeteries & Crematoria NSW (CCNSW) regulates cemetery and crematoria operators in NSW.

Our functions and objectives are set out in the [Cemeteries and Crematoria Act 2013](#).

In regulating cemeteries and crematoria, CCNSW aims to support consumers by ensuring that services offered meet consumers' and families' expectations, respect religious and cultural interment practices and are transparent and consistent in their pricing.

An important part of CCNSW's role in supporting consumers is managing complaints about cemetery and crematoria operators, particularly in relation to breaches of the Act.

Purpose of this policy

This policy is intended to ensure that CCNSW manages complaints relating to operators fairly, efficiently and effectively. The policy is based on the following NSW Ombudsman guidelines:

- Effective complaint handling guidelines for State and local government - 3rd edition (2017)
- Good conduct and administrative practice for State and local government – 3rd edition (2017)
- Model Complaints Handling Policy (2015)
- Applying the Commitments to effective complaint handling - guidance for agencies (2018).

The CCNSW complaint management system is intended to:

- enable us to respond to issues raised by people making complaints in a timely and cost-effective way
- maintain public confidence in our administrative process, and
- provide information that can be used by us to deliver quality improvements in our regulatory role, staff responsiveness and complaint handling.

This policy provides guidance to our staff and people who wish to make a complaint regarding a cemetery or crematoria operator on the key principles and concepts of our complaint management system.

To whom this policy applies

This policy applies to all CCNSW staff receiving or managing complaints made to us, about cemetery and crematory operators in NSW, which fall within our regulatory and compliance role.

Matters covered by this policy

This policy applies to complaints made to us about cemetery or crematoria operators in NSW. For example, people may make a complaint with us if it raises concerns about:

- Cemetery maintenance
- Services or products provided by a cemetery and crematoria
- An interment right (a contract between an operator and a consumer for the right to have burials occur in a particular grave or other allotment in a cemetery and to erect a memorial)
- Pricing of a cemetery or crematoria's products or services
- Records maintained by a cemetery or crematoria
- Any other matter regulated by CCNSW under the Act.

This policy also provides information about making service-related complaints about CCNSW.

Matters not covered by this policy

This policy does not apply to complaints about NSW funeral directors. If consumers have a complaint about a NSW funeral director, please go to [Fair Trading NSW](#).

Our commitment to good complaint handling

CCNSW is committed to applying the [NSW Ombudsman's commitments to effective complaint handling](#):

- Respectful treatment
- Information and accessibility
- Good communication
- Taking ownership
- Timeliness
- Transparency.

Guiding principles

Enabling complaints

People focus

We are committed to seeking and receiving feedback and complaints about cemetery and crematoria operators and the important services they provide. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about our complaint handling process, and time frames given to operators for response
- provided with multiple and accessible ways to make complaints
- listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate, and
- provided with reasons for our decision/s and any options for redress or review.

No detriment to people making complaints

We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

Anonymous complaints

We accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. In the absence of contact information, we cannot provide a response to anonymous complaints.

Accessibility

We will ensure that information about how and where complaints may be made to us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolving their complaint, we will communicate with them through their representative if this is their wish. Anyone may represent a person wishing to make a complaint with their consent (e.g., advocate, family member, legal or community representative, Member of Parliament, another organisation).

No charge

Lodging a complaint with us is free.

Managing complaints

Early resolution

Where possible, complaints will be resolved at first contact with CCNSW. Many complaints require a referral to or request for information from an operator. CCNSW's ability to resolve complaints often depends on the operator providing this information in a timely manner and the complexities of the matter being complained about. Complainants will be kept informed of progress and where necessary, any requirements for additional information from complainants will be advised by agency staff.

Responsiveness

We will promptly acknowledge receipt of complaints.

We will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated appropriately.

We are committed to managing people's expectations and will keep complainants informed as soon as possible.

Objectivity and fairness

We will address each complaint with integrity and in an equitable, objective and unbiased manner.

Conflicts of interests, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed, where required, will be conducted by a person other than the original decision maker.

Responding flexibly

Our staff are empowered to resolve complaints promptly and with as little formality as possible. We will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

We will assess each complaint on its merits and involve people making complaints and/or their

representative in the process as far as possible.

Managing the parties

Managing unreasonable conduct by people making complaints

We are committed to being accessible and responsive to all people who approach us with feedback or complaints. At the same time our success depends on:

- our ability to do our work and perform our functions in the most effective and efficient way possible
- the health, safety and security of our staff, and
- our ability to allocate our resources fairly across all the complaints we receive, having regard both to the nature and urgency of the complaints.

When people behave unreasonably in their dealings with us, their conduct can significantly affect the progress and efficiency of our work. We will take proactive and decisive action to manage any conduct that negatively and unreasonably affects us and will support our staff to do the same.

Accountability, learning and prevention

Complaint management system continuous improvement

We will continually monitor our complaint management system to:

- ensure its effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

We are committed to improving the effectiveness and efficiency of our complaint management system. To this end, we will:

- support the making and appropriate resolution of complaints
- implement best practices in complaint handling
- recognise and reward exemplary complaint handling by staff
- regularly review the complaints management system and complaint data, and
- implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the system.

Confidentiality

To assist in resolving complaints CCNSW will normally provide a complainant's concerns and details to an operator for an operator to directly address the specific concerns of a complaint.

We will protect the identity of people making complaints where a complainant requests their details are withheld from an operator. Personal information that identifies individuals will only be disclosed or used by CCNSW in accordance with the Department's [Privacy Management Policy](#) prepared in accordance with the *Privacy and Personal Information Protection Act 1998 (NSW)*.

Complaints about cemetery and crematoria operators

Making a complaint to CCNSW

How to make a complaint

Complaining to us is free. People can make a complaint online via the [CCNSW website](#) where they can complete an online form. People can also phone us on 02 9842 8473 and talk to a CCNSW staff member.

People can also make an anonymous complaint, but this means we won't be able to provide the complainant with feedback.

We may ask the person making the complaint if they have tried to resolve their complaint with the operator they are complaining about. If they have not attempted to resolve their complaint directly, except in the case of an anonymous complaint, we will ask the person making the complaint to do this before we consider acting on their complaint, unless it is not safe and practicable for the complainant to do so.

The person making the complaint can withdraw their complaint

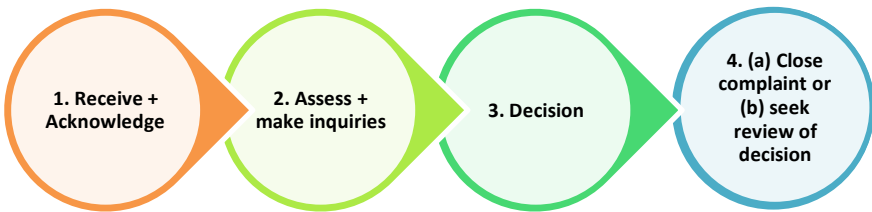
Sometimes, after making a complaint, a person may decide they want to withdraw it. They can do this at any time, either over the phone or in writing.

We may still follow through on the information they have provided, even if they withdraw their complaint, where it is necessary for us to do so as a regulator. This allows us to improve the interment industry we regulate.

If a person withdraws their complaint, we may decide not to notify them of any action we take or the outcome of our inquiry.

How we manage complaints

CCNSW follows a four-step process to manage complaints

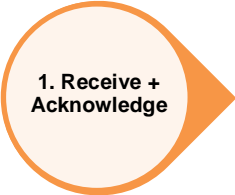



What to expect from us

Some complaints are easy to resolve. Others will take more time and require further inquiries.

We will acknowledge a complaint and provide contact details of the person handling the complaint. When we receive a complaint, in relation to each issue raised we may:

- decide to take no further action
- provide the person making the complaint with information on how to raise the issue directly with the operator the complaint relates to
- make inquiries into the issue.





2. Assess + make inquiries

When we might not be able to help

When we receive a complaint, we will confirm whether the issues raised are within our control. If we decide to take no further action in relation to an issue raised in a complaint, we will, as soon as possible, write or call the person making the complaint and tell them the following:

- the decision and the reasons for our decision
- information about how they may apply for a review of our decision
- any other appropriate information.

Initial assessment

In determining how a complaint will be managed, we consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks involved if resolution of the complaint is delayed, and
- Whether a resolution requires the involvement of other organisations.

To manage a complaint, we may:

- Give the person making a complaint information or an explanation
- Gather information from the operator that the complaint is about, or
- Investigate the claims made in the complaint.

Making inquiries about complaints

After assessing the complaint, we determine what inquiries or investigations are required. We may make inquiries into:

- the complaint or any of the issues raised
- an issue raised in any information given to us.

We will keep the person making the complaint up to date on our progress, particularly if there are any delays. We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any applicable statutory requirements.

In our inquiries, we may:

- request that the operator identified in a complaint examine and attempt to resolve the issue and report back to us on the outcome
- discuss the complaint, in person or by other means, with the person making the complaint, the operator identified in the complaint, or any other relevant person
- request information from any relevant person
- consider documents or other information.

When we notify the operator

When we decide to make inquiries about the issue raised in a complaint or in information given to us, we will write, as soon as practicable, to the operator identified in the complaint or information, to let them know we are making inquiries and why.

This doesn't apply if we have reason to believe that giving notice will, or is likely to:

- impede our inquiries
- place your safety, health or wellbeing at risk, or that of anyone else.

We decide when to end our inquiries

We can decide to end a complaint inquiry if we are satisfied that:



3. Decision

- the person making the complaint and the operator identified in the complaint have agreed on an outcome
- the person making the complaint has withdrawn their complaint
- further inquiry is not required because despite our reasonable inquiries, the circumstances of the complaint can't be determined.

If we decide to end the complaint inquiry, we will, as soon as possible, provide the person making the complaint and the operator identified in the complaint or information with written notification of:

- our decision and the reasons for it
- information about how the person making the complaint and/or the operator identified in the complaint may apply for a review of our decision
- any other appropriate information.

Closing the complaint

We will keep comprehensive records about:

- How we managed the complaint
- The outcome/s of the complaint including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations, and
Any future action that should be taken, including future compliance and monitoring purposes of that operator.

4. (a) Close complaint

Seeking a review of CCNSW's decision

The person making the complaint, or the operator identified in a complaint, may request a review of CCNSW's decision. A request for review:

- Must be made in writing; and
- set out the reasons for your request.

Internal independent review

If the person making the complaint or the operator identified in the complaint requests a review, our decision will be reviewed by someone from within CCNSW who was not involved in making the original decision, and who is no less senior than the original decision maker. The CCNSW Board will oversee this review process. After reviewing the decision, the CCNSW Board can:

- decide to undertake further investigation into the issue or complaint under this policy
- affirm the decision
- add to or change the decision.

We will keep the person requesting the review informed of the progress of their request for review. The internal reviewer will provide the review applicant written notice of the review decision and reasons for the decision.

Seeking an external review

Where a person is dissatisfied with the outcome of the internal review, we will inform that person of the steps they can take to make a complaint to the NSW Ombudsman or to the NSW Civil and Administrative Tribunal (NCAT), as relevant.

4. (b) Seek review of decision

Service-Related Complaints about CCNSW

A service-related complaint is an expression of dissatisfaction made to or about us, our services, our employees or the handling of a complaint where a response or resolution is explicitly or implicitly expected. Matters relating to a delay or failure in providing a service and the quality of an action taken are considered service-related complaints.

Service-related complaints are handled in accordance with [DPE's external complaints policy](#).

Service-related complaints can be made on the CCNSW website by completing an online form. People can also phone us on 02 9842 8473 and talk to a CCNSW staff member.

Where a person has a complaint about our service or conduct, and this cannot be resolved at first contact, the complaint will be escalated within CCNSW to a more senior staff member (for example a manager or the CEO).

Where a person is dissatisfied with the outcome of that review, a complaint can be lodged with the NSW Ombudsman through their online portal here: www.ombo.nsw.gov.au.

Terms and Definitions

Complaint

Expression of dissatisfaction made to us for the handling of a matter where a response or resolution is explicitly or implicitly expected or legally required.

A complaint covered by this Policy can be distinguished from:

- staff grievances
- public interest disclosures made by our staff
- code of conduct complaints
- responses to requests for feedback about the standard of our service provision [see the definition of 'feedback' below]
- reports of problems or wrongdoing merely intended to bring a problem to our notice with no expectation of a response [see definition of 'feedback']
- service-related requests [see definition of 'service request' below], and
- requests for information.

Complaint management system

All policies, procedures, practices, staff, hardware and software used by us in the management of complaints.

Service-related complaint

An expression of dissatisfaction made to or about us, our services, our employees or the handling of a complaint where a response or resolution is explicitly or implicitly expected. Matters relating to a delay or failure in providing a service and the quality of an action taken fall under the definition of service-related complaints.

Dispute

An unresolved complaint escalated either within or outside of our organisation.

Feedback

Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about us, about our services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Service request

The definition of a service-related request relates to any of CCNSW's core business. It is likely to include:

- requests for approval
- requests for action
- routine inquiries about CCNSW business
- requests for the provision of services and assistance
- reports of failure to comply with laws regulated by the CCNSW
- requests for explanation of policies, procedures and decisions.

Grievance

A clear, formal written statement by an individual staff member about another staff member or a work related problem.

Policy

A statement of instruction that sets out how we should fulfill our vision, mission and goals.

Procedure

A statement or instruction that sets out how our policies will be implemented and by whom.

Public interest disclosure

A report about wrongdoing made by a public official in New South Wales that meets the requirements of the *Public Interest Disclosures Act 1994*.
