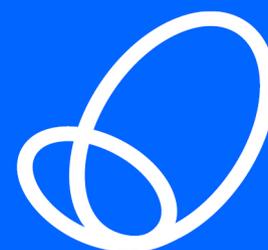


MANAGING COMPLAINTS

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HOW TO APPROACH COMPLAINTS

What should you do when a client seems unhappy with your work? How should you respond to a complaint? This booklet gives you tips on how to recognise when someone is dissatisfied, and what action you can take to resolve things in the best possible way.

WHY DO COMPLAINTS MATTER?

The engineering profession is more visible and under more scrutiny than ever before. You are trusted with special areas of knowledge and skill, and expected to keep people safe. This high level of expectation makes complaints an inevitable part of professional life.

As a profession, we manage public expectations by setting standards for practice and conduct. A robust complaints process maintains society's confidence, enhances the credibility of the profession, and helps protect the public. A complaints process can also:

- Clear up misunderstandings
- Restore trust and mend relationships, including business relationships
- Identify gaps (including issues of public safety)
- Help us learn from mistakes

WHY IS MY RESPONSE SO IMPORTANT?

It can be scary and stressful when someone complains about your work. But how you respond can make a huge difference to the impact on you and your business, on the person who is complaining, and on the credibility of the profession. Clients whose concerns are dealt with promptly stay more loyal than clients whose concerns take multiple emails and phone calls and meetings to resolve. Resolving complaints when they first arise can also cut your handling costs in half.

At Engineering New Zealand, most of the complaints we see could have been resolved directly by the engineer when they first came up. If you deal with complaints straightaway, you will save time, stress and money.

HAVE THE RIGHT ATTITUDE

There is nothing wrong with receiving a complaint. Chances are you will receive at least one complaint during your professional career. It is not something to be ashamed of nor keep to yourself.

Recognising that complaints are normal will help you respond in an effective and professional way.

Be open to complaints and consider what they can teach you. Use them to reflect on your practice and how you can make improvements.

HOW CAN I AVOID A COMPLAINT?

As engineers, you often work with different stakeholders; from clients, other industry professionals and other engineers to building consent authorities and other regulators. It can be difficult to balance all these interests and relationships.

The best way you can avoid a complaint is by being aware of all the interests involved in your project. This means reflecting on how you are interacting with all your stakeholders, and recognising the warning signs that someone is becoming dissatisfied or has concerns. Have a process in place to respond promptly and effectively to concerns, to avoid escalation. It is also important that you learn from complaints.

REFLECT ON YOUR PRACTICE

Think about the way you interact with your clients on a day-to-day basis. Then think about the way you want to be treated by a professional whose expertise you rely on, like your doctor or lawyer. Are you taking the same kind of approach to your clients that you would expect from another professional?

Do you:

- Set clear expectations with your clients?
- Communicate clearly with them about what you can and cannot do for them, what the stages of your process are, and when they can expect the work to be complete?
- Do what you say you will do?
- Take time to listen and respond to them, eg do you respond to queries and emails in a timely and professional way?

RECOGNISE WHEN SOMEONE IS BECOMING DISSATISFIED

Some behaviour alerts you to a potential issue:

- The person's communication pattern changes, eg their communication with you becomes more or less frequent. Or they stop telephoning you and start putting all their communication in writing.
- The tone of the person's communications changes – it may become more abrupt, direct or aggressive, or more distant and uncertain.
- The person starts asking a lot more questions about the project and the process.
- Outstanding fees are not paid, or are paid less promptly.
- Someone else tells you the person is dissatisfied.
- The person asks for another engineer to get involved – perhaps to seek a second opinion.
- The person wants to escalate communication, eg they ask to speak to your manager or someone more superior.

RESPONDING TO SOMEONE WHO IS DISSATISFIED

There is no one right way to respond to a person who is becoming dissatisfied. Different people have different needs. So you will need to tailor your response to the specific person and situation.

Some ideas to consider:

- Take a step back and survey the entire situation. Think about where the other person is coming from and try to put yourself in their shoes.
- Check in with the person raising concerns. Ask them how they think the project is going and give them an opportunity to raise any issues in an open and productive way. A lot of complaints arise from miscommunications between the parties. Take time to openly discuss with them what is happening from their perspective. Calmly put forward your perspective of the situation.
- Discuss their desired outcomes. Find out what they actually want and whether you can deliver that outcome. Only make promises you can keep.
- Call Engineering New Zealand for guidance on how to deal with the situation. While we can't give you advice on your specific situation, we can talk to you generally about how you might resolve it.
- Think about whether the person with concerns would benefit from talking to a more senior colleague, if this is relevant to your employment situation. It is often helpful to bring in a senior staff member to support you through these conversations.
- Tell the person how they can formally raise a concern with your organisation/employer/professional body – sometimes it can be really helpful getting an independent third party involved.
- Don't assume the situation will go away. Doing nothing often makes things worse.

Remember:

- Everyone has the right to complain.
- Always maintain your professionalism. Regardless of the person, your opinion of them or the merits of their complaint, approach the complaint in a thoughtful and professional way. This means you should be respectful, patient and as helpful as possible.
- Before you react, take a breath and consider the implications.
- Early resolution is the best resolution.

Important tip: Keep records. Ensure you have records of what you've done to recognise and respond to the person's concerns. These will become important if the issue is not resolved and escalates.

LEARN

Another way you can help prevent a complaint arising is staying current with best practice. Read the Complaints Resolution Team's regular column in Engineering Insight and see what you can learn from the decisions we publish on our website.

When you read case notes and previous decisions, discuss them with your team. Ask "could this happen at our place?". Think about what you can do as an individual and an organisation to prevent similar issues.

MOST PEOPLE COMPLAIN TO:

- Receive information
- Receive an apology or acknowledgement
- Be taken seriously
- Ensure accountability
- Improve the quality of services

WHAT SYSTEMS AND PROCESSES DO I NEED TO DEAL WITH A COMPLAINT?

If you and your organisation are prepared for complaints, you will find them much easier to manage.



BE PREPARED

Being prepared means thinking through how you would deal with a complaint before one arises. If you do this, you can respond efficiently and effectively, which helps not only the person complaining but also you, your team, and your business.

Being prepared means:

- Having a designated complaints officer within your organisation. This person takes responsibility for receiving and managing concerns and complaints. In larger organisations, this may be a person in your corporate services team. In smaller organisations, this could be one of the managing directors or another senior person.
- Training staff to recognise early signs of dissatisfaction and making sure they know how to respond.
- Developing an organisational culture that welcomes complaints, encourages positive and appropriate responses, and focuses on quality improvement.
- Having a clear, visible and accessible complaints policy in place - and following it. The policy should cover:
 - Who acknowledges the complaint and when, eg the complaint is acknowledged within three working days by the designated complaints officer.
 - Who is responsible for day-to-day contact with the complainant throughout the process, including keeping them updated and asking them for any additional information. It works best for

complainants to have one point of contact throughout the process, rather than them dealing with numerous people.

- How often the complainant will be updated. If you can answer their concerns quickly, then this may not be relevant. But if you need to investigate their concerns and this may take more than two weeks, then you should update them at regular intervals, eg every two weeks.
 - Who is responsible for collating information within the organisation and preparing the response, eg this could be the designated complaints officer or the person who is complained about.
 - The different ways your organisation may respond to complaints, eg will you provide only written responses or are there circumstances in which your organisation will suggest holding a meeting with the complainant or a formal mediation?
 - Who needs to sign-off the response internally. What are the triggers for contacting your insurer or lawyer?
 - The timeframes your organisation will work to in responding to a complaint.
 - The information you will give to the complainant if they are not satisfied with your response. This could be they can raise their concerns with another senior manager in the organisation, or with Engineering New Zealand.
 - How you will manage complaint information to ensure that confidentiality and privacy are respected, and good records are kept. Bear in mind these records will be helpful if the matter is escalated to Engineering New Zealand.
- Having a process in place to support any staff member who has a complaint raised about them. It's important to recognise this can be a stressful time for the staff member and they should be supported in their response.

HOW TO RESPOND TO A COMPLAINT

BE RESPONSIVE

How you respond as an individual when concerns are raised can determine whether the situation is resolved quickly or eventually escalated to Engineering New Zealand.

STEPS TO FOLLOW

The following is a guide to the steps you can take when responding to a complaint that has been raised about you, whether it's been raised directly with you or with your organisation. The specifics of how you respond will always depend on the circumstances and nature of the issues raised.

1. If you have a designated complaints officer, then let them know that you have received a complaint. Check your organisation's policy and talk to the complaints officer about how the response will be managed. Be clear what will they be responsible for and what will you be responsible for.
2. Consider whether you should tell your insurer and/or lawyer.
3. Take time out if you need to. You don't need to respond immediately. It is often better to sleep on your response before you send it.
4. Acknowledge the complaint promptly (within three days is a good general guide). The acknowledgement should:
 - Thank the person for raising their concerns.
 - Reiterate back to the person your understanding of their concerns.
 - Ask questions to clarify anything you are not sure about.
 - Set expectations. This includes what they can expect in terms of time frames for you to provide a response, and the process you/your organisation will follow.
 - Explain who is dealing with the complaint (especially if you are passing it onto a manager or complaints officer).
5. Involve the complainant in the resolution process. This means talking to them about what they want from the process, and can also involve clarifying issues and desired outcomes. It can improve your relationship with the complainant if you do this over the telephone or in person, rather than in writing. However, it's important to always take notes of any telephone conversation, and to follow up in writing.
6. Keep the complainant updated regularly on what is happening with their concerns. A general update every two to three weeks is a good idea.
7. Consider the concerns raised and prepare your response. This includes considering:
 - What information do you need to gather to help you with your response, and who you should talk to or seek input from.
 - Thinking about the best way to respond to this complaint – would it be best resolved through a face-to-face meeting, on the phone, via email, or by a formal written response?
- When you communicate your response, use plain English and avoid technical jargon. Aim to respond in a fair and straightforward way, with a focus on providing an explanation and seeking to resolve the matter, rather than defending a position. Include:
 - A summary of what you understand the person's concerns are.
 - An acknowledgement or thank you to the person for raising the concerns.

- A summary of the steps taken to respond to the concerns.
 - The substantive response to the concerns – with clear reasons given for your views/response.
 - Any actions you propose to take to resolve the concerns, eg is an apology appropriate? An apology need not be an admission of liability and it can go a long way. Should you do a specific CPD course? Do you need to provide information to someone?
 - Next steps.
8. If you are providing a written response, consider getting someone else to review your response before you send it. You can ask a trusted colleague to do this, or your manager or lawyer. Consider whether the response is clear. Does it make sense? Is it balanced and reasonable? Are you responding to the issues raised? Are you being defensive? Does it contain anything that might escalate the situation?
 9. If you are meeting face to face, tell the complainant who they will be meeting with and note they can bring a support person. Keep notes of the meeting, and follow up after the meeting by sending out a summary of what was discussed.
 10. Check in with the complainant to see if they are satisfied with your response, eg if you send a written response, you could telephone the complainant a few days later to check how they are feeling about it. Tell the complainant what other options they have, if they are not satisfied with your response. These options could be asking you to reconsider, talking to your manager, or contacting Engineering New Zealand.

Make notes at the time of all conversations and communications, including what you did in response.

DO:

- Stay focused and calm.
- Take the concerns seriously. A complainant may be difficult to deal with but that doesn't necessarily make their complaint invalid.
- Listen carefully to what the person has to say and try to see things from their perspective.
- Clarify anything you are not sure about.
- Remain polite and respectful.
- Be responsive and open to feedback.
- Respond in a professional way. Provide information and avoid emotive language, capital letters and exclamation marks.
- Tell your supervisor/manager and designated complaints officer – even if it this is a past employer.
- Tell the complainant what will happen next.

DON'T:

- React.
- Be defensive.
- Take it personally.
- Argue with the complainant.
- Make assumptions without checking the facts.
- Be dismissive.

WHAT IF CONCERNS ABOUT ME ARE RAISED DIRECTLY WITH ENGINEERING NEW ZEALAND?

Sometimes concerns will be raised with Engineering New Zealand. Generally this is either because the parties involved have not been able to resolve them or because the complainant has chosen to come directly to Engineering New Zealand.

How you engage with Engineering New Zealand to resolve the matter can make a big difference to how long the process takes and to the outcome.

The Engineering New Zealand complaints resolution process focusses on learning, quality improvement and appropriate accountability. Information about the process is available on the Engineering New Zealand website.

To help Engineering New Zealand reach a fair and expedient outcome, we ask that you:

- Don't panic.
- Take our processes seriously.
- Tell us what happened in a simple, clear and chronological way.
- Provide us with all the information you have, to help us understand what happened. Early disclosure can help prevent issues being escalated through our formal processes. The more information you can provide at the beginning of the process, the better.
- Be conscious of our timeframes – we are all working towards the same goal of the complaint being resolved appropriately and efficiently.
- Work with us. We can't provide you with advice on an open complaint but we can talk to you about the process and your options.
- We need to keep records of our interactions with you, so we will be taking notes of our phone conversations. If you want something to be confidential, talk to us about that.
- Be thoughtful what you put in writing about the complainant. We provide the complainant with a copy of your response – this is so we can ask them if your response resolves their concerns. We are also subject to the Privacy Act, which means people (including complainants) can request information we hold about them, including correspondence.
- Be receptive to alternative ways of resolving the concerns. We have a number of early resolution options we can use to resolve concerns upfront, but we can only do this with your consent.
- It is best if you do not contact the complainant directly while we are processing the matter. If you think you need to contact the complainant, talk to us first.
- Seek advice from a professional colleague or mentor and (except for minor matters) from your legal advisor. You may also need to notify your insurer.

APPENDIX A

Article featured in *EG* magazine, issue 1 2017. It contains guidance on responding to a complaint from the perspective of an Investigating Committee Chair.

How to handle a complaint against you

CLIFF BOYT FEngNZ



What do you do if you are the subject of a complaint? While potentially shocking and embarrassing, not to mention stressful, it needs to be taken seriously for your benefit and that of the profession.

In 2009, I took a call that left me in absolute disbelief. Engineering New Zealand (then IPENZ) had received a complaint about me. I'd attended a series of public forums and the complaint was about a theory I presented at one of them.

My first reaction was anger. I was in denial about the need to respond. It was embarrassing and I wanted to keep it to myself, but after a few days it sank in that the complaint was real. I needed to deal with it in a well-planned and logical way.

I treated my response to the complaint as a project; it became the most important one I was working on. I applied the project-planning skills I used on technical work, and had my response peer reviewed by a lawyer before sending it to Engineering New Zealand by the response date they set. The following few weeks were the most stressful of my career, but finally, I was told that the complaint had been dismissed.

When I became an Investigating Committee Chair in 2011, my own experience made me better equipped for the role. I'd learnt that any engineer can be subject to a complaint, and it will probably come out of the blue. If a complaint is made about you, take it seriously. Don't keep it to yourself. Seek support and guidance from a trusted colleague.

The first response is the most important, so it must be well-reasoned and based solely on the facts. Think about having a lawyer or a colleague take a look at your response before you send it to Engineering New Zealand – and do everything you can to get it back to them on time.

When I consider a complaint as Investigating Committee Chair, I want to see a sound response from the engineer who has been complained about. It needs to provide clarity and a well-reasoned explanation for what happened so I can make a robust and fair decision. Considering complaints involves:

- dealing only with facts
- finding out what happened when – knowing the real order of events helps

in making sound decisions
– preparing a well-reasoned report that can be read and clearly followed by both parties.

Everyone involved in a complaint needs to take it seriously and act fairly, so we can reach the best possible outcome and improve the image of our profession in the public eye. ■

Cliff Boyt FEngNZ spent his career in local government and as an engineering consultant, and serves as an Investigating Committee Chair on behalf of Engineering New Zealand.

Find out more

For more on dealing with a complaint made about you, download Engineering New Zealand's guide, *Managing Complaints*, at engineeringnz.org/resources/managing-complaints